

Friday, 12th February, 1932

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**THE  
LEGISLATIVE ASSEMBLY DEBATES**

**(OFFICIAL REPORT)**

**VOLUME I, 1932**

*(25th January to 17th February, 1932)*

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**THIRD SESSION**

**OF THE**

**FOURTH LEGISLATIVE ASSEMBLY,  
1932**



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1932

# Legislative Assembly.

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## *Deputy President :*

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RAI BAHADUR D. DUTT.

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CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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DIWAN BAHADUR HARBILAS SARDA, M.L.A.

MR. B. SITARAMARAJU, M.L.A.

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# LEGISLATIVE ASSEMBLY.

Friday, 12th February, 1932.

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

## QUESTIONS AND ANSWERS.

### LOSS OF NOTICE TO STAFF RETRENCHED IN THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, NORTH WESTERN RAILWAY.

224. \*Mr. Gaya Prasad Singh (on behalf of Mr. Jagan Nath Aggarwal):

(a) Is it a fact that neither any due notice nor one month's pay in lieu of notice has been granted to any staff having more than 12 months' continuous service, brought under retrenchment by the Chief Accounts Officer, North Western Railway, Lahore? If so, why? Are Government prepared to consider all cases of this hardship now?

(b) Are Government aware that the Chief Accounts Officer, North Western Railway, while conveying Railway Board's orders regarding grant of leave at the credit of discharged employees has restricted the benefit of granting the leave to the staff discharged only after 23rd December, 1931; although the Railway Board desired to give the orders retrospective effect from 3rd March, 1931? Will Government please say if the Chief Accounts Officer had instructions to restrict this privilege to the Accounts staff? Are Government prepared to remove this restriction?

Sir Alan Parsons: (a) Most of the men who were discharged were engaged in temporary vacancies and were liable to discharge either without notice or on 24 hours' notice. The few permanent men that were discharged had reached the age of superannuation, after which no leave was due to them.

(b) I am making enquiries on this matter and will let the Honourable Member know the result.

### RETRENCHMENT IN THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, NORTH WESTERN RAILWAY.

225. \*Mr. Gaya Prasad Singh (on behalf of Mr. Jagan Nath Aggarwal):

(a) Is it a fact that the Controller of Railway Accounts in reply to a memorial of the temporary Hindu clerks employed in the Accounts Department of the North Western Railway gave an assurance that the temporary men appointed before 1st January, 1929, would be treated as on equal footing with permanent men for the purposes of retrenchment, and other things being equal, they should not be discharged before permanent men who have lesser service?

(b) Are Government aware that the Chief Accounts Officer has retained all permanent men who have lesser service than the temporary men on

the plea that other things are not equal in their cases as permanent men were considered more efficient than temporary men at the time of their confirmation?

(c) Is it a fact that no comparison of efficiency was made at the time of their confirmation with other temporary staff in other branches?

**Sir Alan Parsons:** (a) Orders to this effect were issued.

(b) and (c). I am having enquiries made and will let the Honourable Member know the result.

#### RETRENCHMENT IN THE OFFICE OF THE CHIEF ACCOUNTS OFFICER, NORTH WESTERN RAILWAY.

226. **\*Mr. Gaya Prasad Singh** (on behalf of Mr. Jagan Nath Aggarwal):

(a) Is it a fact that the Controller of Railway Accounts has ordered to leave out of retrenchment persons known as Controller, Railway Accounts' direct recruits, on the ground that they should be considered more efficient than others because of their having passed the recruitment examination (i.e., Appendix B Examination) at the time of their appointment? Are Government aware that the passing of this examination was only a condition precedent to appointment, and did not give any title to those men for a preferential treatment at the time of retrenchment?

(b) Are Government prepared to order that any discharge on account of retrenchment should be made purely on the basis of the length of service, and any special cases of exceptional merits should have the consent of the Financial Commissioner of Railways? Do Government propose to reconsider the cases of irregular discharges?

(c) Is it a fact that old men who have either completed the age of superannuation or completed more than 25 to 30 years' service are being retained while young men are being turned out in the office of the Chief Accounts Officer, North Western Railway, Lahore?

**Sir Alan Parsons:** (a) The reply to the first part of this question is in the negative; and to the second part of the question is that, except in so far as passing the Appendix B Examination can be taken as an indication of efficiency, it does not entitle the employee to preferential treatment in the matter of discharge.

(b) Length of service cannot be the only criterion, but the Chief Accounts Officer has been instructed to carry out discharges in accordance with the orders issued by the Railway Board in their letter No. 683-E.G., dated the 3rd March, 1931, a copy of which I lay on the table. If the Honourable Member will bring to my notice any cases in which these orders have not been followed, I will certainly look into them.

(c) I am informed that no man who has reached the age of superannuation has been retained in service. The cases of other men are under consideration.

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COPY OF LETTER No. 683-E. G., DATED THE 3RD MARCH, 1931, FROM THE SECRETARY, RAILWAY BOARD, TO THE AGENTS, STATE-MANAGED RAILWAYS.

#### *Reduction in Staff.*

I am directed to state that the Railway Board desire that the following general principles should be followed by State-managed Railways in carrying out reductions in staff as a result of the present economy campaign.

2. The main principle in selecting individuals for discharge should be to discharge men in the following order :

- (a) those who are inefficient ;
- (b) those who are the least efficient ;
- (c) those who have short service. Among them permanent men should ordinarily be retained in preference to temporary employees but men who hold temporary appointments but who have completed 12 months' continuous service, should be regarded as having equal rights with permanent employees ;
- (d) those who are nearing the age of superannuation.

3. The Board also wish that all practical steps should be taken to see that the unfortunate necessity for reducing staff does not operate to the detriment of communities not at present adequately represented in railway services.

4. It may often happen in applying these principles that employees whose posts are abolished have a better claim to retention than others holding posts on a lower scale of pay. The latter would then make room for the former who should as an alternative to a discharge be offered employment in the lower posts.

5. With a view to eliminating all avoidable hardship, the Board desire :

- (1) that an employee who in the circumstances explained in paragraph 4, is retained in a lower post will rank in seniority above men holding similar posts drawing the same rate of substantive pay as that allowed to him on reversion and will subject to continued efficiency be considered, when a suitable opportunity offers, for promotion to the class or grade in which he was formerly employed or to a post of equivalent or lower rank.
- (2) that employees discharged from the services on reduction of establishment should be granted all leave on full or average pay at their credit subject to a maximum of 4 months, provided that if such leave at their credit is less than one month, they should in lieu of it be allowed one month's pay in lieu of notice. When, under these orders, leave of not less than one month is granted, it should be made clear to the employee that his service will not be required on the termination of his leave and that he will not be entitled to a further notice of discharge or pay in lieu of such notice.

As an exception to the above, temporary staff engaged for seasonal traffic should on discharge to the extent such staff would be discharged under normal conditions be treated in respect of leave or notice pay under the existing procedure in force on your railway. When, however, owing to the present serious fall in traffic and the uncertainty whether the traffic prospects of the next busy season will be normal further reductions in the working strength of transportation and Commercial staff are required to be made as a temporary measure, employees who are not required for duty may be allowed leave or notice pay as prescribed above or, when it is considered probable that a particular employee's service will again be required after a short time or at short notice, leave on half pay for such period as the Agent may deem reasonable but not exceeding 6 months' irrespective of whether such leave is due or not. Provided that leave not due should in no case be sanctioned unless the conditions governing the grant of such leave are complied with.

- (3) that employees discharged under clause (c) of paragraph 2 should be borne on a common waiting list for the whole railway and be appointed to any suitable vacancy occurring on the railway in the future in preference to others. No outsider should, therefore, be appointed in any department, division, district or office of the railway so long as a suitable man is available from this waiting list or next after that from among the Great Indian Peninsula Railway strikers who are still out of employment. If an employee who was discharged is re-employed in a lower post, he should, subject to good work, be considered for promotion when a suitable opportunity offers to the class or grade in which he was formerly employed or to a post of an equivalent or lower rank. If, however, he refuses an offer of employment in a somewhat lower post with the prospect of recovering his former position after a time, he will be liable, at the discretion of the authority which offered him such post, to have his name removed from the waiting list.

- (4) when an employee who is retained in a lower post is subsequently promoted to his former grade under the provisions of clause (1) or when an employee who is discharged is subsequently employed in his former grade under the provisions of clause (3) due consideration should be paid to the length and character of his previous service in determining his pay on such promotion or employment.
6. The foregoing instructions are not intended to apply to:
- (a) employees whose substantive pay at the time of discharge does not exceed Rs. 30 per mensem. In respect of such employees the Agent of the Railway will determine the procedure to be followed, and
  - (b) workshop employees, including press employees, in respect of whom the Railway Board will issue separate instructions, as the conditions of their retention in the service are special.

COPY OF LETTER NO. 683-E. G., DATED THE 3RD MARCH, 1931, FROM THE SECRETARY, RAILWAY BOARD, TO THE AGENTS, ASSAM BENGAL, BOMBAY, BARODA AND CENTRAL INDIA, MADRAS AND SOUTHERN MAHRATTA, SOUTH INDIAN BENGAL NAGPUR, BENGAL AND NORTH-WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

I am directed to forward, herewith, a copy of the Railway Board's letter No. 683-E. G., dated 3rd March, 1931, which states the principles which the Railway Board have laid down for State-managed Railways in carrying out reductions in staff as a result of the present economic campaign.

#### APPOINTMENT OF SIKHS TO THE INDIAN SERVICE OF ENGINEERS.

227. \*Sirdar Harbans Singh Brar: (a) Is it a fact that every year, in order to adjust communal inequalities, men belonging to different minority communities are nominated for appointment to the Indian Service of Engineers (Irrigation Branch) as a result of the competitive examination held by the Public Service Commission?

(b) With reference to the reply given to the question No. 278 on the 9th March, 1931, will Government please state what endeavours were made by them as a result of the competitive examination mentioned in part (b) thereof to give Sikhs their due share in this service?

(c) Will Government please state whether in this service no Sikh was nominated last year, and, if so, is that the declared policy of Government towards the important Sikh minority community?

(d) With a view to make up the deficiency of Sikh representation in this service, do Government propose to nominate some Sikhs as a result of the last competitive examination held by the Public Service Commission; if not, why not?

The Honourable Sir Joseph Bhoré: (a) Yes.

(b) and (c). As stated in the reply given on 9th March, 1931, to part (b) of question No. 278, the claims of the candidates belonging to all the minority communities who qualified at the examination held in January 1931, were duly considered and it was decided to take candidates belonging to minority communities other than Sikhs, as those communities were inadequately represented in the Indian Service of Engineers, and as a Sikh had been taken under this provision the year before.

(d) The results of the last competitive examination have been received and the claims of Sikh candidates will be duly considered along with the claims of the candidates of other minority communities when the appointments are made.

**THE MOODY-WARD SYSTEM OF RAILWAY TICKET CHECKING.**

228. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state if the Moody-Ward System is a preventive system?

(b) Is it different to the T. T. I. and T. C. system?

(c) If the reply to part (b) be in the affirmative, will Government please lay on the table a comparison and contrast in the duties of the staff of both the above systems?

**Sir Alan Parsons:** (a) No. The object of the arrangements recommended in the Moody-Ward Committee's report, which have been adopted on the East Indian Railway, is to check the tickets of passengers after they have entered the train.

(b) The present system on the East Indian Railway is not in its essentials different from the previous arrangement under which Ticket Collectors were kept at stations and certain staff were employed to check tickets of passengers on trains.

(c) Does not arise.

**DESIGNATION OF TICKET CHECKERS ON THE EAST INDIAN RAILWAY.**

229. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state on what administrative grounds the designation of the Travelling Ticket Inspectors of the East Indian Railway has been changed to Travelling Ticket Examiner?

(b) As a result of this change in designation have their duties been also changed?

(c) Is it true that formerly the Train Ticket Checkers used to be called Travelling Ticket Checkers, then Travelling Ticket Examiners and after all Travelling Ticket Inspector?

(d) If reply to part (b) be in affirmative, will Government be pleased to state why so often the designation of these men have been changed and each time the designation was changed if the post was also abolished?

**Sir Alan Parsons:** With your permission, Sir, I propose to reply to questions Nos. 229, 233, 235, 236, 237, 238, 240, 244, 245, 246, 249 and 250 together. I understand that many of the matters raised in these questions are the subject of an appeal from certain of the ticket checking staff of the East Indian Railway, which is at present under the consideration of the Agent. The Agent will be asked to let the Railway Board know the result of his consideration of that appeal. I have had to call for information in regard to other matters dealt with in these questions but replies will be communicated to the Honourable Member in due course.

**Dr. Ziauddin Ahmad:** The Honourable Member said that the reply will be communicated to the Honourable Member in due course, which really means that the reply will not be given in the Assembly and we will be debarred from asking supplementary questions. Will the Honourable Member kindly lay the reply on the table of the House and not send a copy privately to the Member concerned.

**Sir Alan Parsons:** The matter is of an ephemeral nature, and when we send copies of communications of that nature to the Honourable Member putting the question, we always place copies in the Library of the House where they will be available to Honourable Members to read them if they wish to do so. In the circumstances, I doubt if it is necessary to lay copies on the table.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I should like to bring to the notice of the Treasury Benches that questions are asked in the Assembly, and it is the right of every Honourable Member of the Assembly to ask supplementary questions when replies are given. The right of asking questions has been allowed for the specific purpose of giving the whole House an opportunity of knowing what the answer is. I think that the practice which has prevailed so far of sending answers to certain questions to the Member concerned is not correct procedure. The Honourable Member asks questions with the authority of the Assembly, and the Assembly as a whole is entitled to know the replies to admitted questions given by the Treasury Benches. It is therefore necessary that all questions which have been put in the Assembly should be replied to in the Assembly. (Applause.)

**Sir Alan Parsons:** In view of your ruling, Sir, I will certainly lay copies of the reply on the table.

#### DESIGNATION OF TICKET CHECKERS ON THE EAST INDIAN RAILWAY.

230. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if it is a fact that Messrs. Moody and Ward on page 17 para. 28 of their report mentioned "average mileage of travelling ticket examiners" under the statement of cost of staff employed before the introduction of Crew system, i.e., for 1926-27?

(b) Is it a fact that they suggested that Crew system should be abolished and trains should be worked by Travelling Ticket Examiners?

(c) If the reply to parts (a) and (b) above is in the affirmative, will Government please state if the T. T. Es. suggested by Messrs. Moody and Ward are different to the T. T. Is. whom they mentioned as T. T. Es. in para. 28 of their Report mentioned above?

(d) Will Government please state if it was the intention of Messrs. Moody and Ward to abolish the T. T. I. system?

**Sir Alan Parsons:** (a) and (b). Yes.

(c) No.

(d) No. I think there is some misunderstanding. At the time Messrs. Moody and Ward reported, the system in force on certain sections of the East Indian Railway was the Crew System and it was on the question whether the Crew System should be abolished on these sections that they were asked to report. They did not deal with the question whether the system under which Ticket Collectors are kept at stations and Travelling Ticket Inspectors are employed to check tickets of passengers on trains, which was in force on other sections of the East Indian Railway, should be abolished.

**Dr. Ziauddin Ahmad:** As regards part (d) of the question, did the Moody-Ward Committee examine any system other than the crew system?

**Sir Alan Parsons:** Messrs. Moody and Ward did not examine any system other than the crew system.

**Dr. Ziauddin Ahmad:** Then why was that system adopted in places where the crew system did not prevail?

**Sir Alan Parsons:** Because the East Indian Railway Administration thought that that system was more efficacious than that in force on the other sections of the Railway.

**Dr. Ziauddin Ahmad:** There were two systems prevalent, the crew system and the T. T. I. system, and the Moody-Ward Committee recommended a third system and compared it with the crew system and never compared it with the other system. And without any comparison why was this system replaced by the Moody-Ward system?

**Sir Alan Parsons:** For the reason given that the East Indian Railway Administration considered that the system recommended by the Moody-Ward Committee was more efficacious than the T. T. I. system which was in force in the other sections of the Railway.

**Dr. Ziauddin Ahmad:** In view of the fact that the Moody-Ward Committee was definitely appointed by the Administration, will the Honourable gentleman tell me what administration decided without expert advice and examination? The Administration always means individuals; and who is the person who decided?

**Sir Alan Parsons:** The recommendation was the recommendation of the Agent.

**Dr. Ziauddin Ahmad:** The Agent took it upon himself the responsibility of deciding for the Government of India that the T. T. I. system was really inferior to the Moody-Ward system. Is it a fact?

**Sir Alan Parsons:** As far as my recollection goes, the matter was referred to the Railway Board.

**Dr. Ziauddin Ahmad:** I do not want recollections. I want facts.

**Sir Alan Parsons:** Then I would ask the Honourable Member to put down a question.

**Dr. Ziauddin Ahmad:** I will.

#### SYSTEM OF TICKET CHECKING ON THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

231. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state if the Crew system on the North Western Railway was succeeded by a modified check by two men per train and the same has been the case on the East Indian Railway?



(b) If reply to part (a) be in affirmative will Government please state if the present system on the East Indian Railway is Crew system?

(c) Will Government please lay on the table a comparison and contrast between—

(i) The crew system on the North Western Railway and the same on the East Indian Railway, and

(ii) Modified check of two men per train on North Western Railway which followed the Crew system on that line and the present Moody-Ward system on the East Indian Railway of two men per train which has also followed the Crew system on this line?

(d) With reference to the reply to question No. 1113 by Sir Mohammed Yakub in the Legislative Assembly of the 18th March 1929 that:

“The crew system has not been introduced on the North Western Railway . . . . .”

is it a fact that the same was introduced on the said Railway? If so, will Government please state the reasons for the reply to the above question of Sir Mohammed Yakub?

**Sir Alan Parsons:** (a) Yes. The Crew System operated on only one district of the North Western Railway for a very short period and the modified check by two men per train subsequently was also carried on for a very short time.

(b) No.

(c) Particulars of the Crew System and of the system of checking by two men per train are given in the Moody-Ward Committee's report.

(b) Question No. 1113 was understood to refer, and I think did refer, to arrangements existing at the time, particularly as reference was made in it to two other railways on which a Crew System was then operating. The experiment on the North Western Railway was made between 1923 and 1925.

**Mr. S. G. Jog:** Why should you not change the crew system into screw system because you screw out a lot of money by harassing the passengers? (Laughter.)

#### OPINION OF THE EAST INDIAN RAILWAY AUTHORITIES ON THE CREW SYSTEM.

232. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state, when the Agent East Indian Railway expressed in January, 1930, that they were not satisfied with the Crew system, why the Crew Enquiry Committee was formed?

(b) Will Government please lay on the table a copy of the said report submitted by the Agent in January?

(c) In expressing their opinion that they were not satisfied with the Crew system will Government please state if the East Indian Railway authorities acknowledged that their previous recommendations were based on wrong data and unreliable figures?

**Sir Alan Parsons:** (a) Government considered it desirable that a full and comprehensive enquiry should be held, as, although the East Indian Railway Administration had reported that it was not satisfied with the Crew System it desired to continue it experimentally for another year.

(b) Government do not consider that any useful purpose would be served by placing on the table a copy of the East Indian Railway Administration's communication to them.

(c) No.

**Dr. Ziauddin Ahmad:** Is not the Honourable gentleman aware that in the East Indian Railway the Agent has left the entire administration in the hands of the Divisional Superintendents, to decide in their own way according to their whims and fancies?

**Sir Alan Parsons:** I am not aware of that.

**Dr. Ziauddin Ahmad:** If the Honourable gentleman is not aware of this simple A. B. C., it will be useless to ask supplementary questions. He represents the Railway Board and the Government and he does not know this simple fact of his administration.

**Mr. President:** The Honourable Member is making a speech. He is entitled to ask a supplementary question.

**Dr. Ziauddin Ahmad:** I want to ask whether the Honourable Member will make further inquiries about this and find out if what I have said is correct.

**Sir Alan Parsons:** The authority who addresses the Railway Board is the Agent of the East Indian Railway and it is not for the Railway Board to find out whether he invited the opinions of the Divisional Superintendents and what weight he gave to those opinions.

**Dr. Ziauddin Ahmad:** Is it a fact that the Railway Board has no concern whether the Agent who is left to himself to manage or mismanage it?

**Sir Alan Parsons:** No.

**Haji Wajihuddin:** May I ask whether the Honourable Member is prepared to inquire?

**Sir Alan Parsons:** I am not prepared to make an inquiry into the relations between the Agent and his Divisional Superintendents.

#### ALLOWANCES OF GUARDS AND TICKET EXAMINERS.

†233. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state what privileges a Guard is allowed and a T. T. E. denied on the East Indian Railway, for instance allowances, etc.?

(b) Will Government please state if the T. T. Es. are classed as running staff like the Guards?

(c) Will Government please state why Guards and Drivers are paid mileage allowance?

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†For answer to this question, see answer to question No. 229.

(d) What other running staff are given consolidated allowance like the T. T. Es.?

(e) Is it true that a Ticket Collector on Rs. 32 pay when he goes out of Headquarters for 8 hours get Re. 1 as T. A. whereas a T. T. E. of Rs. 95 gets annas ten for the same?

#### TICKET CHECKING STAFF ABOLISHED.

234. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if it is a fact that the Super-checking staff kept under Accounts to keep a check over Operating T. T. Es. has been abolished on and from 1st December, 1931? If so, why?

(b) Is it a fact that during 1927-28 about four Inspectors of Accounts, by checking 6 per cent. trains only, which were worked by Crews, detected about 4,800 irregularities and recovered about 18,200 rupees?

**Sir Alan Parsons:** (a) The reply to the first part of the question is in the affirmative. The reasons for the abolition of these posts which were sanctioned as an experimental measure are that such a super check did not exist on the other railways and at a time of financial stringency it was not considered desirable to embark on experiments involving additional expenditure.

(b) The information is not available.

#### APPEALS OF TRAVELLING TICKET INSPECTORS.

†235. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state why the old Travelling Ticket Inspectors' appeals addressed to the Secretary, Railway Board, have been withheld by the East Indian Railway authorities?

(b) Is it a fact that first they appealed to the Chief Operating Superintendent, then to the Agent and getting no satisfaction they ultimately appealed to the Secretary, Railway Board, and each time the same reply was given to the appellants by the East Indian Railway authorities that their posts were abolished and they were offered the new posts on reduced pay as an alternative to discharge?

(c) Is it a fact that in reply they were told that they were offered the maximum pay of the post as under the rules no more can be given than the maximum pay?

(d) If reply to part (c) be in the affirmative, will Government please state why Mr. Ahsan, on the abolition of his substantive post, was utilised in the Crew system as Crew Inspector and given about Rs. 270 pay although the maximum pay of the post was Rs. 200 only?

(e) When the Crew system was abolished on the East Indian Railway, why those men who were brought on loan from other Departments were not reverted to their substantive posts, for instance Mr. C. N. Dunvell brought from Loco. Department now working as Senior Inspector and Mr. Asghar brought from the North Western Railway working as Assistant Head Ticket Collector?

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†For answer to this question, see answer to question No. 229.

**REDUCTIONS OF PAY AND ALLOWANCES OF TRAVELLING TICKET INSPECTORS.**

†236. \***Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if it is a fact that about 104 old Travelling Ticket Inspectors sustained a yearly loss of about Rs. 1,24,770 from 1st June 1931?

(b) Is it a fact that from August 1931 the consolidated allowance of Rs. 20 and Rs. 15 per month given to the T. T. Es. has been reduced by 12½ per cent.?

(c) Is it a fact that from December 1931 their reduced pay has been further reduced by 10 per cent.?

(d) Why was the leave salary of the Travelling Ticket Inspectors reduced in June 1931, mileage allowance replaced by fixed monthly allowance of Rs. 20 which from August has further been reduced to Rs. 17/8 and the reduced pay subjected to a cut of 10 per cent.?

**PAY OF TRAVELLING TICKET EXAMINERS.**

†237. \***Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state, if it is a fact that Messrs. Moody and Ward in para. 39 of their report said "a better policy in our opinion would be to decrease the numbers but improve the pay" and that they also said "the comparatively low pay of the Crewmen is probably the main cause of this tendency to slackness and corruption"?

(b) Is it a fact that after this wage cut from December 1931 the maximum pay of the T. T. Es. has been reduced as under:

Grade I reduced Rs. 95/- maximum to Rs. 85/8,

Grade II reduced Rs. 64/- maximum to Rs. 57/10?

(c) Is it a fact that the maximum leave salary of the T. T. Is. used to be Rs. 350 and the same of the Crew incharge Rs. 90/ and the same of a T. T. E. now Rs. 85/8?

**PAY AND MILEAGE ALLOWANCE OF TICKET EXAMINERS ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.**

†238. \***Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if it is a fact that on the North Western Railway the designation of the Travelling Ticket Examiners was changed to Special Ticket Examiners from 1st June 1931, and as a result of this change their mileage, which was considered as pay, has been stopped but their pay has not been reduced?

(b) Will Government please state why on the East Indian Railway the pay of the T. T. Es. has been reduced in addition to their mileage having been stopped?

(c) Is it a fact that on the North Western Railway the rate allowance given to the S. T. Es. is much more than that of the T. T. Es. of the East Indian Railway?

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†For answer to this question, see answer to question No. 229.

## SYSTEM OF TICKET CHECKING ON THE EAST INDIAN RAILWAY.

239. \***Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if it is true that the East Indian Railway authorities are contemplating to abolish the T. T. E. system and to start the squad system like the one in force on the North Western Railway?

(b) Will Government please state if it is true that on the Oudh and Rohilkhand Railway such squads used to work under the Traffic Department but were abandoned and Travelling Ticket Examiners retained?

**Sir Alan Parsons:** (a) If the Honourable Member is referring to the system of checking tickets recommended in the Moody-Ward Committee's report, which was introduced only a few months ago under the sanction of the Railway Board, Government are not aware that the East Indian Railway have any proposal under consideration to discontinue this system.

(b) No records are traceable in the office of the Railway Board bearing on this point. I am unable, therefore, to give the information required by the Honourable Member.

**Dr. Ziauddin Ahmad:** The question here is about the squad system. I do not know what reply the Honourable Member gave to this point.

**Sir Alan Parsons:** I said that I was not aware that the East Indian Railway had any proposal to that effect.

**Dr. Ziauddin Ahmad:** Did not the Honourable Member say that he had no information whatsoever about the way in which this system is working on the East Indian Railway?

**Sir Alan Parsons:** The system is not working, as far as I am aware, on the East Indian Railway.

## SUCCESS AND COST OF THE MOODY-WARD SYSTEM OF TICKET CHECKING.

240. \***Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if the Moody-Ward system which has now worked for six months, has achieved the desired success?

(b) How much has been the actual expenditure on the Moody-Ward system for six months from 1st June 1931 to 31st December 1931 in respect of:

- (i) pay, allowance, uniforms, stationery, etc., of the entire establishment comprising office staff, Inspectors, T. T. Es. and Ticket Collectors;
- (ii) the number of each of the above staff employed;
- (iii) the total amount recovered by T. T. Es. from passengers during the said period;
- (iv) the amount of penalty recovered in respect of the said amount;
- (v) the average earning per head; and
- (vi) the number of cases prosecuted by them during the period under Sections 112, 113, 114, Railway Act and 419, 420 I. P. C. separately under each section?

(c) Will Government please state the above facts item by item as mentioned in part (b) above in respect of the Travelling Ticket Inspectors and Ticket Collectors for the period of six months 1st January, 1926 to 30th June, 1926?

**PRESSURE ON TICKET EXAMINERS TO INCREASE THEIR EARNINGS.**

241. **\*Khan Bahadur Haji Wajihuddin:** Will Government please state if it is true that in some Divisions of the East Indian Railway the T. T. Es. are compelled to show high earnings and those whose earnings are low are threatened with severe punishment?

**Sir Alan Parsons:** I am asking the Agent, East Indian Railway, for the information required by the Honourable Member and will communicate with him on its receipt, also placing the information on the table of the House.

**RECOVERY OF FARES FROM SADHUS AND FAKIRS TRAVELLING WITHOUT TICKETS.**

242. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if it is a fact that some of the Divisions have issued orders that *Sadhus* and *Fakirs* should not be made over at stations for the recovery of Railway dues when found travelling without tickets?

(b) Will Government please lay on the table a copy of such orders?

(c) Why have only a few Divisions issued such orders and others not?

(d) Why is there no uniformity of work on all the Divisions?

(e) How much was recovered from *Sadhus* and *Fakirs* by the Railway Magistrate, Allahabad, during 1928-29?

(f) Are Government aware that such orders give a chance to dishonest people to undertake free railway journeys posing as *Sadhus*?

**Sir Alan Parsons:** (a), (b), (c), (d), (e) and (f). I am making enquiries whether any such orders have been issued and will let the Honourable Member know the result and also place the information on the table of the House.

**ACTION TAKEN AGAINST DEFAULTING TRAVELLERS.**

243. **\*Khan Bahadur Haji Wajihuddin:** Will Government please state:

(a) if it is a fact that some of the Divisions have issued orders that a passenger getting down with an irregularity at a station where there is no G. R. Police provided should not be made over there unless he gives an assurance that he would pay the amount there; otherwise he should be taken to a G. R. Police station;

(b) if they give assurance to the T. T. E. and are made over but subsequently can not afford to pay the dues, what action will be taken against them;

(c) what action is taken against such defaulters when caught at a small station independently by the Station Master;

(d) what the difference is between a passenger made over at a small station by a T. T. E. on the journey and the one detected there by the Station Master;

(e) if there is no difference why the restriction on T. T. Es.; and

(f) if all the Divisions have issued such circulars; if not, why not?

**Sir Alan Parsons:** I am asking the Agent, East Indian Railway, for the information required by the Honourable Member and will communicate with him on its receipt and also lay it on the table of the House in due course.

#### RECRUITMENT OF TRAVELLING TICKET EXAMINERS.

†244. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state why in some Divisions temporary recruits of the Crew now utilised as Ticket Collectors have been confirmed and in other Divisions they have not been confirmed?

(b) Is it a fact that on the introduction of the Moody-Ward system some of the Ticket Collectors were made T. T. Es. who were of a permanent cadre?

(c) If the reply to part (a) be in the affirmative, will Government please state if the Moody-Ward system has been confirmed?

#### DUTIES OF TRAVELLING TICKET EXAMINERS.

†245. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if to utilise a Travelling Ticket Examiner as a Ticket Collector or a Ticket Collector as a Guard will be the legitimate duty of the staff concerned?

(b) Will Government please state why and how many Travelling Ticket Examiners were utilised as Ticket Collectors during the six months of the Moody-Ward system?

#### PAY OF HEAD TICKET COLLECTORS AT CERTAIN STATIONS.

†246. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state the maximum pay of a Head Ticket Collector at Howrah, Benares Cantt., Lucknow, Allahabad, Cawnpore, Moradabad, Bareilly, Lhaksar, Hardwar and Dehra Dun?

(b) What is the average inward traffic at Hardwar, Benares Cantonment, Bareilly and Moradabad per year?

#### DUTIES OF TRAVELLING TICKET EXAMINERS.

247. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if it is true that as per Rule No. 5 (ii) on page 6 of the T. T. Es.' Pocket Guide, they are ordered by the Chief Operating Superintendent as under?

"The principal duties of the Travelling Ticket Examiners will be to see that every passenger is in possession of a token showing his authority to travel ....."

(b) Will Government please state how this duty can be performed and how is it physically possible for one or two T. T. Es. to be responsible for every passenger in the train?

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†For answer to this question, see answer to question No. 229.

**Sir Alan Parsons:** (a) Government have no information, but I am prepared to accept the Honourable Member's statement.

(b) If in any case it is physically impossible for a Travelling Ticket Examiner to do what the rules require of him, he will doubtless be given every opportunity to satisfy the supervising authorities on the point.

#### CHECKING OF TICKETS OF FEMALE TRAVELLERS.

248. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state why the Travelling Ticket Examiners are ordered by the Chief Operating Superintendent to check the female compartments from platform as per Rule No. 4 (b) on page 14 of the Pocket Guide?

(b) Are Government aware that this will be resented by those observing purdah? If so, do they propose to stop this practice?

**Sir Alan Parsons:** (a) In order to ensure that passengers are travelling with proper tickets.

(b) Government see no reason for interference in this matter.

#### HOUSE RENT AND MILEAGE ALLOWANCES OF TICKET CHECKING STAFF OF THE EAST INDIAN AND OUDH AND ROHILKHAND RAILWAYS.

†249. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if the East Indian Railway and Oudh and Rohilkhand Railway ticket-checking staff are still governed by the rules of their respective railways before amalgamation of both the railways and on the basis of this the East Indian Railway, i.e., Company-staff is allowed House-rent and the Oudh and Rohilkhand Railway, i.e., State Railway staff are not?

(b) If the reply to part (a) be in the affirmative, will Government please state why the mileage allowance of the State railway employees has been withdrawn?

#### DISCHARGE OF TRAVELLING TICKET INSPECTORS AND TICKET COLLECTORS.

†250. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state how many Travelling Ticket Inspectors and Ticket Collectors of permanent cadre were discharged from service on the inauguration of the Moody-Ward system and how many of them were re-instated on the representation of their case?

(b) Will Government please state the reason for their discharge and the same for their subsequent re-instatement?

#### APPEALS BY TRAVELLING TICKET EXAMINERS OF THE NORTH WESTERN RAILWAY.

251. **\*Khan Bahadur Haji Wajihuddin:** (a) Will Government please state if the employees of the Railway have no right of appeal to the Railway Board in case they feel aggrieved?

(b) Will Government please state if the Travelling Ticket Examiners of the North Western Railway appealed against the abolition of their mileage allowance to the Railway Board and whether the same was forwarded or withheld by the North Western Railway authorities?

†For answer to this question, see answer to question No. 229.



**Sir Alan Parsons:** (a) A subordinate employed on a State-managed railway has a right of appeal to the Railway Board only if he is dismissed from the service with forfeiture of his Provident Fund bonus. Such employees, however, may submit a memorial to the Railway Board on matters affecting the conditions of service.

(b) The Railway Board received a representation in the matter and called upon the Agent, North Western Railway, for a report.

**Dr. Ziauddin Ahmad:** Have Agents got the right to withhold such appeals?

**Sir Alan Parsons:** They can withhold all appeals which are not covered by the rules relating to appeals.

#### CONSTITUTIONAL PROBLEMS OF BACKWARD TRACTS.

252. **\*Mr. B. Das:** (a) With reference to the observations of the Governor-General in Council in their despatch on proposals for constitutional reforms regarding Backward Tracts (*vide* para. 52, page 48):

“In Bihar and Orissa the problem is likely to be connected with the question of the formation of a separate province for the Oriyas, and should be considered by the committee charged with the investigation of that problem”,

will Government be pleased to state if they have included the same in the terms of reference to the Orissa Boundary Committee?

(b) Will Government be pleased to state the special instructions they issued to the Orissa Boundary Committee in reference to the administrative problems of backward tracts likely to be included in the separate Orissa province?

(c) If no definite instructions have been issued to the Orissa Boundary Committee, will Government be pleased to state what machinery of enquiry they have in view to decide on the franchise and administrative issues of the backward tracts to be under the administration of a separate Orissa province?

**The Honourable Sir George Rainy:** With your permission, Sir, I shall reply to questions Nos. 252 to 257 together.

The general question of the areas, if any, to be treated as excluded from the operation of the reformed constitution and the administrative arrangements to be applied to such areas was not discussed at the Round Table Conference. But it is the intention of the Consultative Committee to examine it.

In their Reforms Despatch of the 20th September, 1930, the Government of India carried the examination of the question to a certain length, and indicated the need for further consideration. The fuller proposals of the Local Governments have since been received, and are being examined. The Government of India intend to frame detailed proposals for submission to the Secretary of State, and they trust to obtain the concurrence of the Consultative Committee to the necessary administrative provisions.

In these circumstances and at this stage I am not in a position to lay papers upon the table or to answer categorically questions of detail.

**Mr. B. Das:** With reference to the passage quoted here from the Government of India despatch that a certain portion of the investigation

would be referred to the Orissa Boundary Committee, do I understand that the Government of India have gone back on that opinion which they wrote in that despatch?

**The Honourable Sir George Rainy:** My impression is that it was not in the terms of reference to the Orissa Boundary Committee.

**Mr. C. S. Ranga Iyer:** Will the Government consider the advisability of incorporating these observations in the terms of reference to the Orissa Committee?

**The Honourable Sir George Rainy:** I think the decision in that matter was taken after full deliberation. I will consider the Honourable Member's suggestion, but I cannot give any undertaking.

#### CONSTITUTIONAL PROBLEMS OF BACKWARD TRACTS.

†253. **\*Mr. B. Das:** (a) With reference to observations of the Government of India in their despatch on constitutional reforms regarding administrative problems of the Backward Tracts, will Government be pleased to state what action has so far been taken on the recommendations of the Simon Commission to declare any of the notified areas as advanced areas?

(b) What are these areas and what are the privileges conferred on these areas?

(c) Has any of these notified areas, now declared advanced, been allowed to exercise its newly acquired electoral rights to Legislative Councils and the Central Legislature since such declaration?

(d) If the reply to part (c) is in the negative, will Government be pleased to state if the inhabitants of these areas will be allowed to elect additional members to Legislative Councils and the Central Legislature prior to the new reforms?

#### CONSTITUTIONAL PROBLEMS OF BACKWARD TRACTS.

†254. **\*Mr. B. Das:** (a) With reference to Backward Tracts in Bengal, will Government be pleased to communicate to the House the views of the Government of Bengal regarding the Darjeeling district?

(b) Have the Government of India come to any decision on that report of the Government of Bengal?

#### CONSTITUTIONAL PROBLEMS OF BACKWARD TRACTS.

†255. **\*Mr. B. Das:** With reference to the following passage of the Government of India Despatch:

"The Government of Bihar and Orissa state there are parts of Chota Nagpur, of the Santal Parganas and perhaps of the Sambalpur and Angul districts, which need not be retained in a special position",

will Government be pleased to state if they have issued any instructions to the Government of Bihar and Orissa to bring those tracts under normal administration?

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†For answer to this question, see answer to question No. 252

## CONSTITUTIONAL PROBLEMS OF BACKWARD TRACTS.

†256. \***Mr. B. Das:** (a) With reference to the following observations of the Government of India regarding Backward Tracts in their Despatch on constitutional reforms (page 48):

“Our present disposition, therefore, is to maintain the link between the provinces and the backward tracts without interposing central responsibility for their administration. It may be necessary to retain some areas under the sole administrative control of the Governor. In others where the jurisdiction of ministers and of the provincial legislature has already been admitted, the Governor may need no more than a general power to control the application of central and provincial enactments. The whole subject will, however, require further detailed consideration”,

will Government be pleased to state if further action has been taken by the Central and Provincial Governments and the conclusions reached, if any?

(b) Has the Secretary of State for India been further addressed on the subject since the Despatch was written?

(c) Will Government be pleased to lay on the table all the correspondence with the Secretary of State and Provincial Governments on the future administration of backward tracts since the Despatch was written?

## CONSTITUTIONAL PROBLEMS OF BACKWARD TRACTS.

†257. \***Mr. B. Das:** (a) Did the second Round Table Conference or any of its Sub-Committees go into the problems of the administration of backward tracts, and if so, what decisions were arrived at?

(b) Do Government propose to refer the entire question to the Orissa Boundary Committee or to some other committee?

(c) Will Government be pleased to state what *modus operandi* they are adopting to reach a final solution of the problems of the backward tracts?

## CONSTITUTIONAL PROBLEMS OF BACKWARD TRACTS.

258. \***Mr. B. Das:** (a) With reference to the following observations of the Simon Commission in Vol. II, para. 132:

“ . . . the outlay which is necessary for their administration and development ought to fall upon Central Funds in so far as they do not pay themselves”,

will Government be pleased to state if the Government of India contribute any fund from the Central exchequer for the development and administration of backward tracts by the provinces at present?

(b) Have Government reached any decisions whether they will bear deficit on cost of administration and development of backward tracts after the new reforms as recommended by the Simon Commission?

(c) Did the Federal Structure Committee go into this aspect of the problem and what recommendations did they make on the point?

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†For answer to this question, see answer to question No. 232.

(d) Do Government propose to refer the question of central responsibility for funds to the Federal Finance Committee?

**The Honourable Sir George Schuster:** (a) The Government of India make no contribution.

(b) No.

(c) The Honourable Member is referred to the Reports of the Federal Structure Sub-Committee.

(d) The Government of India have no power to settle what matters should be referred to the Federal Finance Committee, but I will see that the Chairman of that Committee receives a copy of the Honourable Member's question and of this reply.

#### COST OF INVESTIGATION TO REDUCE PERIODICAL RETURNS OF STATE-MANAGED RAILWAYS.

**259. \*Rai Bahadur Lala Brij Kishore:** With reference to Government's reply to my question No. 153, dated the 2nd February, 1931, will Government be now pleased to state definitely:

(a) what expenditure was incurred by Government on two officers appointed to investigate the possibility of reducing the periodical returns prepared by State-managed railways;

(b) what was the exact amount of saving effected as a result of these officers' recommendations, and

(c) what posts on the superior cadre were brought under reduction as a result of these officers' recommendations?

**Sir Alan Parsons:** (a) Up to the end of the current financial year, the expenditure incurred on the officers appointed to investigate the possibility of reducing periodical returns, and other methods of securing economies, in the offices on the East Indian Railway will be approximately Rs. 1,68,000.

(b) The proposals accepted to date are calculated to give a saving amounting to over Rs. 5 lakhs per annum.

(c) I am obtaining the information and will lay it on the table of the House in due course.

#### RACIAL CONSIDERATIONS IN THE RETRENCHMENT OF POSTS.

**260. \*Rai Bahadur Lala Brij Kishore:** With reference to the Government's reply to my question No. 153, dated the 2nd February, 1931, part (c) "Information as to what communities held these particular posts (i.e., those retrenched) has not been called for as proposals for the abolition of particular posts are made without any reference to the community to which the holder belongs", will Government be pleased to call for the necessary information with a view to see how the retrenchment proposals are affecting the interests of members of various communities in the services? Are Government aware that it is alleged that officers in making their recommendations were guided by racial consideration?

**Sir Alan Parsons:** Government regret that they cannot undertake to call for the information, and are not aware of the allegation mentioned by the Honourable Member; if made, it is quite unfounded.

## EXPENDITURE ON THE WATCH AND WARD DEPARTMENT ON RAILWAYS.

261. **\*Rai Bahadur Lala Brij Kishore:** (a) With reference to Government's reply to my question No. 212, dated the 23rd February, 1931, will Government be pleased to state:

- (i) what economies have been effected on the expenditure of the Watch and Ward Department on Railways;
- (ii) whether Government propose to incur an expenditure of Rs. 45,12,000 a year without first ascertaining as to what losses are actually being prevented both to the public and Railways as a result of the maintenance of this department; and
- (iii) whether they are aware that it is a widespread belief that the Ellis patent lock is responsible for prevention of thefts on the Railways to a very great extent?

(b) Have Government considered the advisability of ascertaining whether a reduction in the personnel of Watch and Ward Department is not possible as a result of the adoption of the Ellis patent lock?

**Sir Alan Parsons:** (a) (i). The expenditure on Watch and Ward is expected to be Rs. 2,67,000 less than in 1930-31.

(ii) As I explained in reply to the Honourable Member's question No. 212 on the 23rd February, 1931, it is not possible to ascertain what extra losses would be incurred or what extra claims for compensation might have to be paid if a Watch and Ward Department was not maintained.

(iii) Government are not aware that the belief is widespread.

(b) Reduction in expenditure on Watch and Ward receives and will continue to receive close attention in all its aspects.

## EXPENDITURE ON THE OFFICE OF THE RAILWAY CONFERENCE ASSOCIATION.

262. **\*Rai Bahadur Lala Brij Kishore:** With reference to Government's reply to my question No. 848, dated the 22nd September, 1931, will Government be pleased to state:

- (a) what the annual expenditure on the office of the General Secretary, Railway Conference Association, was;
- (b) what percentage of this expenditure is incurred on the superior revenue establishment; and
- (c) whether they have considered the question of entrusting the work of the Central Publicity Office to the Conference Association?

**Sir Alan Parsons:** (a) The expenditure of the office of the General Secretary, Indian Railway Conference Association, in 1930-31 was Rs. 1,51,390.

(b) About 40 per cent. was on gazetted staff per annum.

(c) Yes, but such an arrangement would not be satisfactory.

**REDUCTION IN COST OF OFFICERS ON SPECIAL DUTY WITH THE RAILWAY BOARD.**

**263. \*Rai Bahadur Lala Brij Kishore:** With reference to Government's reply to my question No. 213, dated the 23rd February, 1931, will Government be pleased to state whether any reduction on the expenditure incurred on the sixteen officers on special duty with the Railway Board has since been made? If so, how much?

**Sir Alan Parsons:** The expenditure for officers on special duty with the Railway Board was Rs. 1,85,270 in 1929-30 and is estimated at Rs. 71,000 for 1932-33.

**COST OF DIVISIONAL ORGANISATION ON INDIAN RAILWAYS.**

**264. \*Rai Bahadur Lala Brij Kishore:** With reference to Government's reply to my question No. 563, dated the 18th February, 1931, will Government be pleased to state:

- (a) what the total amount of expenditure on the Divisional organisation of the Indian railway system is;
- (b) what increase it shows on the old district control system;
- (c) whether it is a fact that the question of adopting the Divisional system was considered on the Eastern Bengal and Bombay, Baroda and Central India Railways, and rejected due to its excessive cost; and
- (d) what the respective lengths of the divisions on each of the following railways and cost per mileage are:
  - (i) North Western Railway, (ii) East Indian Railway, (iii) Great Indian Peninsula Railway?

**Sir Alan Parsons:** (a) and (b). I am afraid it is not possible to give more definite information than is obtainable in the memorandum by Major Wagstaff which was sent to the Honourable Member in response to the identical question put by him on the 18th February, 1931.

(c) The question of adopting the Divisional system on the Eastern Bengal Railway was considered in 1929, but it was decided to drop the matter for the present, chiefly because the Railway Board were not satisfied that the Eastern Bengal Railway, unlike the East Indian, North Western and Great Indian Peninsula Railways, had so increased in size that efficient centralised control was now difficult. The Railway Board were also partly influenced in coming to their decision to postpone the question of introducing the system by the fact that they were unable to find the amount which would be needed for capital expenditure estimated at about 13 lakhs. I am not aware of any proposals having come before the Railway Board for the introduction of the Divisional system on the Bombay, Baroda and Central India Railway.

(d) I am ascertaining from the railways mentioned what is the route mileage of each of their divisions and will lay the information on the table of the House in due course. It is not possible to procure figures of the cost of the system per mile.

**Dr. Ziauddin Ahmad:** Do the Government admit this fact that the divisional organization is more expensive than the old district organization?

**Sir Alan Parsons:** No, Sir.

**Dr. Ziauddin Ahmad:** Government is not prepared to admit that the divisional organization is more expensive than the old district organization?

**Sir Alan Parsons:** No.

**Dr. Ziauddin Ahmad:** Is it less expensive?

**Sir Alan Parsons:** I am afraid I cannot give a categorical answer.

**Dr. Ziauddin Ahmad:** Is it, I ask again, less expensive?

**Sir Alan Parsons:** I consider myself that the divisional system on the railways on which it has been introduced is less expensive than the old system would be if it had been re-introduced.

#### TRAIN EXAMINERS AT JUNCTION STATIONS.

265. **\*Rai Bahadur Lala Brij Kishore:** With reference to Government's reply to my question No. 849, dated the 22nd September, 1931, will Government be pleased to state why the system of having neutral train examiners is not being extended to other interchange junctions?

**Sir Alan Parsons:** The appointment of neutral train examiners who are additional to the train examiners belonging to the respective Railway Administrations can only be justified at large junctions.

#### ALLEGED RACIAL DISCRIMINATION IN APPOINTMENTS OF SENIOR SUBORDINATES ON THE RAILWAYS.

266. **\*Rai Bahadur Lala Brij Kishore:** (a) Will Government be pleased to state whether racial discrimination still exists in the matter of appointments to senior subordinates' posts in the various Departments of the Railways?

(b) How many posts carrying a salary of over (i) Rs. 250, (ii) Rs. 350 are held by the Indian staff (excluding Anglo-Indian) on the transportation side of the East Indian Railway such as Station Master, Yard Master, Carriage Inspector, Running Shed Foreman, Senior Guards on Rs. 210 per mensem?

(c) What is responsible for such a dearth of Indian staff on the posts? Is it due to the inability of Indian staff to fill these posts? If the answer be in the affirmative, what special steps do Government propose to take to remedy matters?

(d) Do Government propose to draw the attention of the Agent, East Indian Railway, to this and instruct him to provide special facilities to Indian staff in the matter of these appointments?

**Sir Alan Parsons:** (a) The answer is in the negative.

(b) The available information is given in the East Indian Railway classified list of subordinate staff, a copy of which is in the Library.

(c) and (d). Posts of upper subordinates on railways are filled with due regard to merit and seniority, and an increasing number of such posts is

being filled by the promotion of Indians. Further recruitment in England for State-managed Railways is confined to certain specialist posts such as Jig and Tool Draftsmen, Signal Inspectors, etc., and then only when it is known either after inviting applications in India or from past experience that a suitable candidate in India cannot be found. The East Indian Railway provides adequate opportunities to the Indian staff to qualify for promotion.

#### CONSTRUCTION OF WAITING ROOMS AT STATIONS ON THE BUKHTIARPORE-BIHAR LIGHT RAILWAY.

267. **\*Mr. Badri Lal Rastogi:** With reference to my starred question No. 168, asked on the 2nd February, 1931, will Government be pleased to state what steps have been taken so far by the Railway Administration, regarding the construction of the waiting rooms at some of the important stations of the Bukhtiarpore-Bihar Light Railway?

**Sir Alan Parsons:** I am enquiring from the Agent, and will lay the result of the inquiry on the table of the House in due course.

#### INCONVENIENT TIMINGS OF TRAINS AT BUKHTIARPORE JUNCTION STATION.

268. **\*Mr. Badri Lal Rastogi:** (a) With reference to my starred question No. 1155 (c) put on the 27th March, 1931, will Government please state as to what happened to the suggestion communicated to the Agent of the East Indian Railway and to the Managing Agents of the Bukhtiarpore-Bihar Light Railway regarding the arrival of the 16 Down Express train at Bukhtiarpore Junction an hour earlier or departure of the 5 Up Mixed Daily of the Bukhtiarpore-Bihar Light Railway from Bukhtiarpore Junction an hour later?

(b) Are Government aware that several representations regarding the departure of the 5 (now 7) Up Mixed Daily from Bukhtiarpore Junction an hour later have been made to the Manager of the Bukhtiarpore-Bihar Light Railway at Arrah?

(c) Are Government aware that passengers getting down at Bukhtiarpore Junction from 71 Up Express and 16 Down Express are being put to considerable inconvenience by their not being able to catch the Bukhtiarpore-Bihar Light Railway train that leaves Bukhtiarpore Junction an hour or half an hour before?

(d) Do Government propose to remove this long felt grievance of the public by asking the Railway authorities of the Bukhtiarpore-Bihar Light Railway to get the departure of the train fixed at an hour later than at present?

**Sir Alan Parsons:** (a), (b), and (c). Government have no information.

(d) It is not possible for Government to take any part in the arrangement of time tables. I am, however, bringing the Honourable Member's question to the notice of the Managing Agents of the Bukhtiarpore-Bihar Light Railway.



**REPORTS OF RETRENCHMENT COMMITTEES AND THE PLACES VISITED BY THEM.**

269. \***Mr. Badri Lal Rastogi:** (a) Will Government kindly state the places visited by the different Sub-Committees of the Retrenchment Committee?

(b) Will Government kindly state when or by what time the reports of these Sub-Committees are likely to be completed?

(c) Will Government kindly give the names of the different members of the Retrenchment Sub-Committees along with the amount of Travelling and Halting Allowance drawn by each member?

(d) Is there any time-limit for these various sub-committees to finish their reports?

**The Honourable Sir George Schuster:** (a) and (c). A statement is laid on the table.

(b) The reports of the Public Works, Accounts and Audit Sub-Committee and of the Railways Sub-Committee have been completed. It is expected that final reports from the General Purposes, Stores, Stationery and Printing, and Army Sub-Committees will be submitted by about the end of this month. In the case of the Posts and Telegraphs Sub-Committee, the time of re-assembling for further enquiry and of the submission of the final report has not yet been settled.

(d) No.

*Statement showing the expenditure of the Retrenchment Sub-Committees up to the 31st January, 1932, and the places visited by them.*

Name.	Amounts drawn.	
	Travelling allowance.	Halting allowance.
	Rs.   A.   P.	Rs.
<i>Stores, Printing and Stationery Sub-Committee.</i>		
The Hon'ble Mr. G. A. Natesan . . . . .	873   9   0	760
Mr. S. C. Lyttelton . . . . .	371   1   0	580
Mr. B. Das, M.L.A. . . . .	117   10   0	120
Mr. A. H. Ghaznavi, M.L.A. . . . .	9   0   0	340
Mr. Jagan Nath Aggarwal, M.L.A. . . . .	382   12   0	220
Places visited—Calcutta, Simla, Delhi, Aligarh and Bombay.		
<i>General Purposes Sub-Committee.</i>		
Sir Abdur Rahim, K.C.S.I., Kt., M.L.A. . . . .	171   15   0	2,660
The Hon'ble Lala Ram Saran Das, C.I.E. . . . .	625   9   0	960
Mr. Rangaswamy Ayangar . . . . .	547   0   0	200

Name.	Amounts drawn.			
	Travelling allowance.			Halting allowance.
	Rs.	A.	P.	Rs.
<i>General Purposes Sub-Committee—contd.</i>				
Mr. S. C. Mitra, M.L.A. . . . .	1,533	2	0	1,740
Mian Mohammad Shah Nawaz, M.L.A. . . . .	190	9	0	100
Mr. K. C. Roy, C.I.E., M.L.A. . . . .	..			740
Diwan Bahadur Harbilas Sarda, M.L.A. . . . .	504	6	0	1,600
Mr. Ramsay Scott, M.L.A. . . . .	461	6	0	1,900
Khan Bahadur H. M. Walayatullah, I.S.O., M.L.A. . . . .	1,272	0	0	1,060
Places visited—Simla and Delhi.				
<i>Army Sub-Committee.</i>				
Diwan Bahadur T. Rangachariar, C.I.E., M.L.A. . . . .	648	13	0	1,450
Maulvi Sir Muhammad Yakub . . . . .	835	2	0	1,560
The Hon'ble Major Nawab Sir Mohammad Akbar Khan, C.I.E., . . . . .	883	2	0	1,210
The Hon'ble Sirdar Bahadur Shivdev Singh Uberoi . . . . .	906	5	0	1,400
Diwan Bahadur A. Ramaswami Mudaliar . . . . .	1,019	7	0	780
Mr. E. C. Benthall, C.B. . . . .	573	0	0	660
Mr. F. C. Bovenschen, C.B. . . . .	960	3	0	1,755
Places visited.—Simla, Calcutta, Ishapore, Cossipore, Cawnpore, Shahjahanpur, Dageshai, Kasauli, Bombay, Poona, Lahore and Rawalpindi.				
<i>Railway Sub-Committee.</i>				
Mr. R. K. Shanmukham Chetty, M.L.A. . . . .	478	8	0	220
The Hon'ble Khan Bahadur Hafiz Mohammad Halim . . . . .	172	2	0	80
Dr. Zia-ud-Din Ahmad, C.I.E., M.L.A. . . . .	372	4	0	140
Mr. N. R. Sarkar . . . . .	379	2	0	720
Mr. E. F. Sykes, M.L.A. . . . .	360	12	0	280
Mr. Balaram Aiyar . . . . .	925	12	0	740
Places visited.—Calcutta and Simla.				

Name.	Amounts drawn.	
	Travelling allowance.	Halting allowance.
	Rs. A. P.	Rs.
<i>Posts and Telegraphs Sub-Committee.</i>		
The Hon'ble Mr. B. K. Basu . . . . .	372 11 0	240
Mr. Amar Nath Dutt, M.L.A. . . . .	396 6 0	660
Mr. Muhammad Yamin Khan, C.I.E., M.L.A. . . . .	293 3 0	600
Mr. F. C. Annealey . . . . .	751 14 0	720
Mr. N. V. Raghavan . . . . .	1,144 4 0	1,120
Places visited.—Bombay and Simla.		
<i>Public Works, Accounts and Audit Sub-Committee.</i>		
Mr. K. C. Neogy, M.L.A. . . . .	339 14 0	540
The Hon'ble Mr. Hussain Imam . . . . .	480 8 0	600
Mr. G. Morgan, C.I.E., M.L.A. . . . .	339 14 0	540
Diwan Bahadur R. N. Arogiaswamy Mudaliar . . . . .	694 12 0	540
Rai Bahadur Bishan Swarup . . . . .	550 6 0	540
Places visited.—Calcutta and Simla.		

**MUSSALMAN INCOME-TAX OFFICERS AND CLERKS IN THE INCOME-TAX DEPARTMENT.**

270 . \***Shaikh Fazal Haq Piracha:** What is the total number of Income-tax officers, Income-tax Inspectors and clerks in the Income-tax Department in the Punjab and how many of them are Mussalmans?

**The Honourable Sir George Schuster:** A statement is laid on the table.

*Statement showing the number of Muslims in the Income-tax Department, Punjab.*

	Sanctioned strength.	No. of Muslims (permanent appointments).
Income-tax Officers . . . . .	30	6
Inspector-Accountants . . . . .	34	11
Clerks including Head Clerks and Head Assistants . . . . .	161	48
	225	65

**APPOINTMENT OF MUSSALMANS TO THE INCOME-TAX DEPARTMENT.**

**271. \*Shaikh Fazal Haq Piracha:** (a) Is it a fact that since the passing of the last Finance Bill, the assessment work of the Income-tax Department has considerably increased and, owing to that, new appointments in the Department had to be made?

(b) In making these appointments did Government keep in view the paucity of the Muslims in the Department, and have they issued instructions to the appointing authorities to give more posts to the Muslims as compared with other communities?

(c) How many new postings of Income-tax Officers, Income-tax Inspectors and office clerks were made in the Income-tax Department in the Punjab, in the current and the last year and how many of them were Mussalmans?

**The Honourable Sir George Schuster:** (a) Yes.

(b) No special instructions have been issued, but there are standing instructions in regard to the avoidance, as far as possible, of a disproportionate preponderance of any community in Government service.

(c) The information is being obtained and will be communicated to the Honourable Member in due course.

**APPOINTMENT OF MUSSALMANS TO THE INCOME-TAX DEPARTMENT.**

**272. \*Shaikh Fazal Haq Piracha:** (a) Do Government contemplate making more appointments of Income-tax Officers, Income-tax Inspectors and clerks in the year 1932, in the Income-tax Department in the Punjab? If so, how many?

(b) In case any more appointments are to be made, do Government propose to issue instructions to appoint more Muhammadans to make up their deficiency in the Department?

**The Honourable Sir George Schuster:** (a) The extra staff was sanctioned some weeks ago and has already been recruited.

(b) The standing instructions in regard to the representation of minority communities were fully observed in recruiting it.

**ANGLO-INDIAN WOMEN RETAINED IN OFFICIATING VACANCIES IN THE MADRAS GENERAL POST OFFICE.**

**273. \*Kumar Gupteshwar Prasad Singh:** Will Government be pleased to state:

- (i) if it is a fact that the Postmaster General, Madras, issued orders to all Superintendents of Post Offices including the Presidency Postmaster, Madras, to throw out all officiating incumbents and replace them immediately by qualified permanent men in the lower division of the clerical cadre;
- (ii) if any exceptions were made in the Madras General Post Office to this order in respect of a number of Anglo-Indian women candidates; if so why;
- (iii) the qualifications of these women candidates;

- (iv) the total number of qualified candidates in the waiting list of the Madras General Post Office, and for how long they have been on the list and why these candidates were not given the chances;
- (v) how many of those in the waiting list were superseded by the women candidates referred to above and why; and
- (vi) if it is a fact that many of the candidates on the waiting lists are relatives of postal employees?

**Mr. T. Ryan:** Government have no information but enquiry is being made.

#### NON-GRANT OF PENSIONS TO CERTAIN DISABLED SEPOYS.

274. **\*Mr. Bhuput Sing** (on behalf of Sardar Sant Singh): (a) Is it a fact that Medical Boards held on Indian ranks, have in many cases, certified disabilities contracted on active service overseas, during the Great War, as not attributable to field service? Is it a fact that a large number of disabled sepoys have consequently been refused pensionary grants? Is it not a fact that these decisions of Medical Boards have been in contravention of their terms of enrolment, according to paragraph 1053 of Army Regulations (India), Volume I (1915 edition)?

(b) Will Government kindly state the number of Indian ranks, who have been thus refused pensionary grants?

(c) Is it a fact that the Medical Boards, instead of presuming such disabilities to be attributable to field service, have been demanding strict proofs, in respect of the attributability of disabilities to military service, and in the absence of such proofs, presumptions have been made invariably against such attributability?

(d) Are the Medical Boards guided by any definite rules framed by Government to decide this question of attributability of deaths and disabilities to service? If so, will Government kindly place a copy of these rules on the table?

(e) Is it a fact that one and the same disease caused on active service, has been held as attributable to service by one Medical Board, while not so attributable by another board?

(f) Is it a fact that general debility, deafness, and trachoma, though contracted on active service, have, in majority of cases, been held as attributable to old age? At what period of life does old age commence according to medical boards?

**Mr. G. M. Young:** (a), (b), (c) and (e). Government are not aware of any such cases.

(d) The definition of the term "attributable to military service" is contained in paragraph 414 of the Regulations for the Medical Services of the Army in India, a copy of which is in the Library.

(f) Government are not aware of any such cases. The period varies according to the individual.

**MEDICAL BOARD PROCEEDINGS REFUSED TO INDIAN RANKS.**

275. **\*Mr. Bhuput Sing** (on behalf of Sardar Sant Singh): (a) Is it a fact that copies of Medical Boards proceedings, held on Indian ranks, have been refused to the individuals concerned?

(b) Is it not a fact that these proceedings deal with grounds for sanction or rejection of a grant of a disability pension? What are the grounds on which such refusals are based?

**Mr. G. M. Young:** (a) and (b). Yes, Sir. The proceedings of all Medical Boards are strictly confidential.

**PNEUMONIA CAUSED BY MILITARY SERVICE.**

276. **\*Mr. Bhuput Sing** (on behalf of Sardar Sant Singh): (a) Is it a fact that pneumonia has, in the case of Indian ranks, been held as not attributable to military service?

(b) What was the number of deaths from pneumonia during the Great War?

(c) What percentage thereof has been admitted to the roll of family pensions?

(d) What was the number of such deaths during the Waziristan operations, 1918 to 1924, and what percentage thereof has been brought to pension establishment?

(e) What is the corresponding number of British ranks, who died of pneumonia during the aforesaid field operations, and what is the percentage admitted to pensions?

**Mr. G. M. Young:** (a) Generally speaking the answer is in the affirmative.

(b) to (e). Government regret that the information is not obtainable.

**APPEAL AGAINST DECISIONS OF MEDICAL BOARDS.**

277. **\*Mr. Bhuput Sing** (on behalf of Sardar Sant Singh): (a) Is it a fact that there is no appeal against the decisions of a Medical Board?

(b) If so, what method do Government adopt to rectify arithmetical mistakes committed by these Boards? Are they looked into by the Medical Directorate?

(c) What remedies are provided for redressing the grievances when there is a miscarriage of justice, and deviation from recognized rules and principles?

**Mr. G. M. Young:** (a) and (b). No, Sir; appeals are entertained and a fresh Medical Board may be ordered by the military authorities.

(c) The aggrieved person has the right under the regulations to make representations through the proper channel.

**APPEALS IN RESPECT OF PENSIONARY GRANTS.**

278. **\*Mr. Bhuput Sing** (on behalf of Sardar Sant Singh): (a) Is it a fact that appeals against the decisions of Officers Commanding, in respect of pensionary grants, are not entertained by the Army Headquarters?

(b) What is the total number of appeals returned by the Army Headquarters since the termination of the Great War?

(c) What is the number of appeals that were refused to be forwarded to higher authorities by officers commanding?

**Mr. G. M. Young:** (a) No, Sir.

(b) and (c). The information asked for does not exist.

#### PERSONAL ALLOWANCE REFUSED TO SUBEDAR-MAJORS.

279. **\*Mr. Bhuput Singh** (on behalf of Sardar Sant Singh): (a) Will Government be pleased to place on the table the total number of Subedar-Majors sent on pension since the outbreak of the Great War till 1930, and the percentage thereof that were not granted the personal allowance of Rs. 50 per mensem?

(b) Is it a fact that Subedar-Majors were refused this allowance simply because Government did not happen to notify the rank in the *Gazette of India*?

(c) How many Subedar-Majors were disallowed this concession for political and religious activities?

**Mr. G. M. Young:** (a) and (c). The information asked for is not available, and could not be obtained except by a prohibitive expenditure of time and labour.

(b) No, Sir. Promotions in rank of military officers are always notified in the *Gazette of India*.

#### PENSIONS GRANTED TO RANKS RE-ENGAGED FOR THE GREAT WAR.

280. **\*Mr. Bhuput Singh** (on behalf of Sardar Sant Singh): (a) Is it a fact that a large number of people with pre-war service to their credit were re-engaged during the Great War with promises of award of all concessions that were admissible to the continually-serving personnel on the strength, and were granted mustering-out-pensions by their Officers Commanding and paid six months' pension in advance, but that, subsequently, the award was rejected on the ground that their re-engagement happened to be made after the 13th May, 1916?

(b) What is the significance of this date in relation to the admissibility of a pensionary award?

(c) What was the total number of such re-enrolments during the Great War?

**Mr. G. M. Young:** (a) and (b). From the 13th May, 1916, enlistments or re-enlistments were made for the period of the war only, and personnel who enlisted or re-enlisted after that date were not eligible for mustering-out concessions.

(c) The information asked for does not exist.

**PENSIONS ADMISSIBLE TO WIDOWS AND MOTHERS OF DECEASED RANKS.**

281. **\*Mr. Bhuput Singh** (on behalf of Sardar Sant Singh): (a) Is it a fact that in the Army Regulations (India), Volume I, which remained in force till 1st April, 1923, family pensions were admissible for life to widows and mothers of deceased ranks?

(b) Is this principle applied to all deaths, which occurred on the field up to the termination of the Great War?

(c) If not, what is the number to which this principle was not applied, and why?

**Mr. G. M. Young:** (a), (b) and (c). The family pensions admissible to widows and mothers were granted for life in cases where the casualties occurred before the 6th August, 1918. In subsequent cases such pensions were granted up to the date of re-marriage.

**MILITARY PENSIONS FORFEITED FOR PARTICIPATION IN POLITICAL ACTIVITIES.**

282. **\*Mr. Bhuput Singh** (on behalf of Sardar Sant Singh): Will Government be pleased to place on the table a statement showing the total number of military pensions, forfeited to Government due to the sympathies with, and participation in (i) the non-co-operation movement (ii) the Nabha movement, (iii) the Gurudwara Bill activities, and (iv) the civil disobedience movement? Also the total number of forfeitures of military pensions, on account of imprisonment for crimes other than political crimes?

**Mr. G. M. Young:** I regret that the information is not available, and could only be compiled, if at all, by the recruitment of special staff for the purpose.

**INDIAN RANKS DISMISSED.**

283. **\*Mr. Bhuput Singh** (on behalf of Sardar Sant Singh): (a) Will Government be pleased to place on the table a statement showing the number of dismissals effected during 1914—1924 amongst Indian ranks, wherein the personnel had earned the right to pension and release from military service, but were not so released and pensioned in the interests of the State till their dismissal?

(b) Amongst such dismissals, how many are Indian officers? What is the number of such dismissals wherein the dismissal was recommended by the officers commanding, but not accepted by the Army Headquarters?

(c) Under what authority was their release from military service deferred, and under what authority was the earned pension, which they would have enjoyed, but for such prolongation, forfeited?

**Mr. G. M. Young:** (a), (b) and (c). Government have not the information required by the Honourable Member, and regret that it would be impossible to obtain it.

**DECISIONS OF COURTS MARTIAL REFUSED TO INDIAN RANKS.**

284. **\*Mr. Bhuput Singh** (on behalf of Sardar Sant Singh): Is it a fact that copies of the decisions of Courts Martial have been refused to the concerned Indian ranks? Is there no appeal against such orders? Is there no revision even?



**Mr. G. M. Young:** Under Rule 133 of the Indian Army Act Rules, a person tried by court-martial is entitled on demand to obtain a copy of the proceedings on payment. I am not aware of any instance in which the provisions of this rule have been contravened.

#### FEMALE MILITARY PENSIONERS.

285. **\*Mr. Bhuput Singh** (on behalf of Sardar Sant Singh): (a) Will Government be pleased to place on the table a statement showing the total number of such female military pensioners brought on pension roll during the period 1914 to 1924 (i.e., during the Great War and Waziristan operations) on account of the death of Indian ranks, as have had their pensions forfeited owing to re-marriage?

(b) Is such a forfeiture extended to British females as well? Is there any condition on which such forfeitures are restored? If so, what? Does it apply to the British and Indian ranks equally?

**Mr. G. M. Young:** (a) I regret that the information is not obtainable.

(b) The answer to the first part is in the affirmative. Such forfeitures are not restored except to the widows of warrant officers, class I, who re-marry and again become widows. There are no Class I warrant officers among Indians.

#### FAMILY PENSIONS REFUSED FOR SYCES KILLED ON MILITARY SERVICE.

286. **\*Sardar Sant Singh:** (a) Is it a fact that families of syces of Indian Cavalry and Artillery, when killed on field service, are not considered admissible for family pensions?

(b) Are the syces informed of the fact at the time of enrolment or while proceeding on to field service?

(c) What is the authority for such non-grants?

(d) Will Government kindly place a copy of such rules on the table?

(e) What other military formations are not admissible to family pensions?

(f) What was the total strength of such personnels during the Great War and Waziristan operations and the number of deaths amongst them?

**Mr. G. M. Young:** (a) No, Sir, pensions are admissible.

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

(e) There is no class of military personnel in respect of whom family pension is not admissible under existing rules. The widows of certain non-combatant personnel such as Labour Corps and Porters Corps in the war were eligible for gratuity only.

#### FAMILY PENSIONS OF NON-COMBATANTS.

287. **\*Sardar Sant Singh:** (a) Is it a fact that the pre-war rate of family pensions for non-combatants such as sweepers, bhisties, pakhalies, shoemsmiths, etc., was increased after the Great War, while no increase was effected in the family pensions of personnels of the Mule Corps, Hospital Corps, and Army Bearer Corps? Are they still getting the old rate?

(b) If not, what increase, and from what date, has been allowed to these people?

(c) Was this increase allowed as a result of high prices consequent upon the Great War, or as a reward for the participation therein?

**Mr. G. M. Young:** (a) No, Sir. All the personnel referred to are getting the increased rates of pension.

(b) A statement is laid on the table.

(c) The scales of family pensions of these classes were raised so as to bring them more or less into line with those of other classes.

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	Date of increase.	Amount of increase.
Mule Corps . . .	1st April, 1925 . . .	Rs. 3 a month.
Indian Hospital Corps . . .	1st October, 1924 and 1st April, 1926.	Rs. 3 a month.
Army Bearer Corps . . .	1st October, 1924. . .	Rs. 2 a month.

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#### TEMPORARY INCREMENT IN PRE-WAR MILITARY PENSIONS.

288. **\*Sardar Sant Singh:** (a) Is it a fact that temporary increment in the pre-war military pensions has been allowed by Government since 1st November, 1921?

(b) Was not this increment availed of by the heirs of the deceased awarded family pensions, which were suffered to remain on the pre-war rates?

(c) Was it not admissible to such heirs?

**Mr. G. M. Young:** (a) If the Honourable Member refers to service pensions, the answer is in the affirmative.

(b) and (c). The rates of family pensions granted before the war have not been raised.

#### TIME-LIMIT ALLOWED FOR PENSION CLAIMS.

289. **\*Sardar Sant Singh:** (a) Will Government be pleased to state as to whether under usages as well as under Regulations for the Army-in-India the responsibility for investigating family and disability pension claims rests with Government?

(b) What is the time limit allowed to applicants to lodge their pensionary claims?

(c) Is there still a good number of such claims pending?

(d) Does this time limit equally apply to pre-war Indian officers re-employed during the Great War?

(e). Were promises made to the re-employed officers that they would be entitled to all such concessions as would be granted to other Officers of continuous service?

**Mr. G. M. Young:** (a) The answer is in the affirmative as regards claims arising in connexion with the disability or death of serving soldiers.

(b) Claims to pensions in respect of disabilities sustained during the Great War and the Waziristan operations of 1919-24 are time-barred under Army Instruction (India) No. A.-16 of 1927. Other claims to disability pensions are admitted by the pension sanctioning authority with full arrears if received within three years from the date of the casualty, or later if the explanation for the delay is satisfactory. Where the authority is not satisfied with the explanation, the claim is examined by the Government of India, who deal with each case on its merits and allow such arrears as they think fit. There is no time bar to the submission of claims to family pensions, but there are limits to the amount of arrears that may be granted.

(c) No.

(d) Yes.

(e) Yes, as far as disability and family pensions are concerned, re-employed personnel are treated in the same way as those who served continuously.

#### ARREARS OF FAMILY AND DISABILITY PENSIONS.

290. **\*Sardar Sant Singh:** (a) Is it a fact that full arrears of family and disability pensions have not been allowed to the Indian ranks?

(b) Is it not in contravention of paragraph 84 of Financial Regulations for the Army-in-India, Part I?

(c) What is the authority for the disallowance? Will Government kindly place a copy of such authority on the table?

(d) Does such an authority apply to belated claims only or does it apply equally to all cases that were lodged in time, but remained unsettled for years?

**Mr. G. M. Young:** (a), (b), (c) and (d). The Honourable Member's attention is invited to paragraph 44, Financial Regulations for the Army-in-India, Part I, a copy of which is in the Library.

#### ARREARS OF FAMILY AND DISABILITY PENSIONS.

291. **\*Sardar Sant Singh:** (a) Is it a fact that in Army Instructions (India) Nos. 238 of 1921, and 1056 of 1922, both of which are approved by the Right Honourable the Secretary of State for India, family pensions and disability pensions are admissible from 1st April, 1918, and 1st January, 1922, respectively, while Army Instruction (India) No. 87 of 1931 admits only 3 years' and in special cases 5 years' arrears of pension, preceding from the date of application?

(b) Is not this later Army Instruction, i.e., 87 of 1931 approved by the Secretary of State?

(c) Under what authority the civil right once earned to draw family and disability pensions from the dates of casualty, or from the specific dates as notified in the aforesaid Army Instructions of 1921 and 1922 can be modified without the consent of the pensioners?

**Mr. G. M. Young:** (a) The facts are as stated by the Honourable Member, but the rule regarding admissibility of arrears applied equally to the two previous instructions. Army Instruction (India) No. 87 of 1931, merely delegated to the sanctioning authority power to deal with certain cases of belated claims formerly dealt with by the Government of India.

(b) No, Sir, it did not require the sanction of the Secretary of State.

(c) Claims made within time are in any case fully met. Paragraph 44 of the Financial Regulations, Part I, contains the rules for dealing with belated claims.

### THE HIDE CESS ENQUIRY COMMITTEE'S REPORT.

**292. \*Dr. Ziauddin Ahmad:** With regard to the Hide Cess Enquiry Committee Report and Mr. E. L. Price's Minute of Dissent thereon, will Government be pleased to state what commercial bodies, firms and individuals concerned have reported either direct to the Government of India or through Provincial Governments:

- (a) in favour of the Report as modified by the Minute of Dissent;
- (b) in favour of the main Report without the Minute of Dissent; and
- (c) against the Report?

**The Honourable Sir George Rainy:** (a), (b) and (c). I would refer the Honourable Member to the reply which I gave to his unstarred question No. 126 on the 28th September, 1931. Government have not received since then any communication regarding this Committee's Report from commercial bodies, firms or individuals.

### REVENUE DERIVED FROM HIDES AND SKINS EXPORT DUTIES.

**293. \*Dr. Ziauddin Ahmad:** Will Government be pleased to state:

- (a) the gross revenue derived from the Hides and Skins Export Duties year by year since they were imposed (i) in India and (ii) in Burma; and
- (b) the approximate cost (per annum) of their collection (i) in India and (ii) in Burma?

**The Honourable Sir George Schuster:** (a) A statement giving the desired information is laid on the table.

(b) As separate establishments are not maintained, it is not possible to give the approximate cost, but the Honourable Member may take it that the cost is small, in the sense that only small economies would be possible if the duty were abolished.

*Statement showing the revenue derived from export duty on hides and skins during the years 1919-20 to 1930-31, and nine months of 1931-32.*

Years.	British India (excluding Burma).	Burma.
1919-20 . . . . .	90,24,551	1,67,479
1920-21 . . . . .	56,66,141	3,55,439
1921-22 . . . . .	50,00,457	1,41,401
1922-23 . . . . .	41,02,307	1,57,764
1923-24 . . . . .	24,50,132	82,978
1924-25 . . . . .	25,93,827	81,414
1925-26 . . . . .	30,48,741	1,25,392
1926-27 . . . . .	22,90,133	92,868
1927-28 . . . . .	35,95,688	1,37,639
1928-29 . . . . .	35,20,382	1,62,462
1929-30 . . . . .	34,42,986	1,06,378
1930-31 . . . . .	23,83,600	96,951
1931-32 (nine months) . . . . .	Total revenue for the whole of India including Burma is Rs. 16,13,054. Separate figures are not available.	

#### MEDICAL CERTIFICATES OF AYURVEDIC PRACTITIONERS.

204. **\*Mr. S. C. Sen** (on behalf of Pandit Satyendra Nath Sen): (a) Are Government aware that the *Ayurvedic* system of treatment has a hoary and brilliant past and that a large part of the Indian people have recourse to indigenous treatment?

(b) Are certificates from *Ayurvedic* practitioners generally accepted by office-masters and in courts of law?

(c) If not, are Government prepared to issue circulars asking the different departments to accept such certificates from well-known *Ayurvedic* practitioners? If not, why not?

**Sir Frank Noyce:** (a) Government are aware of the past history of the *Ayurvedic* system and that a considerable proportion of the population has recourse to indigenous treatment.

(b) and (c). Government are unable to accept certificates from practitioners over whom there is no official system of control or registration. Certificates are not accepted even from practitioners of Western medicine unless they are registered.

**ABOLITION OF THE CREW SYSTEM ON THE EAST INDIAN RAILWAY**

295. **\*Mr. S. C. Sen** (on behalf of Pandit Satyendra Nath Sen): (a) Has the crew system been totally or partially abolished on the East Indian Railway? If so, why?

(b) If it is due to failure of the system what is the total amount of loss involved therein?

(c) Who is responsible for this waste of public money?

(d) How has he been dealt with by the authorities?

**Sir Alan Parsons:** (a) The Crew System has been entirely abolished on the East Indian Railway for the reasons given in paragraphs 35 to 41 of the Moody-Ward Committee's Report, a copy of which is in the Library of the House.

(b) The system did not fail, but it became apparent that to work it satisfactorily considerably more expenditure than was being incurred would be necessary.

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

**Dr. Ziauddin Ahmad:** Is it not a fact that the Assembly was given to understand that the crew system would be cheaper from the point of view of economy by wrong calculation?

**Sir Alan Parsons:** I must ask the Honourable Member for notice.

**THE HAYMAN-MAHINDRA TICKET PUNCHING MACHINE.**

296. **\*Mr. S. C. Sen** (on behalf of Pandit Satyendra Nath Sen): (a) Was or is there any punching machine styled "the Hayman-Mahindra punching machine" introduced in the East Indian Railway?

(b) If it has been discontinued, why?

(c) If it is due to failure what is the total amount of loss involved therein?

(d) At whose instance was the machine introduced?

(e) How has he been dealt with by the authorities?

**Sir Alan Parsons:** (a) Yes.

(b) The latest information which I have is that the Chief Operating Superintendent wished to continue the use of this punch in spite of the abolition of the crew system.

(c) There has been no failure.

(d) The East Indian Railway authorities.

(e) There has been no reason for disciplinary action against any one.

**REDUCTION OF PAY OF AN OFFICER PREVIOUS TO RETIREMENT.**

297. **\*Mr. J. Ramsay Scott** (on behalf of Mr. G. Morgan): (a) Will Government be pleased to state whether it is contrary to the rules and practice of Government to reduce an officer's pay by placing him on a lower grade, immediately prior to retirement, on the abolition of his appointment, save for misconduct?

(b) Would such a reduction for the brief period of about 3 months during which he was given notice of the abolition of his appointment have the effect of reducing the pension of such an officer?

**The Honourable Sir George Schuster:** (a) and (b). Pension is calculated on the "average emoluments" of the last three years of service; and "emoluments" for the purpose include both pay proper and certain kinds of duty allowances. The Honourable Member will appreciate the fact that in the course of the present economy campaign Government have been reviewing such allowances and curtailing them when this could equitably be done; and in addition have reduced the number of posts created for special purposes and often carrying higher emoluments than those attaching to an officer's substantive post. Officers reverted shortly before they are selected for retrenchment from such better paid posts to the time-scale posts on which they hold a lien will inevitably suffer *pro tanto* a reduction in their "average emoluments" for pensionary purposes, but only in respect of the period for which the reversion is effective. As however, on this occasion Government propose to concede to officers retrenched the privilege of counting leave enjoyed pending retirement as qualifying service for pension, the effect of reversion to a lower paid post shortly before discharge will be substantially mitigated for the average officer of under 25 years' service.

**VISIT OF THE DIRECTOR OF THE CENTRAL PUBLICITY BUREAU TO MEERUT IN CONNECTION WITH THE MEERUT CONSPIRACY CASE.**

298. \***Mr. S. C. Mitra:** Will the Honourable the Home Member kindly state:

(a) whether it is a fact the then Director of the Central Bureau for Information of the Government of India Mr. Bajpai paid a visit to Meerut shortly before or after the late Mr. Langford James, the Special Public Prosecutor, began his opening address before the Magistrate entrusted with the enquiry of the Meerut Conspiracy case; and

(b) whether it was reported in the papers that the visit of this distinguished official to Meerut was in connection with the arrangement for publicity of the proceedings including the opening address of the learned Special Public Prosecutor?

**The Honourable Sir James Orerar:** (a) and (b). I would invite the attention of the Honourable Member to the answer given by me in this House on the 5th September, 1929 to Mr. Gaya Prasad Singh's question No. 156 on the same subject.

**Mr. N. M. Joshi:** May I ask, Sir, whether, owing to the fact that the Retrenchment Committees had gone into the expenditure of the Meerut trial, they have made any suggestions for economy in connection with that trial?

**The Honourable Sir James Orerar:** I do not think, Sir, that arises from this question.

**COMMENT ON THE MEERUT CONSPIRACY CASE IN THE *Times of India Annual*.**

299. \***Mr. S. C. Mitra:** (a) Has the attention of the Honourable the Home Member been invited to an article in the *Times of India Annual* for 1930?

(b) Is it a fact that there is a reference in the article in question to the Workers' and Peasants' Party as a Communist organisation?

(c) Is it a fact that in 1929 the late Mr. Langford James, Special Public Prosecutor, Meerut Conspiracy Case, under instructions from his client the Government of India moved the Honourable High Court, Allahabad, for a writ of contempt of Court against Mr. Wilson the then editor of *Pioneer* as well as the Proprietors and publishers of the paper for the publications of certain comments in editorials?

(d) Is it a fact that one of the editorials complained against was a comment on the inclusion of a body called the Labour Research Department in the list of those persons and bodies submitted by the Prosecution before the Enquiry Magistrate as co-conspirators with the accused in the Meerut conspiracy case?

(e) Is it a fact that the Honourable High Court accepted the contention of the learned Special Public Prosecutor and fined the editor and publishers?

**The Honourable Sir James Crerar:** (a) and (b). I have not been able to trace any article in the *Times of India Annual* of the kind referred to.

(c) Yes, against the editor. The proprietors and publishers were not included in the plaint.

(d) Yes.

(e) The editor's apology was accepted. No action was taken against the publishers.

#### TRADE BALANCE OF INDIA.

300. **\*Lala Rameshwar Prasad Bagla:** Will Government be pleased to state what the position of the trade balance of India was during the last six months?

**The Honourable Sir George Rainy:** The Honourable Member is referred to the monthly volumes of the Sea-borne Trade Accounts, copies of which are in the Library. A summary statement of the balance of trade is included in the introductory pages of each of those volumes.

#### VALUE OF IMPORTS AND EXPORTS OF INDIA AND BURMA.

301. **\*Lala Rameshwar Prasad Bagla:** Will Government be pleased to lay on the table a statement showing the total value of imports and exports of India including Burma for the last five years, as also the total amount expended under the head "home charges" in each of such years?

**The Honourable Sir George Rainy:** The Honourable Member is referred to the sixty-fourth issue of the Annual Statement of Sea-borne Trade of British India, Volume I, the Monthly Accounts of the Sea-borne Trade for March, 1931 and Account Nos. 6 and 9 of the Finance and Revenue Accounts. Copies of all these volumes are in the Library.

**Mr. B. Das:** Is the Honourable Member aware that these publications are not now-a-days supplied to the Members of this House?



**The Honourable Sir George Rainy:** I did not say they were supplied.

**Mr. B. Das:** Is the Honourable Member aware that the books were used to be supplied in former days but now they are not supplied to us and so we cannot refer to them?

**The Honourable Sir George Rainy:** The Honourable Member is no doubt aware that we are living in an era of retrenchment.

#### CURRENCY AND EXCHANGE POLICY OF THE GOVERNMENT.

**302. \*Lala Rameshwar Prasad Bagla:** Are Government aware that there is a large body of public opinion in favour of the impression that the present currency and exchange policy of the Government is responsible for the present economic situation of the country?

**The Honourable Sir George Schuster:** Government believe that they have correct appreciation of the various currents of public opinion in this matter.

**Dr. Ziauddin Ahmad:** Is it not a question of opinion?

**The Honourable Sir George Schuster:** The question was whether Government was aware of certain state of public opinion and I think my answer is a sufficient reply to that question.

#### LOW PRICE OF SILVER.

**[303. \*Lala Rameshwar Prasad Bagla:** (a) Will Government be pleased to state if any communication regarding the economic condition to which the poor agriculturist has been reduced by the existing low price of silver, has been received by them from the International Chamber of Commerce in connexion with a similar question?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to lay on the table, for the information of the House, copies of correspondence in this connection between the said Chamber and Government?

**The Honourable Sir George Schuster:** (a) No.

(b) Does not arise.

#### EXPORT OF GOLD FROM INDIA.

**304. \*Lala Rameshwar Prasad Bagla:** (a) Will Government be pleased to state in round numbers the total value of gold exported from India since England has gone off the gold standard?

(b) Are Government aware that there is a strong impression in this country that Government are not putting any embargo on the export of gold primarily in the interests of Great Britain, even at the sacrifice of the financial and economic well-being of people of this country?

**The Honourable Sir George Schuster:** (a) Approximately 47 crores, to the end of January, valued at current prices.

(b) Government are aware that malicious attempts to produce such an impression have been made in certain quarters.

TRANSFER OF THE IMPERIAL INSTITUTE OF DAIRYING FROM BANGALORE  
TO KARNAL.

305. \*Mr. H. P. Mody: (a) Has the attention of Government been drawn to an article that appeared in the *Times of India* in December last, on the question of the transfer of the Imperial Institute of Dairying from Bangalore to Karnal?

(b) Is such a transfer under contemplation?

(c) If so, will Government be pleased to state what advantages, either from the point of view of economy or efficiency, are expected to accrue from the proposal?

(d) If the answer to part (b) is in the affirmative, are Government prepared to reconsider their decision, to disturb the Institute at Bangalore and disorganize the educational and other activities at present carried on at that Institute?

Sir Frank Noyce: (a) Yes.

(b), (c) and (d). With your permission, Sir, I will reply to parts (b), (c) and (d) of the question together. As a result of the recommendations of the General Purposes Sub-Committee of the Retrenchment Advisory Committee, it was originally decided that the three sub-stations of the Pusa Institute at Bangalore, Wellington and Anand should be abolished, the Karnal Cattle Breeding Farm alone being retained. This decision is, however, under re-examination in the light of certain important considerations which have since been brought to the notice of Government.

ADMISSION OF STUDENTS OF INDIAN UNIVERSITIES TO THE SOCIETY OF  
INCORPORATED ACCOUNTANTS AND AUDITORS, LONDON.

306. \*Mr. H. P. Mody: (a) Will Government be pleased to state whether their attention has been drawn to the special rules proposed for the admission of students of Indian Universities to the membership of the Society of Incorporated Accountants and Auditors, London, as a result of which the doors of the Society will be almost closed to Indian students?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state what action, if any, they propose to take to protect the interests of Indian students?

The Honourable Sir George Rainy: (a) and (b). The Government of India understand that certain revised regulations concerning Indian students have been made by the Society of Incorporated Accountants and Auditors, London. The matter is receiving their consideration.

DISPARITY OF SEXES AMONG INDIAN IMMIGRANTS IN THE MALAY  
PENINSULA.

307. \*Mr. S. C. Mitra (on behalf of Mr. Nabakumar Sing Dudhoria) Will Government be pleased to state:

(a) whether they are aware of a serious disparity of the sexes among the Indian immigrants in the Malay Peninsula;

- (b) whether there has been an earnest demand from the local Immigration Committee to remove that disparity of sexes at an early date;
- (c) whether they themselves recognised the importance of that situation for a long time; and
- (d) the causes for which they have so long desisted from devising ways and means for a solution of that problem?

**Sir Frank Noyce:** (a) The figures of Indian population in Malaya according to the census which was taken last year show that there were 48 females to 100 males. Separate figures for Indian labourers who have emigrated under the Indian Emigration Act are not available.

(b) Government have no information.

(c) and (d). The question of securing a proper sex ratio amongst Indian immigrant labourers in Malaya has been engaging the attention of the Government of India and they have granted from time to time temporary exemptions from the operation of rule 23 of the Indian Emigration Rules. The last exemption expired on the 31st December, 1931. The matter will be taken up for consideration again when emigration to Malaya, which has been stopped for the present, is resumed.

#### INCOME-TAX ASSESSMENTS IN BOMBAY.

**308. \*Bhai Parma Nand:** (a) Are Government aware that in Bombay the Income-tax Officer in certain assessments consults the appellate officer before fixing the final assessments?

(b) If Government are not aware, are they prepared to call for reports from various Provinces if such is the case there?

(c) In the meantime, do Government propose to direct that when the appellate officer has been consulted before the assessment the appeals should be referred to other authorities and not the authority previously consulted?

**The Honourable Sir George Schuster:** (a) to (c). The Central Board of Revenue has directed that Assistant Commissioners of Income-tax should avoid interfering in individual assessments, and that whenever for any reason an Assistant Commissioner has identified himself with an assessment, he should move the Commissioner of Income-tax to appoint him as Income-tax Officer in respect of that case, when the appeal will lie to the Commissioner. The Government have no reason to suppose that these orders are not being generally observed. The attention of Commissioners will, however, be again drawn to them. The Commissioner has no power as the law stands to transfer an appeal from one Assistant Commissioner to another.

#### EXAMINATION OF ACCOUNTS FOR INCOME-TAX ASSESSMENT.

**309. \*Bhai Parma Nand:** (a) Are Government aware that in Bombay and other places the present practice followed in examination of accounts for income-tax assessment is causing much resentment in the public mind?

(b) Is it a fact that about fifteen to twenty assesses are called before the chief examiner and they have to wait there indefinitely without any intimation as to when their cases are likely to be taken up?

(c) Are Government aware that the chief examiner with about twenty-five assistants sits down in one big hall and thereby destroys even the semblance of privacy?

(d) If so, do Government propose to direct that in future steps should be taken to observe strict privacy at the time of the examination of the accounts and the account-books?

**The Honourable Sir George Schuster:** The information is being obtained and will be furnished to the Honourable Member in due course.

#### WRITING OFF BAD DEBTS OF ASSESSEES.

310. **\*Bhai Parma Nand:** (a) Are Government aware that in Bombay and other places much dissatisfaction is felt about the rule followed by the income-tax authorities in the matter of writing off bad debts of the assessee?

(b) Is it a fact that there is no hard and fast rule laid down under the existing law for allowing the bad debts of a firm to be written off and deducted from the income of the assessee, and that the income-tax officer assumes himself to be the best judge whether the assessee should or should not write off bad debts?

(c) Do Government propose to direct that due regard should be paid to what the assessee finds necessary in the circumstances?

(d) Are Government prepared to have the rules so amended as to provide a sufficient safeguard in the interest of the assessee?

**The Honourable Sir George Schuster:** (a) The Government are aware that the point has been discussed from time to time when Members of the Central Board of Revenue have met bodies representing the business communities and that it has also on several occasions formed the subject of references to the High Courts.

(b) No.

(c) and (d). The question as to what discretion an assessee legally possesses, in regard to the time when he is entitled to write off a bad debt against his profits assessable to income-tax has been on several occasions before the Indian Courts, and various decisions not entirely consistent with one another have been given. An important case which raises this issue in a clear form is at present the subject of an appeal pending before the Privy Council. The Government will consider their future action in this matter when this appeal is decided.

#### INCOME AND WORKING EXPENSES OF BANKS AND FIRMS.

311. **\*Bhai Parma Nand:** (a) Are Government aware that the Banks, e.g., the Imperial Bank of India and other limited concerns are allowed over 70 per cent. of their gross income as working expenses whereas private firms and companies are not allowed even 20 per cent. of their gross income and even actual expenses are not allowed?

(b) Are Government prepared to direct that proper steps be taken to remove this anomaly?

**The Honourable Sir George Schuster:** (a) The Honourable Member's question is most obscure. I presume that it refers to income-tax assessment although this is not stated.

The legal position in regard to the expenses that can be claimed as a deduction in computing business income is clearly stated in section 10 of the Income-tax Act. If those provisions are not observed, any person aggrieved has statutory remedies under the Act, including a reference to the High Court and an appeal to the Privy Council.

I do not understand the Honourable Member's reference to percentages. Actual expenses are to be allowed, not arbitrary percentages of gross income.

(b) I have no reason whatever to suppose that the law on this subject is not observed. This part of the question, therefore, does not arise.

#### TENDERS FOR STONE FOR THE BHAKHAR DAM SCHEME.

**312. \*Bhai Parma Nand:** (a) Is it a fact that No. 23 Survey Party of the Government of India was engaged in making a survey for the Bhakhar Dam scheme?

(b) Is it a fact that in the month of June or July 1931 the officer-in-charge of the party invited tenders for the supply of 40,000 mark stones each weighing  $1\frac{1}{2}$  mds.?

(c) If the answer to part (b) is in the affirmative, will Government please lay a list of the names of persons who offered their tenders along with their rates?

(d) What are the names of the contractors whose tenders were accepted and at what rates?

(e) Are Government aware that the mark stones used in the district of Hissar at least are not according to the sample and can be had in the market each for a few annas?

**Sir Frank Noyce:** (a) Yes.

(b) Yes, but the weight of the stones was  $1\frac{1}{2}$  maunds and not  $1\frac{1}{2}$  maunds each.

(c) Altogether 78 tenders were received. The five lowest tenders and their amounts were as follows:

Ram Nath Sahgal, Delhi, Rs. 38,771.

Messrs. Lakshmi Chand & Co., Delhi, Rs. 39,065.

Seth Bakhtawar Singh, Kankhal, Rs. 40,379.

Messrs. Imrat Mall & Sons, Jullundur Cant., Rs. 40,677.

Chaudhari Ram Singh, Delhi, Rs. 42,349.

(d) Chaudhari Ram Singh's tender was accepted. It was higher than the other four I have mentioned, but was preferred as they were not considered to be as satisfactory in other respects.

(e) Government have no information, but enquiries are being made.

#### CENSUS FIGURES.

**313. \*Mr. Badri Lal Rastogi:** Will Government kindly lay on the table a statement, according to the last census or the census of 1921, showing, province by province:

(a) the total number of males and females;

- (b) the total number of literates and illiterates;  
 (c) the total number of male and female adults of or above the age of 21 years?

**The Honourable Sir James Crerar:** Complete figures for the 1931 Census are not yet available as regards (b) and (c) of this question. I therefore refer the Honourable Member to pages 76-82 of Part II—Tables, Volume I of the Census of India, 1921 and to the answer given to the Honourable Member's question No. 314.

PERCENTAGE OF EDUCATION AND PROPORTION ENFRANCHISED.

**314. \*Mr. Badri Lal Rastogi:** (a) Will Government please state the percentage of education per head of the population of each province of India?

(b) Will Government kindly state the total number of persons, male and female, who were enfranchised in the last electoral rolls of each and every provincial Legislative Council, together with its total population?

**The Honourable Sir James Crerar:** (a) If I correctly understand the Honourable Member, he wishes to know the percentage of literate persons. The figures for the recent Census are at present available only for the first five provinces in the following table. For the remaining five the percentages are taken from the 1921 census statistics:

Province.	Percentage.
Bengal . . . . .	9.3
United Provinces . . . . .	4.7
Punjab . . . . .	5.0
Central Provinces . . . . .	5.1
Assam . . . . .	7.5
Madras . . . . .	8.6
Bombay . . . . .	8.3
Bihar and Orissa . . . . .	4.5
Burma . . . . .	27.7
North-West Frontier Province . . . . .	4.3

(b) The electorate for each provincial Legislative Council is set out in the Returns showing the Results of Elections in India in 1929-1930, while statistics of the population of each province were published in Table A attached to Home Department Resolution No. F.-45/13/31-Public, dated the 19th September, 1931. Copies of the Return and the Resolution are available in the Library of the House.

STAMPS FOR LETTERS ADDRESSED TO POSTAL OFFICIALS.

**315. \*Mr. Badri Lal Rastogi:** (a) Will Government be pleased to state if stamps are now required to be affixed to letters that are addressed to the postal authorities?

(b) If the answer to part (a) is in the affirmative, since when has this rule come into force?

(c) How much income has accrued from this rule having been enforced upto 31st January, 1932?

**Mr. T. Ryan:** (a) Yes.

(b) Letters addressed to postal authorities have always had to be stamped except that complaints against the post office were transmitted free of postage until 31st December, 1931. From 1st January, 1932, the free transmission of complaints has been stopped.

(c) The information is not available.

#### NINE-PIE POSTCARDS AND SIXTEEN-PIE ENVELOPES.

**316. \*Mr. Badri Lal Rastogi:** (a) Will Government please state as to when the 9-pie postcard and 16-pie envelope will be available in the post offices all over India for sale?

(b) Are Government aware that in the absence of the new postcard and envelope the public are put to considerable vexation and trouble specially when their insufficiently stamped postcards are destroyed in the post offices without any knowledge on their part?

**The Honourable Sir Joseph Bhore:** (a) The 9 pies postcards are expected to be available for sale from the more important post offices early next month. No definite date can be given for the issue of 1½ anna envelopes but it will be as soon as possible.

(b) It is possible. But it may be added that post offices have instructions to affix quarter anna stamps to postcards before their sale to the public.

#### REDUCTION OF PAY OF SUPERINTENDENTS OF POST OFFICES.

**317. \*Seth Haji Abdoola Haroon:** (a) Is it not a fact that the pay of the Superintendents of Post Offices is reduced by ten per cent. and they are further reduced from first class to second class in regard to travelling allowance?

(b) Is it not a fact that the Superintendents of post offices enjoyed the privileges of 1st class officers since 1870?

(c) Are Government prepared to consider their position as first class officers?

**The Honourable Sir Joseph Bhore:** (a) and (b). Yes.

(c) Government regret that they are unable to reconsider their decision. All that has been done is to enforce the ordinary rule as to the classification of the officers for purposes of travelling allowance, and to discontinue the special exception of which they have been given the benefit in the past.

#### IMPORTATION OF WOOD PULP INTO INDIA.

**318. \*Kunwar Raghubir Singh:** (a) Will Government be pleased to state if they are aware that large quantities of wood pulp are imported into India without protective duty and it is killing the sabai grass industry of India?

(b) Have Government considered the question of levying a duty on foreign wood pulp?

(c) Are Government prepared to consider the question of protecting the sabai grass industry; if not, why not?

**The Honourable Sir George Rainy:** I would refer the Honourable Member to the Tariff Board's Report on the Paper and Paper Pulp Industries, the Commerce Department Resolution No. 202-T. (28), dated the 3rd February, 1932, copies of which have been supplied to him, and to the Bamboo Paper Industry (Protection) Bill now before the House.

# UTILISATION OF FINE FUNDS ON RAILWAYS.

**319. \*Kunwar Raghubir Singh:** Is it a fact that the fine fund in railways is utilised more for Anglo-Indians' education than for Indian railway employees' boys?

**Sir Alan Parsons:** Information is available for the year 1925-26 only. In that year recurring expenditure on railway schools was met from Fine Funds to the amount of Rs. 11,831 for European railway schools and Rs. 30,397 for Indian railway schools.

**Mr. N. M. Joshi:** May I ask whether the fines fund is looked after by any committee including the representatives of workers?

**Sir Alan Parsons:** I hardly think that that arises out of this question, Sir.

**Mr. N. M. Joshi:** It arises out of the question in this way: the question is what is the proportion; and there is evidently a complaint that more money is spent on certain objects than ought to be the case. I wanted to know whether there is any provision for seeing to the proper distribution of the fines fund.

**Sir Alan Parsons:** My submission is that the Honourable Member is asking about the form of the administration of the Fines Fund: the main question is about the distribution of revenue in the fines fund.

**Mr. K. Ahmed:** In view of the fact that only Rs. 30,000 is spent for Indian Schools while Rs. 11,000 is spent for the European Schools, do Government propose for the benefit of the people who mainly contribute to the fund to utilise this money with the help of a committee which will handle it better than the railway staff themselves, including the Honourable Member?

**Sir Alan Parsons:** My previous submission equally applies to this supplementary question: I have no objection, however, to explaining, that we have entirely reorganised the administration of the fine fund.

**Dr. Ziauddin Ahmad:** Is the amount of fine credited in the income and the amount shown in the Railway Budget?

**Sir Alan Parsons:** I think not.

**Dr. Ziauddin Ahmad:** I want to know the fact, whether it is so or not.

**Sir Alan Parsons:** The Honourable Member must then give notice. I cannot be expected to retain in my memory these petty details of railway accounts.



## EMPLOYMENT ON RAILWAYS OF SONS OF RAILWAY SERVANTS.

320. **\*Kunwar Raghubir Singh:** Is any preference shown to candidates for Railway service who are sons of Railway employees, and if not, why not?

**Sir Alan Parsons:** A preference is given *vide* rule 63 of rules for the recruitment and training of subordinate staff on State-managed railways, a copy of which is in the Library.

## FREE PASSES FOR CHILDREN OF RAILWAY EMPLOYEES.

321. **\*Kunwar Raghubir Singh:** Is it a fact that in other State Railways free passes for daily use for the children of Railway employees are issued whereas in the East Indian Railway old servants are allowed only two sets of passes in a year? Why is there this difference?

**Sir Alan Parsons:** I regret that I am unable to see any correspondence between the passes issued by the East Indian Railway Administration to its retired employees for their own use, and those issued by other railways to the children of serving employees to enable them to go to school.

## LEAVE AND PASSES FOR PORTERS OF THE EAST INDIAN RAILWAY.

322. **\*Kunwar Raghubir Singh:** Will Government please state why no leave nor passes are given to porters in the East Indian Railway?

**Sir Alan Parsons:** Porters who are employees of the railway are entitled to leave and passes under the leave and pass rules in force on the East Indian Railway.

## REGULATIONS FOR THE ARMY IN INDIA RESERVE OF OFFICERS.

323. **\*Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to paragraph 7 (b) of the Regulations for the Army in India Reserve of Officers, 1926 (page 3), which runs thus:

“Other previous King’s commissioned service in any branch of His Majesty’s British India or Dominion naval, military (including the Auxiliary Force, India, and the Indian Territorial Force, or air forces whether regular or otherwise) will count in full”?

(b) Has the attention of Government been drawn to paragraph 7 (b) of the Regulations for the Army in India Reserve of Officers, 1928, in which the expression “the Indian Territorial Force” has been deleted, with the result that *ex*-Indian Territorial Force officers are excluded from appointment to the Reserve? If so, why?

(c) If such officers are not excluded from appointment to the Reserve why the expression “the Indian Territorial Force” has been deleted from the Regulations of 1928, referred to in part (b) above? If they are eligible how many of such officers have been appointed up to date in the infantry, etc., category of the Army in India Reserve of Officers?

(d) Do Government propose to amend Regulation 5 (b) of the Regulations for the Army in India Reserve of Officers, so as to make *ex-Officers* of the Indian Territorial Force, holding a Government appointment of non-gazetted status eligible for the Reserve? If not, why not?

**Mr. G. M. Young:** (a) The regulations in question were framed and issued by Government.

(b) and (c). The Regulations of 1928 also were framed and issued by Government. The correction was made because, formerly, officers of the Indian Territorial Force did not hold King's Commissions. The revised Regulations however refer to seniority in the Army in India Reserve of Officers, and do not exclude an *ex-officer* of the Indian Territorial Force from appointment to the Reserve of Officers. The information asked for in the latter part of (c) is not available, and could not be complied with-out a disproportionate expenditure of time and labour.

(d) No amendment is required to Regulation 5 (i) (b) as *ex-officers* who have held the King's Commission in the Indian Territorial Force will now be eligible for appointment to the reserve under Regulation 5 (i) (a) whatever their civil status may be.

**EMPLOYEES OF THE NORTH WESTERN RAILWAY RETRENCHED.**

324. **\*Shaikh Fazal Haq Piracha:** Will Government be pleased to lay on the table of this House, a statement in the tabular form (given below) showing figures of the employees on the North-Western Railway, that have come under reduction, in effecting retrenchment?

I Salary drawn.	II No. of persons come under reduction, and drawing salaries as shown in column No. I.				III Total.	IV Percentage of <i>Misal-</i> <i>mans</i> turned out of Service.
	Hindus.	Sikhs.	Christians.	Muslims.		
(1) Rs. 20 and below:						
(2) Rs. 21 to Rs. 50:						
(3) Rs. 51 to Rs. 100:						
(4) Rs. 101 to Rs. 250						
(5) Rs. 251 to Rs. 500						
(6) Above Rs. 500						

**Sir Alan Parsons:** A statement giving the available information is laid on the table.

*Statement showing the number of employees discharged on North Western Railway during the recent economy campaign.*

Railway.	Gazetted officers.	Subordinates on scales of pay rising to Rs. 250 and over.	Employees on scales of pay rising to Rs. 100 and over but less than Rs. 250.	Employees on scales of pay rising to Rs. 30 and over but less than Rs. 100.	Employees on scales of pay rising to less than Rs. 30.	Total subordinates.	Remarks.
North Western Railway .	15	7	65	2,465	6,716	*9,253	

*Information of retrenchment by communities.*

*Europeans . . . . .	2
Anglo-Indians . . . . .	22
Hindus . . . . .	2,894
Muslims . . . . .	5,706
Others . . . . .	629
Total . . . . .	9,253

**RETRENCHMENT OF MUSSALMAN EMPLOYEES ON THE NORTH WESTERN RAILWAY.**

**325. \*Shaikh Fazal Haq Piracha:** (a) Are Government aware that the Mussalman employees on the North Western Railway have been hard hit in effecting retrenchment and no sympathy was shown to them, by the officers concerned?

(b) Were any instructions issued by Government to the heads of the various Railway Departments, that in the matter of reduction, special consideration should be shown in case of Mussalman employees, in order to keep their fair percentage in the Railway Departments? If not, why not?

**Sir Alan Parsons:** (a) Any scheme of retrenchment must necessarily cause a certain amount of hardship to the employees.

The reply to the latter part of the question is in the negative.

(b) The instructions issued by Government to Railway Administrations were to the effect that all practical steps should be taken to see that the unfortunate necessity for reducing staff does not operate to the detriment of communities not at present adequately represented in railway services.

**MEMBERS OF THE LEGISLATIVE ASSEMBLY NOMINATED TO RETRENCHMENT COMMITTEES.**

**326. \*Mr. M. Maswood Ahmad:** Will Government please state the names of the various Retrenchment Sub-Committees, showing therein:

- (1) the number of those elected Members of the Assembly who belong to one or the other party of the Assembly and who were nominated to each of these committees; and
- (2) the number of unattached Members of the Assembly who were nominated to each of these committees?

**The Honourable Sir George Schuster:** A statement is laid on the table.

*Statement showing the classification of the Elected Members of the Legislative Assembly who served on various Retrenchment Sub-Committees according to Parties.*

Name of Sub-Committee.	Nationalist Party.	Independent Party.	European Group.	United India Party.	No Party.
Army Retrenchment Sub-Committee.	1	1	..	..	1
Railway Retrenchment Sub-Committee.	1	1	1		1
Posts and Telegraphs Retrenchment Sub-Committee.	1	1	..	1	..
Stores, Stationery and Printing Retrenchment Sub-Committee.	2	..	..	..	1
Public Works and Accounts and Audit Retrenchment Sub-Committee.	1	..	1	..	..
General Purposes Retrenchment Sub-Committee.	1	4	1	..	..
Total	7	7	3	1	3

# MOTION FOR ADJOURNMENT.

## PUBLICATION IN THE PRESS OF THE ASSEMBLY SPEECHES.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I have received a notice from Mr. C. S. Ranga Iyer that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows:

"The unsatisfactory reply of the Honourable the Home Member to a question of Sardar Sant Singh, M.L.A., regarding the publication in the press of the Assembly Speeches."

I should like to ask the Honourable Member to explain why he considers this to be an unsatisfactory answer and how it is a definite matter of urgent public importance.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I shall first deal with the latter part of your question, namely, how it is a definite matter of urgent public importance. The matter is definite. The question that my friend Sardar Sant Singh put was a definite question and the answer that the Honourable the Home

[Mr. C. S. Ranga Iyer.]

Member gave was equally definite. This is the answer that he gave I read from the official report:

"No rules or orders of the kind suggested by the Honourable Member have been issued. The right of free speech secured to Honourable Members of this House by section 67 (7) of the Government of India Act is not affected by any Ordinance. I would, however, point out that the protection afforded by the section does not extend to the publication of reports by newspapers of which the liability is determined by the ordinary law, including the Press Act of 1931, and by the provisions of the Ordinances—in particular by section 63 of Ordinance No. II of 1932."

Sir, the urgency arises from the fact that the question was answered by the Honourable the Home Member at the last meeting of the Assembly.

**Mr. President:** The Honourable Member need not dilate on that aspect of the matter: I accept that it is urgent.

**Mr. C. S. Ranga Iyer:** Therefore the only point is the unsatisfactory character of the reply; and I shall prove in the first place that the Honourable the Home Member applied two laws to publications in the Press of proceedings in this House, not only the ordinary Press Act which was duly considered by the Select Committee and passed on the floor of this House, but also the Ordinances which have not been brought before this House. There he is applying the Ordinances to the speeches to be published outside—Ordinances which have amended the Press Bill. Secondly he pointed out that he was relying on May's "Parliamentary Practice": I would refer the Honourable the Home Member to May's Parliamentary Practice, p. 109, which speaks of the privilege and the protection of debates, where it says:

"The privilege which protects debates extends also to reports and other proceedings in Parliament. In the case of *Hex. v. Wright*, Mr. Horne Tooke applied for a criminal information against a bookseller for publishing the copy of a report made by a Commons' Committee, which appeared to imply a charge of high treason against Mr. Tooke, after he had been tried for that crime and acquitted."

"The rule, however, was discharged by the court partly because the report did not appear to bear the meaning imparted to it"—(and what follows bears out my point).—"and partly because the court would not record the proceedings of either House of Parliament as a libel."

and therefore the Honourable the Home Member's statement about the application of the Press Act as amended by the Ordinances without the permission of the House is a violation of what is subsequently stated in May's "Parliamentary Practice". Secondly, there is also another observation in May's "Parliamentary Practice" to which I would respectfully invite your attention.

"The publication of debates of either House has been repeatedly declared to be a breach of privilege, and especially false and perverted reports of them; and no doubt can exist that if either house desire to withhold their proceedings from the public, it is within the strictest limits of their jurisdiction to do so, and to punish any violation of their orders."

So long as the House sits as an open House, so long as its procedure is not withheld from the public, and so long as the proceedings of the House are published in the Government publications which are available for five annas, I do not see why the same thing should not be made available to the public for one anna or less by its being published in the

newspapers, and therefore, Sir, I consider the statement of the Honourable the Home Member is not only a violation of the rights of this House, but a restriction of the privileges of this House by applying the Ordinances to speeches delivered in this House.

**The Honourable Sir James Ozerar** (Home Member): Mr. President, I propose to restrict myself entirely to the point of order. I think it is clear that the issue raised in the Honourable Member's motion, and it is even more clear after the remarks which have fallen from him, that the real issue involved in his motion is not whether my reply was satisfactory or not, but whether the state of the law to which he referred is satisfactory or not. That being the case, I submit that the matter is not one which can be regarded as a specific matter of recent occurrence within the meaning of rule 12. Obviously no statement of mine made in reply to a question could possibly affect the law or its operation in regard to any matter, whether inside or outside the walls of this House. The real issue which the Honourable Member's motion raises is that the state of the law is, in his opinion, unsatisfactory and that, I submit, is not a recent matter within the meaning of the legislative rules.

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Sir, whatever may be the side issue of the question raised here, I do not mind telling the Honourable the Home Member at once that he relied on a certain authority and quoted "May's Parliamentary Practice", while my friend the Deputy Leader of the Nationalist Party also quoted from the same authority and pointed out just now that the Home Member's quotation was a misapplication, and therefore instead of saying whether the answer that was given was satisfactory or not, we must point out that the Honourable the Home Member's authority was wrongly quoted and it was a misapplication of the law to the point at issue, because the statement made by my Honourable friend Mr. Ranga Iyer has been supported by May's "Parliamentary Practice". I want therefore that full satisfaction should be given to the House and the Honourable the Home Member should revise the answer. ("Hear, hear" from the Nationalist Benches.)

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): At this stage the only point that is relevant is the privilege of the House. The question and the answer given by the Honourable the Home Member have only focussed the mind of this House upon the main question as to what is the privilege of the House in relation to the proceedings of this House. That is a short question. Now, Honourable Members will find that under the circular issued by your predecessor and under the rules which that circular lays down, the admission to the Press Gallery will be given only on condition that certain disciplinary action would be acceded to, and further that a fair report of the proceedings will be published in the newspapers. That being one of the conditions for the admissibility of reporters to the Press Gallery, it becomes an integral part. That is the first point. We have, therefore, a rule made by you, Sir, that everybody who comes to the Press Gallery, *inter alia* is under a duty to publish a fair report of the proceedings of this House. That being the case, the Parliament has laid down in the House of Commons in the two passages referred to by my friend the Mover of this motion that the proceedings of the House are so privileged that even if they amount to defamation of a man's character, that privilege extends to the newspaper which publishes the proceedings of the House outside the House. That

[Sir Hari Singh Gour.]

being the extent of the privilege, the question arises whether by the enactment of the Ordinances that privilege has not been violated or departed from. That is the whole question. Now, I do not think the Home Member will for one moment contend that when we enacted the Press Act in the last session of this House we laid down certain rules. Over and beyond the Press Act the Ordinance has now laid down certain other rules, and if those rules impinge upon the privilege of the House, it is for this House to take cognisance of its privileges and of that part of the Ordinance. Therefore, it is a matter both of public and of urgent public importance.

One more fact to which I wish to draw the attention of the Honourable the Home Member himself, and I am sure he will concede in all fairness that point; it is this. We are all here as representing our constituencies, and the only means of contact between ourselves and our constituencies is the medium of the Press. Therefore, if our doings in the Press are not fairly published in the Press and brought to the notice of our constituents, that will derogate from the representative character we possess in this House. Bills and measures are passed every day; we get telegrams from our constituents as to what action we should take, and when we make speeches for and against a particular measure or a particular Bill, we get immediately the approval or disapproval of our constituents. If, therefore, you are to draw a screen between this House and our constituents, you would be very seriously curtailing the right of the elected Members to discharge their duty in this House. Therefore, the question becomes not merely a question of the interpretation or the *intra vires* character of any of the Ordinances, but it raises the much larger question affecting the very existence of the Indian constitutional rights of the Members of the popular Chamber and the rights of the people to guide, watch and control our action. From another point of view the position is exactly the same. There are the representatives of the Press and the public admitted to this House, so that they may watch our proceedings, and they may be able to approve or disapprove of them. If you were to shut out this fair criticism upon our action, can you say that it would not diminish the authority we possess of speaking in the name of the various constituencies in whose name and on whose behalf we appear in this House? That, I think, is a question which raises a very wide issue, and I would ask the Honourable the Home Member seriously to consider that aspect of the case.

**Mr. Arthur Moore** (Bengal: European): Sir, I think the real question at issue is whether the Honourable the Home Member has correctly stated the present state of the law in India as a result of the passing of the Ordinances. If he has,—and personally I believe that he has—then I do not see that the subject can be dealt with by the procedure of adjourning the House. My friend Mr. K. Ahmed has suggested that the Honourable the Home Member relied upon Sir Erskine May's "Parliamentary Practice". My recollection is that it is not so. The Honourable the Home Member stated the law in India. He was then asked a supplementary question by Mr. Lalchand Navalrai as to whether such a state of things existed in any other country, and he replied that it did, and as Mr. Lalchand Navalrai also mentioned England, he replied that that existed in England, and for that purpose he alluded to Erskine May. There

I submit that the Honourable the Home Member was incorrect ("Hear, hear" from Nationalist Benches), and I think that my Honourable friend Mr. Ranga Iyer's statement is more correct as regards the procedure in England. But as I understand the Home Member I take it that he is not likely to be wrong about the procedure in India. He has told us what is the state of the law in India. I may agree with my Honourable friend Mr. Ranga Iyer that it is not reasonable that this House should be allowed to publish its debates and can give them to the public without let or hindrance, whereas if a newspaper does the same thing it would be liable. But I submit that, that being the state of the law—and that has been the state of the law for some six weeks—the question cannot be urgent or suitably dealt with by a motion for the adjournment of the House.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran: Non-Muham-  
madan): Don't you agree with the view of the *Statesman* this morning?

**Sir Abdur Rahim** (Calcutta and Suburbs: Muhammadan Urban): I do not think that a matter like this requires very much of a debate. My Honourable friend, Mr. Moore, has told us that the Honourable the Home Member must have taken into account the Ordinances when he replied to the question the other day. Does that mean that the Ordinances apply to this House also? If that is so, let us have it plain and plump from the Honourable the Home Member. When I read the Ordinances I thought myself that they were wide enough to apply to the debates of this House and to the conduct of the Members of this House. I further thought that perhaps the Government would announce that the Assembly should be suspended for the time being until the condition of things in their opinion improved in the country. But if the Assembly is to go on with its functions, then I do not see how it can be said that the Government will not allow the debates in this Assembly to be published fully by the newspapers. Sir, you have got the power, if there is any speech, which is irregular or seditious made in this House—you can stop it, and the House has got the power to stop the publication of its proceedings if it thinks that it is advisable to do so in the public interest. But I do submit that the Government have no right to stop the publication of the speeches of Honourable Members simply because they think that in their opinion it will not serve the public interest. If the debates are not allowed to be published, then the position will be reduced to this. This House will be turned into a mere school debating society, as was mentioned by one Honourable Member not long ago. We are here not only to speak to the Government Benches opposite, but to speak to a wider audience, the public. This is our privilege, this is our right, and this is our duty. We have been sent here for that very purpose, and if we fail in that, if our speeches are not fully reported, then we fail to exercise the very duty to perform which we have been deputed by the people to this House. It will be depriving this House of its only useful function if the Government are to interfere and censor the speeches which are delivered in this Assembly. (Applause.)

**The Honourable Sir George Rainy** (Leader of the House): I only desire to say a very few words, Mr. President. The first point that I would make is this. That every word that has fallen from the Leaders of the two parties opposite has confirmed the accuracy of what my Honourable



[Sir George Rainy.]

friend the Home Member has said, that their view point is not that his answer was unsatisfactory but that the state of the law is unsatisfactory. My Honourable friend, Mr. Moore, pointed out that the only point in the answer which has been criticised is the statement as to the law in England, and that the accuracy of the statement of the law in India had not been challenged. That being so, I submit that the matter to which my Honourable friend Mr. Ranga Iyer wishes to direct attention does not really arise from the answer given by my Honourable friend but from circumstances antecedent to it. Now, Sir, my Honourable friend, Sir Abdur Rahim, enquired whether the Ordinances affected what went on inside this House. I should like to point out that in the answer my Honourable friend gave he expressly stated that the freedom of speech conferred upon the Members of this House by the Government of India Act was not affected by the Ordinances. I think that is so,—I am speaking from memory, Mr. President, but I believe that is so. That, therefore, removes all doubt about that point. I think that it is unnecessary for me to say more. The short point which I wish to re-emphasise is this, that what Honourable Members wish to raise is a question about the unsatisfactory state of the law and that that does not arise out of my Honourable friend's answer, because quite clearly the law is what it is, and no statement that my Honourable friend might make could affect the state of the law. (Applause.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): I do not think any further discussion is necessary. I should like, before giving my ruling as to the admissibility of the motion, to point out that the answer which Mr. Ranga Iyer read out was to the following question. It was a starred question by Sardar Sant Singh enquiring "if under any Ordinance or rules made or orders issued by the executive authority newspapers could be penalised for publishing reports of the proceedings of the Legislative Assembly". In that question there is no reference whatever to the ordinary law of the land. The question was specifically put whether under any Ordinance or rules made or orders issued by the executive authority, newspapers could be penalised for publishing the reports of this House. To that question, which was restricted to Ordinances and not to the ordinary law, the answer given was that "Under the Government of India Act no speeches in the Assembly can be penalised". If the Honourable Member had merely stated, as he did, that "the answer to (a), (b) and (c) was that no rules or orders of the kind suggested by the Honourable Member have been issued"—it would have been a complete reply to the question put and there would be nothing to which objection could have been taken but the Honourable Member goes on with his reply to say that the right of free speech secured to Honourable Members of this House by section 67 (7) of the Government of India Act is not affected by any Ordinance. I would however point out that the provisions of the section (this should be borne in mind) do not apply to the publication of reports by newspapers of which the liability is determined by the provisions of the law, including the Indian Press Act, 1931: I do not think any exception can be taken to this part of the reply either, but the real difficulty arises by the following further statement made by the Honourable Member "and by the provisions of the Ordinance in particular, by section 63 of Ordinance No. II of 1932". Before I proceed further with the various points urged I should like to ask the Honourable Member whether he is prepared to make a statement now, that so far as

the publication of the proceedings of this House in the newspapers is concerned no Ordinance will affect them. If the Honourable Member is prepared to make that statement, then I think I would ask the Honourable Member, Mr. Ranga Iyer, to withdraw the notice of the adjournment motion which he has given. Let me make it perfectly clear that the ordinary law does apply, and this motion does not affect the ordinary law applying to the publication of the proceedings of the House. The only question is whether by Ordinances a new departure has been made in regard to the publication of the proceedings of this Honourable House. If the Honourable Member is prepared to make that statement, I think matters will be satisfactorily settled. If he is not, I will proceed to deal with the various arguments that have been advanced.

**The Honourable Sir James Orerar:** I think, Mr. President, the enquiry which you have addressed to me raises two questions, firstly, what is the actual effect of the law (because the Ordinance is a law), and secondly, how the courts would apply it. Now, I cannot make an authoritative statement as to the precise legal effect of an Ordinance. It is obviously a question, if and when the case arises, for the interpretation of the courts and I cannot possibly take upon myself to say authoritatively either what is the effect of the law or what would be the view taken upon it by the law courts. That is beyond my province.

**Mr. President:** The Chair is entitled to ask the opinion of the Law Member of Government who fortunately is present here. I should like to ask him whether he would be pleased to enlighten the House as to whether the issue of the Ordinances makes any difference in the matter of the publication of the proceedings of this House in the newspapers.

**The Honourable Sir Brojendra Mitter** (Law Member): I have been taken somewhat by surprise and I should like to consider the matter. I have not looked into the matter closely except for what I have heard on the floor of the House today.

**Mr. President:** Having regard to the great importance of the subject, I would ask the Honourable Member Mr. Ranga Iyer not to press his motion today. I will accept it for tomorrow after I have been able to consider the opinion of the Law Member of the Government of India.

**Mr. C. S. Ranga Iyer:** I respectfully bow to your suggestion and I request that this motion for adjournment may be taken up tomorrow.

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## THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL—*contd.*

**Mr. President:** The House will now proceed with the further consideration of the following motion moved by the Honourable Sir James Orerar on the 5th February, 1932:

"That the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, be referred to a Select Committee consisting of Mr. C. S. Ranga Iyer, Mr. Amar Nath Dutt, Mr. D. Sitaramaraju, Mr. Abdul Matin Chaudhury, Mr. Arthur Moore, Rao Bahadur S. R. Pandit, Mr. Muhammad Anwar-ul-Azim, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

[Mr. President.]

to which an amendment has been proposed by Mr. Amar Nath Dutt, namely, that his own name be omitted from the Select Committee, that the name of Sir Hari Singh Gour be added to the Select Committee and that the name of Diwan Bahadur Harbilas Sarda be added to the Select Committee.

**Mr. C. S. Ranga Iyer:** Sir, I wish a lead had been given on this motion by the Leader of the Independent Party instead of his Deputy Leader. Anyway I hope to wait to hear the Leader of the Independent Party in this matter because, alike by his ability and wide administrative experience and his close contact with men and things in Bengal, and the large space that he fills in this country as a distinguished lawyer and distinguished politician, his opinion would be worth having whether, and if so why, we should support this motion for reference to Select Committee and toe the line before us of Diwan Bahadur Mudaliar who is unfortunately not here and whose speech I shall therefore leave out of consideration. (*Sir Cowasji Jehangir*: "Why?") For the simple reason that I wish he was here to hear what I have got to say on his speech. And, Sir, there are more important aspects on which we could concentrate, namely, the observations of the Honourable the Home Member on the motion before this House. In the course of his speech, the Honourable the Home Member mentioned that a certain number of outrages had been perpetrated ever since the Criminal Law Amendment Act had been in existence and ever since this supplementary Bill had been before this House and circulated for opinion. Since the consideration of this question, there has been unfortunately a very shocking outrage perpetrated in Bengal when His Excellency the Governor was the guest of the University and was delivering his Convocation address. Speaking for myself and every one seated on this side of the House, we condemn that outrage in unequivocal language and extend our sympathy and our congratulations to His Excellency the Governor for his providential escape. We do not sympathise with the terrorists; and even a class of people who according to Anglo-Indian newspapers and European non-official Members in this House are supposed to have been sympathetic to the terrorist movement, even that section has in strong and unequivocal language condemned this outrage, thereby showing that the insinuations and suggestions levelled against them in and outside this House have been untrue, unreasonable and unjust. The *Liberty* of Calcutta, which is a leading Congress organ, commenting on this outrage under the heading "A horrible outrage" says, "The Senate Hall of the University of Calcutta has been desecrated". It is a Congress paper, and in view of the statements made by the Honourable the European Members in this House, I think it is just as well that I should place on record here the opinion of a class of people who have been grossly and repeatedly misrepresented on the floor of the House.

Sir, the *Liberty* of Calcutta goes on to say:

"While His Excellency Sir Stanley Jackson, the Chancellor of the University, was delivering the Convocation address at the Senate Hall, he was shot at by a woman graduate. Fortunately, the assailant missed her aim and His Excellency escaped unhurt. The incident will send a thrill of horror over the whole country. It received horrible prominence from the fact that the assailant was of the fair sex, and the horror and indignation will be the greater on that account. Violence retards the pace of constitutional development. Every single act of revolutionary terrorism strengthens the hands of the Diehard opposition. Whether on ethical grounds or from the point of view of expediency, revolutionary terrorism and violence stand condemned."

I need not read more from that newspaper, but the whole article is written in that strain without a single qualification. Another Congress organ, Sir, the *Advance* of Calcutta, whose inspirer was arrested before his landing in Bombay, says:

"We are deeply aggrieved at the dastardly attempt made yesterday on Sir Stanley Jackson while he was delivering his Convocation address in the Senate House, and when we say this we represent the voice of the whole of Bengal. It was a senseless act and a heinous and cowardly crime," and so on and so forth.

Sir, I need not multiply quotations. Having made the position of every section of the Indian public, be they representatives of the Left Wing of Congress or the Right Wing of the Congress, having made our own position clear in regard to these outrages with which no constitutionalist or for that matter civil disobedience enthusiasts can have any sympathy, I should like to put this proposition before this House, whether the writings I have referred to are an abetment and encouragement of revolutionary criminality in Bengal or calculated to abate the tendencies of people towards revolutionary crime.

Sir, the very simple fact that, since the introduction on the Statute-book of the Criminal Law Amendment Act terrorist crimes have not decreased in number shows that there would be no necessity for us to supplement the Criminal Law Amendment Act. We had, Sir, Sir Muhammad Yakub and Sir Abdulla Suhrawardy, in language much stronger than the language which we are accustomed to hear—language which was quoted by one of them a member of one of the committees to which both the gentlemen have the honour to belong and this was placed on record—repudiating this Bill; and both these two eminent gentlemen were subsequently knighted, presumably for the speeches that they delivered on the floor of this House, and I do not think therefore it is necessary for us to condemn it sufficiently from this side of the House.

My strongest condemnation of this proposition is based upon the opinion of the Assam Government, expressed over the signature of none other than that of the Chief Whip of the Government in this House, and that opinion is sufficient to put one on his guard against giving any kind of support or sympathy to the Honourable the Home Member so far as this particular Bill is concerned. This, Sir, is what the Assam Government have stated in this matter. I would ordinarily not have taken notice of the opinion of backward Assam but for the fact that this opinion is shared by an eminent personage, none other than Mr. Cosgrave, who is not only the Chief Secretary to the Government of Assam but is also the Chief Whip of the Government of India in this House. To begin with, this is what he says:

"As regards the practical application of the Bill if passed. His Excellency in Council, while realizing the necessity of reciprocity in the matter of the transfer of prisoners from one province to another, anticipates difficulties in the matter of accommodating detenus in the jails of his province."

Therefore even the Assam Government do not accept the very kindly invitation of the Honourable the Home Member. The Assam Government are in the same boat with other Provincial Governments as a result of which the Honourable the Home Member, Sir, had to invoke the sympathy of Diwan Bahadur Harbilas Sarda by making his own territory the dumping ground of unwanted detenus. Sir, Mr. Cosgrave on behalf of the Assam Government, goes on to say:

"The latter is a long way below the standard prevailing in the other provinces" (that is, his own provincial jail) "and it would not be possible to guarantee the safe custody of dangerous or desperate individuals."

[Mr. C. S. Ranga Iyer.]

Sir, I do not for a moment concede that these individuals are either "dangerous" or "desperate". I do not accept either the opinion of the Honourable the Home Member in this matter or of the Chief Whip of the Government. Those who are not proved to be dangerous, are not dangerous in the eye of the law. Those who are not proved to be desperate, are not desperate in the eye of the law, and we are dealing with people who are not criminals but detenus, men who have not been proved to be guilty in a court of law but are detained, the same class of men whom you put under Regulation III of 1818. And now by the amendment that the Honourable the Home Member wants to bring in he wants the advantages of Regulation III of 1818 for the purposes of the Criminal Law Amendment Act, because under the latter Act, without the barring of the *Habeas Corpus*, it will not be possible for the Government of Bengal to send down their detenus to any province they like, whereas under Regulation III of 1818 the Government of India have the power to send down their detenus to any uncomfortable or uncongenial place they choose, to expose them to conditions and disabilities different from those to which they are accustomed to in their own province and which are unknown to the province in which they are to be detained. This was the point that Sir Muhammad Yakub made with his usual feeling, and in feeling terms. He spoke of climatic conditions, he spoke of food considerations and he spoke of various other matters in regard to transferring prisoners from one province to another. I will not be a party, Sir, to giving the Honourable the Home Member the permission that he seeks for introducing into this Criminal Law Amendment the powers of Regulation III of 1818 and my reason for doing so is very simple. Time and again this House has thrown out Regulation III of 1818, and we denounced in Resolutions that primitive Regulation which Lord Morley described as a 19th century rusty weapon: and now we refuse to give the Government of India the right that they have under Regulation III of 1818, and we would ask them, if they so choose, not to give the advantage existing under the Regulation to this particular amendment but, if they have the courage—I do not deny they have the courage—if they have any desire to treat them as Regulation prisoners, very well let them do so by proceeding against them under that Regulation instead of taking under this Bill the advantage of that Regulation. Now I shall revert to Mr. Cosgrave's opinion. This is what he says;

"I am to state that in the opinion of His Excellency in Council the proper place for such desperate terrorists" (an objectionable phrase as I shall presently prove for detenus) "as cannot be kept in their own province is the Andaman Islands."

That phrase is objectionable because there is no proof before the country, there is no proof in any court of law that they are terrorists; and unless I know that a man is a terrorist or a woman is a terrorist and is proved to be a terrorist, I cannot accept the police documents which are dead documents. Every document which is not scrutinized and examined in a court of law is a dead document. Government by Ordinances is as mad as it is bad. The counter-terrorism of the Government is as bad as the terrorism of the terrorists. Administration through Ordinances which are going to be applied even to the speeches delivered on the floor of this House, unless I hear the Honourable the Law Member pronounce to the contrary, is one form of terrorism. The other form of terrorism is the thing that we have been denouncing from this side of the House just as we have been repudiating the administration through Ordinances. Sir, the Honourable the

Chief Whip of the Government has had the audacity to say that these men should be transported to the Andamans, men who have not been proved to be guilty. Bengal, they think, is a revolutionary province and in Bengal there are objectionable Congress people, inconvenient Congress people, the class of people to which the Editor of the *Liberty* of Calcutta belongs and to which the Editor of the *Advance* of Calcutta belongs, people who have condemned openly and strongly the revolutionary terrorists' policy. If an opportunity were given to the detenus to condemn terrorism, many of them would come forward and condemn it. They have been put in prison and have been denied their liberty because a few policemen of Calcutta are panic-stricken. I know Calcutta is in a difficult position. I know there is revolutionary terrorism in Bengal but the cure for that terrorism is not to get hold of anybody and everybody you suspect and declare them terrorists and send them to the Andamans. If the police have got evidence against these people, why should they not produce it before a court of law? Any evidence that is not tested before a court of law is no evidence at all. Why should they not produce evidence even before the Ordinance courts? They proceed against these people and then they are unwilling to test the evidence. Unless they do so, I am perfectly justified in saying from this side of the House that their pretensions are hollow, because we do not accept the words of the police or the words of the representative of the police on the floor of this House, namely, the Home Member. He is pleading for people and he is talking about documents which he may have seen or may not have seen but which have not been produced before this House, which we have not had the opportunity to see, which no responsible body in India has had the opportunity to see, not even select men from this side of the House such as the Raja Sahib of Kollengade, who cannot be accused of revolutionary tendencies, or Sir Abdur Rahim, who was at one time one of the Executive Councillors of the Bengal Government or my friend Sir Hari Singh Gour, whose knowledge of the law is supreme in and outside this House. If three of these gentlemen were shown the kind of evidence that the Government have got before them, then it would have been possible for Honourable Members on this side of the House to give the power that the Honourable the Home Member seeks. But we cannot give that power to him because Mr. Cosgrave in his capacity as Chief Secretary to the Government of Assam describes them as desperate terrorists and says that they should be thrown away into the Andamans. He might as well have said that they should be drowned in the Bay of Bengal. I am really surprised at his moderation. I think he would have liked to do that very much. He might have said that they should be drowned in the big river near his own place of residence, namely, the Brahmaputra. But we are here as the defenders of the rights of the public, and men belonging to the public who are very inconvenient to the police as well as to the Government, and who have been given the names of detenus and thrown into the vaults of prisons. They are now to be transferred from Bengal to Ajmer-Merwara. I say that these detenus are innocent because it is an elementary principle of English jurisprudence that every man is innocent who is not proved to be guilty, and until these people are proved to be guilty, no matter whether they are detenus under Regulation III of 1818 or detenus under the Criminal Law Amendment Act, law will treat them as absolutely innocent and the contrary view of the Honourable the Home Member or of any other official in and outside this House is absolutely worthless from the legal or for that matter from the moral point of view.

[Mr. C. S. Ranga Iyer.]

Sir, they are punishing not only the detenus but they are also punishing their relations. Supposing I am living in Bengal and a relation of mine is detained in Ajmer-Merwara, what happens? Supposing his sister, his wife and his children have got to go and see him. Has the Honourable the Home Member had the ordinary courtesy to provide for the travelling allowance of these people? I do not find such a provision in this Bill. There are people amongst these detenus who belong to respectable families, men belonging to rich as well as poor families. Will their relatives be provided with travelling allowances? Here is a Government which with its usual callousness where matters affecting the detenus are concerned is even unsympathetic towards the relations of these people. Here is a Government which comes forward and punishes their relations by transferring their kith and kin to a distant place and is not courteous enough to provide them with travelling allowance. I need not dilate on the other aspects regarding food and climate, which have already been touched upon by other speakers from this side of the House. I do not want to repeat their arguments but I would request the Honourable the Law Member to take out my name from the Select Committee, as I do not agree to the principle of this Bill.

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I know that the Government of Bengal is panic-stricken. I know that the European community in Calcutta is panic-stricken and I know, too, that the European community of Calcutta wanted to organise a Black and Tan organisation to terrorise the loyalists belonging to the Indian public of Bengal. But I do not like that the Government of India should also be affected by the panicky attitude of the Government of Bengal and the European element of Bengal and should try to force down our throats a legislative measure which is against all sound principles of democracy. Sir, my friend, Mr. Ranga Iyer, and some other Honourable Members the other day stated that even the principle of this Bengal Criminal Amendment Act stinks in the nostrils of that great loyalist, I mean, Sir Muhammad Yakub. If it stinks in his nostrils, it can be easily imagined how it will stink in the nostrils of 34 crores of people of India minus Sir Muhammad Yakub because there is no other super-loyalist than Sir Muhammad Yakub. I also regret, Sir, and I am glad to find that my Honourable friend Mr. Ranga Iyer has also expressed the regret of this side of the House on the attempt on the life of the Governor of Bengal. But that is no justification for the panicky attitude of the Government of Bengal or of the Honourable the Home Member. I do not wish to go as far as my friend, Mr. Ranga Iyer, has gone, namely, that I will oppose this measure going to the Select Committee. I would certainly like to oppose this measure, but it will have no beneficial result, because I know that Regulation III of 1818 does not give a vestige of trial to those who are arrested under that Regulation. If we throw out this little Bill which has come before us, then everybody who is arrested under Regulation III will be deported to some unknown place. They will be deported into that barbarized country which my friend the Diwan Bahadur said was the Andamans, namely, Ajmer-Merwara. My friend, Mr. Neogy, will touch upon the legal aspects of the Bill and show whether there is any trial. As far as I have been able to understand, the papers will be placed before some Judges and they will examine them. Whether the examination will be just and impartial, I am unable to say. But I call it sheer injustice on the part

of the Government to transfer persons from one province to another, especially to the barbarized land of my friend, Diwan Bahadur Harbilas Sarda. I know that in that clime where he lives, the country is a desert and people live only on *bhuttas*. They do not eat vegetables, nor fish nor meat and the Bengalis who come from the Eastern part of India are accustomed to luxurious food. I cannot understand how they can stand the climate of that country where the rains are very scarce, where the *loo* wind blows for nearly 6 months, and where there is no fish and no vegetables. If the Government want to punish these Bengalis, is it not enough that they are arrested under the Ordinances? The Government want to deprive them even of their proper nourishment. I hold a letter from a lady whose relation has been arrested under Regulation III of 1818 and has been transferred to Cannanore Jail in Madras. Although the climate of Madras is somewhat akin to the climate of Bengal, yet the dietary system is quite different.

**Mr. R. K. Shanmukham Ohetty** (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): The diet is very good.

**Mr. B. Das:** My Honourable friend the Deputy President says the dietary system is very good. But what I understand from friends, I find that the Madras diet is not the Deputy President's diet, whose hospitality I have enjoyed many a time. The Madras diet consists of tamarind water and chillies. I cannot understand how a gentleman of Bengal will stand the tamarind water and chillies in a Madras jail. This gentleman Mr. Romesh Chandar Acharya has his legs paralysed and he walks a little with a crutch. I do not know whether the Bengal Government consulted the Honourable the Home Member before transferring this gentleman to the Cannanore Jail. This gentleman cannot speak one word of Kanarese, or Malayalam, which is the language of the cooks in that jail. While in Calcutta, owing to illness this gentleman was taking only fruit diet. Now he is suffering terribly in the Madras Jail. I would suggest to the Honourable the Home Member that in future if he wants to transfer a Bengali prisoner outside Bengal, he should arrest a Bengali cook under Regulation III of 1818 and send that cook also with the prisoner so that he might cook his food. My Honourable friend Mr. S. C. Mitra suffered terribly when he was in Mandalay Jail for want of proper food. This lady, the sister of the detenu, says her brother is suffering much for want of proper food and because he does not know any of the Dravidian languages he cannot instruct the cook how to cook the Bengali system of diet. This is only one of the many instances of how the detenus are suffering. If necessary, I can lay on the table of the House this letter, and the Honourable the Law Member who is a Bengali can translate it into English. If this is the fate of the detenu in the more flourishing South, what will happen when these detenus go to my friend the Diwan Bahadur's country where there is only a rainfall of 4 inches throughout the year, where the hot winds blow half the year, and where they never eat vegetables and where there are no signs of fish or meat.

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): What is there left?

**Mr. B. Das:** Only *bhuttas* are left. I have very strong objections to the Bengali prisoners being transferred to that part of the country which is uninhabitable to the people of Bengal and where as my Honourable



[Mr. B. Das.]

friend, Mr. Ranga Iyer, pointed out there will be difficulty regarding interviews. I endorse every remark of his and on that ground the Bengali detenus should not be transferred to Ajmer-Merwara. If I am allowed to make a suggestion, I would suggest the Government of India should finance the Government of Bengal to keep these detenus somewhere near Darjeeling where all these detenus could live in a cool climate under the direct charge of the Members of the Executive Council and the Inspector General of Police. That will be the best solution.

How long can Government go on governing this country by Ordinances or by legislative enactments which no civilised country would like to sanction? Government know why and how these patriots become detenus. I would ask every Member on the Treasury Benches to read the recently published book . . . . .

**Mr. K. Ahmed** (Rajshahi Division: Muhammadan Rural): Send them complimentary copies.

**Mr. B. Das:** If Government wants complimentary copies, I suggest they ask the ex-Director of Public Information, Mr. J. Coatman, to send them from London. This book is entitled "A word to Gandhi, the Lesson of Ireland" written by Brigadier General Crozier. This gentleman was the official head of the Black and Tan methods in Ireland. This gentleman was sent as the head of the Irish auxiliary forces in 1920.

**Mr. President:** I should like to know how long the Honourable Member is likely to take?

**Mr. B. Das:** I will take three-quarters of an hour, Sir.

**Mr. President:** Today being Friday, the House will adjourn till 2-30.

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

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

**Mr. B. Das:** Sir, before the lunch recess, I was telling the House that the methods adopted by the Government in having this Bengal Criminal Law Amendment Act or these Ordinances will not undo the wrongs that the Government are doing, and will not bring peace to the country. Similar methods were adopted in Ireland; those methods failed there and I was going to illustrate and cite cases from an experienced official who was a General of the Indian Army and who went to Ireland as the head of the Royal Irish Constabulary and was forced to be the leader of the Black and Tan policy which the Irish police adopted in Ireland; the conclusion he reached was quite different and his conclusion was so salutary that I will quote his conclusion and certain other passages in order to enlighten the Treasury Benches. He reached the following final conclusion:

"Having seen a great deal of force in use, having applied that force for over thirty years, having experienced the utter failure of force, I must needs look for other weapons with which to achieve the object—the welfare of mankind."

Here I am not only concerned with the "welfare of mankind". I am also concerned with the welfare of Indians and specially of my brethren in Bengal. It is the misfortune of nations that whenever they are ruled by a bureaucratic Government, their patriotism and their nationalism are challenged by that bureaucratic Government and they are incarcerated by means of Ordinances and Acts such as the present one is. In Ireland the same thing happened. I was saying that the British Government, through the then Irish Government, adopted the Black and Tan method:

"The Bland-and-Tans, a nickname given to the new English recruits of the old Royal Irish Constabulary on account of their green caps and khaki clothing and their similarity to the famous pack of hounds of that name, noted for its ability to hunt and kill anything, and later extended to all the police in Ireland, outside Ulster, began to submerge the military in September, 1920, and went from bad to worse, till they kicked the dust of Ireland off their boots for ever in 1922, on account of the fatality of the whole régime."

And what methods did they adopt?

"When it is remembered that all the atrocities in Ireland, committed by servants of the Crown, and all the murders, burglaries, thefts, illegal imprisonments, cruelties, beatings, burnings, and perjuries carried out in the name of law and order, happened within less than twelve hours' train and steamer journey of the Houses of Parliament, one can but hope that in these difficult days, India and Palestine, far removed from the heart of the Empire and made up of peoples of different races, may be more fortunate!"

I want the Government to take note of these words and ask them whether similar things are not happening in India. And what are those methods?

"Perjury, false witness, concoction of evidence, unjust accusation, suppression of the truth, bribery and corruption—all made possible by the precious Restoration of Order Act" (here in India, by the Bengal Criminal Law Amendment Act)—"fouled the path of the soldiers, dealt a heavy blow to British honour and actually placed the military command and the Judge Advocate General's Department under the lash of a system which had sent Colonel Smyth to his death, caused the Lord Mayor of Cork to be murdered in front of his wife by the British guardians of the law, and, on that account alone, brought about dozens of other murders and reprisals."

Sir, I want to ask the House to study and see whether the underlying principles of this Bengal Criminal Law Amendment Act and its successors and allies—I mean the Ordinances, Regulation III and others—do not perpetuate and perpetrate similar acts of violence as happened in Ireland in 1920, 1921 and 1922. And who are those who are doing these things? They are the officials. They are not my words but the words of a British General who served in India—General Crozier:

"From what I know of many anglo-Indians,—my grandfather and father served the Crown in the land of the rupee for many years,—their sloppy mentality, their lack of vision, their misunderstanding of the words "loyalty" and "patriotism", their arrogance and uselessness if unattended by henchmen, their lack of general knowledge and education, their constant quest for pensions and preferment, their lack of ability to discern the difference between right and wrong, if crossed by expediency, and their idea that India was originally made by God in order that Englishmen should find work and good pay there at the expense of the Indians, I believe the official class in India would find little difficulty in subscribing to a similar policy to that put in practice in Ireland. That practice, resulting in so dismal a failure, was sponsored by such men as Mr. Churchill, Mr. Lloyd George and Sir Austen Chamberlain, and frustrated by such men as the late Lord Oxford, Sir John Simon and Captain Wedgwood Benn. ...."

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): May I ask the Honourable Member what relevancy all this has to the issue now before the House? The issue before the House is simply this, that the

[Mr. President.]

Criminal Law Amendment Act should be supplemented by authorising Government to transfer to other provinces detenus who are now restricted to Bengal. On that issue the Honourable Member will be perfectly relevant in making as long a speech as he likes. But this is not the occasion when the Honourable Member can go into all the matters with which he has been dealing for some time.

**Mr. K. C. Neogy** (Dacca Division: Non-Muhammadan Rural): May I respectfully remind you that there is a very serious issue involved in this Bill, and that relates to the suspension of *Habeas Corpus*.

**Mr. President:** Even then how is all this which the Honourable Member has been reading relevant to that issue? I do not want to interrupt the Honourable Member. I wish that he would confine himself to the issue now before the House.

**Mr. B. Das:** As far as I understood, the effects of the Bengal Criminal Law Amendment Act and other similar Ordinances as they are practised are seen in Chittagong and Hijli and they have aroused terror throughout the country. The people are terrorised not only in Bengal, but outside Bengal also, and I thought that on this occasion while I criticise the underlying principle of the Bengal Criminal Law Amendment Act, I should also give some advice to the Treasury Benches so that they can retrace their steps, and instead of bringing this Bill on the floor of this House, they may suspend these Bills and those Ordinances and bring peace in the country.

**Mr. President:** The Honourable Member has been a Member of the Assembly for many years, and he ought to know what is relevant and what is not relevant, and I hope the Honourable Member will now confine himself strictly to the relevant aspects of the issue now before the House.

**Mr. B. Das:** I bow to your advice, Sir, and I will quote only one of the sufficiently relevant passages as will suit the present occasion. A minute ago I referred to the case of Chittagong and said that there the people are suffering from this Bengal Criminal Law Amendment Act and other similar Acts and Ordinances. Now, when my friend, Mr. S. C. Mitra, referred to the terrorism in Chittagong, my friend, Mr. French, challenged him, but may I ask my friend, Mr. French, or the Honourable the Home Member as to why the Bengal Government have suppressed the publication of the Nelson Report about Chittagong repression? Mr. Nelson is the Divisional Commissioner of Bengal, and why is it that his Report on the happenings at Chittagong has not been published?

Then, Sir, under this Bengal Criminal Law Amendment Act or under Regulation III of 1818 detenus are sent to places outside Bengal, it may be to Hijli or to my friend the Diwan Bahadur's country, but what happened? We moved on the floor of the House an adjournment over the Hijli incident, and Government say that whatever they do they do it rightly. The Bengal Government have issued a communiqué which we challenged on the floor of this House, and when evidence was taken, Commandant Baker, who was in charge of Hijli Camp, said that

he was no party to the communiqué, and I quote from the evidence published in the paper—the *Liberty* of Calcutta. "Hijli Inquiry. Startling Evidence of Commandant." I will just quote only one small passage which will show how the Bengal Government went against the Commandant and issued a false communiqué. "Witness confessed"—that is Commandant Baker—"having admitted in writing to detenu Bhibhuti Babu that the first 'communiqué' on the camp incident issued by Government on September 17th was false. Witness further admitted that, although he was the man on the spot and the sole responsible officer of the camp, his version was not taken into consideration in drawing up that 'communiqué'." Sir, these things have happened. These things will recur again. Government have no control as to how these Ordinances are working in the provinces and provincial Governments rely more on local officials and police whereby absolute terrorism prevails in the country side.

I want to tell my friend the Honourable the Home Member that he is not omniscient nor omnipotent. He gives too much power to the Government of Bengal and other Governments. Are they going to administer the law properly? You may say that the reports quoted by my friend Mr. Mitra are a dangerous version of the actual happenings. You may even deport him under the Criminal Law Amendment Act and send him to Ajmer. But is the policy you are pursuing the right policy? If the Bill goes to the Select Committee and with your henchmen there you pass it, you can send my friend Mr. Mitra from Mymensingh to Ajmer, but is that the correct policy to be pursued? There is the other policy which you can with great advantage follow, and that policy is contained in the book from which I was just quoting. I will now quote only one passage from it again so that my friend Sir James Crerar may come to the same view as the writer of this book, after his years of experience of repressive policy, has come to. This is what he says:

"Had I known what I was in for in 1920, when I consented to go to Ireland to take part in suppressing the Irish Sinn Féin revolution, I should, in the words of Mr. Baldwin never have touched it 'with the end of a barge pole'. One lives and learns."

My friend Sir James Crerar will probably retire shortly and will go and live in his misty land,—that mystic land of Scotland where the Highlands, with its mountains, lakes, snows, and mist, will bring one in communion with God,—I know he is a great scholar too,—while he will be reading his Plato, his Iliads and his Greek prose and poetry and while he will be very near in communion with his God, I hope my friend will not regret, as this General Crozier regretted, and would not say that, "What might have been, what I could have done had I been again the Home Member of India". The Home Member of India means the Government of India, the Viceroy of India, everything that is in India for law and order is concentrated in Sir James Crerar. I hope he will not regret later, "I would have ruled India better; I would have advised the Cabinet in India, the Viceroy in India and I would have legislated for the good of India so that there would have been peace; and not repression in the country, and wholesale arrests and millions of people being sent to jail and in the end, permanent severance between England and India".

**Sir Abdur Rahim** (Calcutta and Suburbs: Muhammadan Urban): Sir, before I deal with the issue before the House, I have got to say something with reference to what was said by the Honourable the nominated Member from Bihar, Mr. Sarma, with reference to myself personally in connection with this debate. My attention was drawn to what he said

[Sir Abdur Rahim.]

after the debate was over, and I was not present in the House when he made his observations. Sir, he was good enough to allege that my administration of the Jail Department during the time I was Executive Councillor of the Government of Bengal was a failure. Well, so far as that is concerned, it is not for me to say whether it was a failure or a success; but then he went on to say that I was asked by the Governor of Bengal on the telephone to resign the portfolio. I wish to say this to the House that this is an absolute falsehood. I was not asked to resign my appointment. I myself gave up the portfolio because the Cabinet of Bengal did not agree with my policy, and I refused to have any responsibility in connection with the jail administration of Bengal unless my policy was substantially agreed to. Sir, I know it would not be right for me to disclose what happened in the Government of Bengal, but if the Government of India or those who represent the Government of India in this House permit their nominated Members, or Members who take their inspiration from them, to make allusions to what happened in the Bengal Government when I was an Executive Councillor there, then in self-defence I shall be obliged to disclose what actually happened. (*"Hear, hear" from the Nationalist and Independent Benches.*) I can say this, that the policy I pursued in Bengal during the time I was in charge of jails has proved to be the right policy, and if a different policy has to be pursued now since I left the Government of Bengal, it cannot be put down to me; it must be put down to other persons. Again, allusion has been permitted in this House from time to time to what the Government of Bengal did during the time that I was an Executive Councillor there. I am not here to defend the Government of Bengal's actions at any period, and I should be usurping the functions which I believe are discharged by the Honourable Sir James Crerar if I were to do so, and I am sure he would not share the responsibility in this connection with any non-official Member of this House. Therefore, I say that for any Honourable Member to try and fasten me with responsibility, personal responsibility, for what happened in the Government Bengal during the period I was there—I say it is not a fair thing, and if these allusions are allowed, then in that case, I should be obliged to disclose the part I played in those proceedings. (*"Hear, hear" from the Nationalist and Independent Benches.*) As regards the Honourable Member, who I understand has been nominated for some reason or other as a Member of this House—I am told that he represents Bihar which I thought was amply represented by the Honourable Members who have been elected by the people of Bihar—but whatever he may represent, this much is perfectly clear to the House that he does not represent the opinions, the views or the wishes of the people of this country. (*"Hear, hear" from Nationalist and Independent Benches.*) He has also said that he was surprised to read certain speeches of mine when I was in the Government of Bengal and to compare them with the speeches that I have been delivering here. He did not quote anything that I said from which it might be said that I was then supporting a policy which I do not support now, or that I was opposing a policy which I supported then. If he had quoted any passage from any speech of mine which showed that I took a different view on certain policies on a previous occasion, then I would have been in a position to consider whether I had changed my policy in any respect, or if I had changed my policy, I could have given the House my reasons why I changed my view. Sir, I do hope that in

future the Government will see that their nominees do not make allusions to what happened in the Government of Bengal in my time, or I shall be obliged to disclose what did happen in the Cabinet of Bengal when I was an Executive Councillor.

As regards the motion before the House, my Honourable friend, Mr. Ranga Iyer, whom I am glad to find sitting so close to us, has asked me to speak out my views in this matter. When Diwan Bahadur A Ramaswami Mudaliar spoke on the last occasion, he said that he was not going to oppose the motion before the House for reference to Select Committee. I find that Mr. Ranga Iyer takes a different view, but in his own party there is apparently no agreement, and so far as we are concerned, we do not intend to oppose the reference to Select Committee, and for this reason.

On the last occasion when the Bill was before the House after introduction, we, members of the Independent Party, insisted on the Bill being circulated for ascertaining public opinion, and that has been done, and we have now the opinions of the different Governments and others before us. The opinion that has been elicited so far seems to be very much divided, and in a matter like this when there is a division of opinion, I consider that to be in itself a good ground that the matter should go to a Select Committee. If there had been a considerable preponderance of opinion against the Bill as it stands, then in that case it might have been said, and I think said very rightly, that it ought not to go to the Select Committee at all. But there is a division of opinion; there is a certain body of opinion in favour of the Bill; and in those circumstances we do not feel that we should be justified in opposing a reference to Select Committee.

The only question that is really involved is this,—the administrative convenience of the Government of Bengal, and the comfort and well-being of the detenus. So far as the convenience of the Government of Bengal is concerned, the Government of Bengal seems to be very strong, that for the purpose of proper administration of the jails in Bengal, they should have the power to transfer detenus to some other place—at least some of the detenus. That is certainly the attitude taken up by the Government of Bengal. But the difficulty still remains, whether the other Governments will welcome these detenus and will be able to look after them properly, and on that, as I have said, there is a division of opinion. Then there is the very important question as regards the well-being and comfort of those who are detained, who have been deprived of their liberty not by any conviction of a court obtained after a fair trial, but because they are under suspicion, because they are suspected to be participants in certain forms of crime. So far as that is concerned, it is a matter which can be very carefully considered by the Select Committee, and I do hope that the Honourable the Home Member will give every consideration to suggestions that may be made in the Select Committee as to what should be done, so that detenus do not suffer unduly by their being transferred to a place other than their native land. I do not think that

3 P. M. it would be impossible to devise means by which their health can be safeguarded and they should live in the place where they are kept with a reasonable amount of comfort. I do not know what the exact proposal of the Government is, whether all these detenus should be concentrated in one place, Ajmere, to which my friend Mr. Sarda

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strongly objects, but whatever their proposal is, if as a matter of fact Ajmere is chosen, certainly it is not a place inferior to any place in India from the point of view of climate, and reasonable arrangements may be made to see that they do not unduly suffer in health. If on the other hand Government are not prepared to accept reasonable proposals by which the health and well-being of these detenus would be properly safeguarded, then we shall be at liberty to reject the Bill, if we find it necessary to do so.

**Mr. C. S. Ranga Iyer:** On a point of personal explanation, Sir. The Honourable the Leader of the Independent Party just now referred to my own position in regard to this motion. To avoid any misunderstanding in regard to it, I have only to say that the position of my party is exactly the same as the position of his party and my position in this matter is exactly the same as his position, except that I could not serve on the Select Committee as I did not accept the principle of the Bill. Owing to the differences of opinion existing on my side, I did not oppose the consideration motion, and when my name was put on the Select Committee my leader obviously presumed that I might serve on it. Therefore I cast no reflection on my leader or on the Home Member, though I was not quite aware of whether I should serve on it or not.

**Mr. C. C. Biswas** (Calcutta: Non-Muhammadan Urban): We on this side of the House have so often and in such unmistakable terms expressed our dislike of odious legislation of the kind represented by Regulation III of 1818 or of similar measures that I should have thought, nothing would have been lost, if in the discussion of the present motion we attempted to restrict ourselves closely to the terms of that motion. In the flood of eloquent denunciation which flowed from my friend Mr. Ranga Iyer, there was just a danger of some of the salient points being swept away. It is just as well that we take note of them. Sir, on abstract grounds probably there would be little disagreement amongst Members of this House, to whichever section they might belong, as regards the essential soundness of the position which my friend had taken up. Unfortunately, however, we have got to face the realities of the situation, and coming from Bengal, fresh from the latest outrage of which I was an eye-witness, I cannot shut my eyes to the situation which is developing from day to day in my province. It is true, as my friend Mr. Ranga Iyer said, that Congress leaders and Congress organs have denounced these terrorist crimes in the strongest terms, but I feel, and I speak more in sorrow than in anger, that the time has passed when mere denunciation of such crimes is enough. In Bengal, Sir, the time has come when I feel that it is up to the leaders of public opinion there to exert themselves a little more actively in order to mobilise and organise that opinion. I am not here to defend the proceedings either of the Government of India or of the Government of Bengal, but in the public interest, in the interest of the community, it is just as well that we talked in more restrained language. There are seasons and seasons for saying and doing many things. Well, I got into touch with some of my Indian friends who have the moulding of public opinion in their hands. I asked them more than once, "Why it was that after such outrages as had disgraced the fair name of my province from time to time, Indian leaders did not call public meetings themselves for the purpose of giving expression to their feelings of horror and indignation. Why was there no meeting of Indians in Calcutta?".

**Mr. S. G. Jog** (Berar Representative): Public meetings are not allowed nowadays.

**Mr. C. C. Biswas:** My friend says that public meetings are not allowed now. I am speaking of days before the Ordinances came. I may remind my friend that the Ordinances came as a reply to the terrorists. The outrages were there from before the Ordinances. The reply to the question I put to my friends was perfectly frank and straightforward. It was this, that they were afraid of calling such meetings, because they feared that if they called such meetings, they would not be able to control them. What does that show?

**Mr. K. Ahmed:** What bearing has this got on the present motion?

**Mr. C. C. Biswas:** My friend asks what bearing this has got on the present motion. I was just trying to point out that the situation in Bengal was such that it would not do for us to proceed on mere *a priori* or abstract grounds. We have got to face facts, and after all, we are the people who stand to suffer most. It is not the Government; it is the people who would suffer as the result of these terrorist outrages. I do not delude myself for one moment by thinking that by passing these Ordinances or repressive measures, Government would or could put an end to these outrages. Nothing of the kind. On the other hand, Government ought to know, and it is the duty of every one of us to tell them plainly that there is a deep feeling of sullen discontent and resentment at the enactment of these measures. There is deep dissatisfaction at the proceedings of the Government in many matters. Take for instance, the latest action of the Government of Bengal in dealing with the Chittagong outrages. The situation today has been produced not merely by the terrorists. It has been produced equally by the Government by reason of the policy they have been following. All the same, Sir, what I wish the House to realise is this. There are the facts,—staring you in the face. There is imminent danger to the State, to the community, and to us all. What is to be our attitude at this juncture? Should we go on in the way in which we might or ought to, in ordinary circumstances and ordinary times? Or should we not try and pause and ponder over the situation and decide upon a course of action, which might not probably be justified on *a priori* grounds, but which the clear dictates of expediency would suggest? Sir, that is why I say, in discussing this matter it would have been better, if we could avoid raising the general questions of policy underlying measures like the State Prisoners' Regulation or the Ordinances.

Sir, so far as this Bill is concerned, the fact should not be overlooked that we are merely called upon here to supplement a piece of legislation already passed by the Bengal Legislative Council. Questions of policy were more appropriate, when and where the parent Bill was being discussed. Sir, as the Statement of Objects and Reasons points out, it was in 1925 that the Bengal Government found it necessary for the first time to enact this Bengal Criminal Law Amendment Act. The life of that measure was five years. On that occasion too, the Government of Bengal wanted to be armed with the power to remove detenus to provinces outside Bengal. That is why they approached the Government of India, and a Bill was placed before this House in 1925 very similar to the one now before us. As Sir Hari Singh Gour reminded the House, that supplementary Bill was thrown out by this House in 1925 by an overwhelming majority, and it had to be certified by the Governor General. After the



[Mr. C. C. Biswas.]

lapse of five years, what did the Government of Bengal do? They thought that it was not necessary to enact the whole of that measure again. They passed an Act in March, 1930, which reproduced only part of the old Act of 1925. In other words, they merely retained the power to appoint special tribunals for the trial of certain kinds of offences. Although the Bengal Act was limited to five years, so far as the Supplementary Act of 1925, which was certified by the Governor General, was concerned, there was no such limit. The result was that when the Bengal Council in March 1930 re-enacted part of the old Act of 1925, those provisions of the Supplementary Act of the Governor General which applied to the provisions which were re-enacted remained in force, *viz.*, the provisions which conferred the right of appeal to the High Court and required the confirmation of death sentences by the High Court. But as the other provisions of the Bengal Act of 1925 were not then re-enacted, the corresponding provisions of the Supplementary Act of 1925, that is to say, sections 4, 5 and 6 ceased to be in force. The position, then, is this, that in consequence of the fact that since then, in August 1930, the Bengal Government found it necessary, in view of a long list of new terrorist crimes in that province, to re-enact those provisions of the Bengal Act of 1925, which had been left over, this House is now invited to re-enact the corresponding provisions of the Supplementary Act. The power to arrest on suspicion is there already under the Bengal Act. We are not being invited to sanction such power. The responsibility for that has been taken by the Bengal Legislative Council. That being so, the question before us now is, whether or not we should give the further power to that Government which they once had for the purpose of removing some of the detenus to some other province. That is the only consideration; and, Sir, on that point, the only questions which seem to me to have any bearing are those of the conditions under which such transfers of detenus from Bengal to some other province can be effected. The question is this, whether or not we should require some assurance, either to be embodied in the Bill itself or in rules to be framed under the Bill, to ensure that where such detenus are removed from Bengal to another province, certain things should be done to reproduce as far as possible the conditions of detention in Bengal—conditions as regards food, health, comfort, and so on. As my Honourable friend, Sir Abdur Rahim, has said, we hope that when the Bill goes before the Select Committee, that Committee would try to insert some clause in the Bill which would make it obligatory on the Local Government to provide for these things, in other words, to minimise discomfort and risk to health as far as practicable. I say, as far as practicable, because so far as the climatic conditions go, nobody can control that. But subject to that, I say it should be possible to reproduce the conditions of detention in Bengal in the provinces to which these men may be removed. That seems, Sir, to be the only point, and I do not think the House would be justified in opposing reference of the Bill to a Select Committee.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I think we on this side of the House should plainly realize the implications of this Bill. Time and again we have protested against the repeal of the Habeas Corpus Act, which is the one guarantee against executive excesses. This Bill repeals the Habeas Corpus Act in respect of detenus. The second point that this House must visualize is this. Under the main Act enacted by the Government of Bengal for a period of

five years, the sentence of detention is inflicted without trial—it may be on mere suspicion, or it may be upon evidence which has not been sifted by a court of law. Now added to that sentence, this Bill adds the sentence of deportation. Let the House, then, clearly understand the full implications of this part of the Bill. Not merely will the detenus be deported, they will be bottled up in one place—it does not matter whether it is in Ajmer-Merwara or in any other part of British India. Therefore, Sir, knowing full well as I do the feeling of this House on such questions, we should have been perfectly justified, whatever may be the consequences, to oppose the motion brought forward by the Honourable the Home Member. But we have to take into account two facts, and those facts cannot be ignored. Terrorist crime in Bengal has been going up, and this House has now a fair insight of the coming constitution. I hope—and on this point I may be perhaps accused of being an incorrigible optimist—that the new constitution will not long be delayed in coming. Therefore, it may be that we may have to shoulder the responsibility which at present rests upon the Treasury Benches. These two considerations should make us pause before we resist the motion brought forward from the other side of the House. Galling as it is to our sense of freedom and fairplay, we cannot ignore the fact that we are not living in normal times. That being the situation, whatever may be our difference with the Executive Government, we have to assist them when we find that their demand is reasonable. This seems to be one of those occasions when we can conscientiously say that, as this measure is temporary and deals with a temporary evil, we are prepared to give you reasonable assistance. That being the position of this side of the House, we are not going to intervene in the further progress of this Bill, but at the same time we wish to tell the Honourable occupants of the Treasury Benches that whatever you do, whether for the purpose of laying terrorists by their heels or ruling the whole country by Ordinances, it is only a palliative and not a cure. The difficulties in the country and the growing discontent throughout the length and breadth of this country are due to the causes which you know too well and unless you hasten the pace of reforms, with all the assistance that we can give, you will find yourself landed in greater and greater difficulties. This is what we wish to remind you of and we do so with the full responsibility of voicing those who have sent us here. Honourable Members on this side of the House, it has been said, are not unanimous upon the main issue. I know the feeling of my people and I know the feeling of those who sit around me, and I am voicing their feeling when I say that, however reluctant they would be in ordinary times to strengthen your hands, they are prepared to waive their objections in view of the exceptional circumstances and the difficulties of the situation. At the same time, they want that when this provision emerges from the Select Committee, you will consider dispassionately, and, let us hope, with a certain feeling of generosity, that the removal of the detenus from Bengal does not add to their privations and sufferings more than you can help. That would give to all of us feeling of assurance that, though you are bureaucrats you have not ceased to be human and, though the Government of India is a machine, it is not wholly soulless. That is a charge that I may be permitted to make to you when you sit on the Select Committee. Mitigate their difficulties, assuage their feelings as far you possibly can consistently with the primary purpose you have in view of isolating them from their surroundings so as to restrict the limit of mischief that you apprehend. Sir, in asking you to do that, we on this side of the House are not asking too much.

[Sir Hari Singh Gour.]

Honourable Members on this side of the House have read extracts from speeches delivered by Members to the effect that the climate is not suitable, the food is not congenial and other discomforts to which Bengal detenus would be subjected in the arid climate of Ajmer. But if you are to transfer the Bengal detenus to the Government House in Calcutta itself and keep them there, there will be the feeling that they are prisoners and State prisoners. That feeling cannot be avoided. And when you take them away from the familiar scenes and familiar faces where they do not hear voice in which their mothers spoke, or hear the songs which their mothers sang nor hear the songs which their village folks sang, where they see strange faces and hear alien tongues, that, in itself, is a very great deprivation to people removed from one province to a wholly different and distant province. Remember that, and, having remembered that, when you sit on the Select Committee do not weigh your justice in golden scales but let these people feel that, while you are anxious to avoid the mischief, while you are circumscribing their liberties, you are, at the same time, not impervious to the appeals of humanity and compassion and that you will treat them as mere prisoners of State who have not yet been convicted of any crime. Sir, inspired by this hope and feeling this confidence, we, on this side of the House, have decided that we should not block the further progress of this Bill.

**The Honourable Sir James Orerar** (Home Member): Mr. President, the course of this debate, and more particularly the speeches, which we have heard from the last few speakers who have addressed the House to-day, have relieved me of any necessity which I might have felt otherwise of addressing the House in replying to the debate at any considerable length. I desire to say a few words only. I am very happy indeed to acknowledge the terms in which the Honourable the Leader of the Nationalist Party and the Honourable the Leader of the Independent Party have expressed their views on this occasion. I desire particularly to acknowledge the weighty and impressive words which fell from the Honourable Member from Bengal, Mr. Biswas. I desire to acknowledge the terms in which more than one Honourable Member has spoken of his feeling of horror at the recent murderous attempt upon the life of the Governor of Bengal. We all in this House join with them in gratitude for his providential escape. (Applause.) I should like to add this that we also join in gratitude and admiration for the prompt and courageous action of the Vice-Chancellor of the University, whose intervention in all likelihood may have been the means of preserving His Excellency's life. Now, Sir, I do not think that I need go at this late stage into any of the merits of the questions before the House. They have been elaborately examined and Sir Abdur Rahim very pointedly put the main question before the House. Are we to recognise the gravity of the situation in Bengal and are we to do our duty in our respective capacities with regard to the very strong representation made to us by the Government of Bengal? These arguments were to some extent elaborated and emphasized by the speech of the other Honourable gentleman from Bengal, Mr. Biswas, who gave to the House what I think was a very fair candid and lucid account of the issues as they present themselves to many. The greater part of his speech I can most cordially endorse. Honourable Members have given us a warning. They said, "Do not suppose that whatever measures you take in the way of extraordinary legislation, you are going effectually

to extirpate this trouble". That may be. But Honourable Members themselves will recognize that it does not afford us any reasonable ground for not taking such measures as we can take which may in some substantial degree alleviate the evil or assist those who are most immediately engaged in dealing with it. I recognize that very completely myself, but in expressing my recognition of it I desire very expressly to invite the attention of the House to the words on this point which fell from Mr. Biswas. Government no doubt have a very great responsibility in this matter. It is in some measure in discharge of that responsibility that I found it necessary to introduce this Bill. But the responsibility does rest in other quarters also. I will not elaborate this aspect of the question because it was put in very weighty and in very impressive terms by the Honourable gentleman who is really more competent to speak from that point of view than I am myself. My last concluding sentence is that while my appeal to the co-operation of this House has received this answer that they will agree to the reference of this Bill to the Select Committee, while I acknowledge that measure of co-operation, I trust that the House and I trust that the wider audience to whom those words were addressed will hear those words of wisdom and will act upon them. (Cheers.)

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): Before I put the motion to the House, I should like to ask the Honourable Member in charge of the Bill whether he will accept the amendment, in view of the fact that Mr. Ranga Iyer has declined to serve and Mr. Amar Nath Dutt does not wish to serve. The amendment proposes to substitute the names of Sir Hari Singh Gour and Diwan Bahadur Harbilas Sarda in their place.

**The Honourable Sir James Orerar:** I accept.

**Mr. President:** The question is:

"That the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, be referred to a Select Committee consisting of Sir Hari Singh Gour, Diwan Bahadur Harbilas Sarda, Mr. B. Sitaramaraju, Mr. Abdul Matin Chaudhury, Mr. Arthur Moore, Rao Bahadur S. R. Pandit, Mr. Muhammad Anwar-ul-Azim, Mr. R. S. Sarma and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.

## THE INDIAN FINANCE (SUPPLEMENTARY AND EXTENDING) AMENDMENT BILL.

**The Honourable Sir George Schuster** (Finance Member): I beg to move that the Bill to amend the Indian Finance (Supplementary and Extending) Act, 1931, for a certain purpose, be taken into consideration. I do not think that I need detain the House at any very great length in explaining the machinery of this Bill. In introducing the Bill, I explained to the House that it had certain definite advantages in that it would simplify and cheapen the procedure of assessment. I also emphasized

[Sir George Schuster.]

that it was of a provisional nature and that we should test its working for a year and then consider the question of incorporating it permanently in the Income-tax law. I further emphasized that the procedure which could be utilized if this Bill is passed into law was of an optional nature, and that no assessee would be forced to submit to its provisions unless he himself desired to take advantage of them. I would just like to add that the procedure introduced by this Bill is identical with the summary procedure which formerly prevailed in 1918 when small incomes were also subjected to income-tax. We have re-introduced the provisions of section 30 of the Income-tax Act, 1918, with one exception only, or rather with one point of difference only. In the Act of 1918 an assessment demand notice could be taken to have been served on an assessee by publication without being personally served. In the present Bill we have provided for personal service since we recognise that publication is quite likely not to attract an assessee's attention. In other ways, we are planning procedure for the convenience of assesses, and I hope the House will recognise that this small measure is one in the public interests and also one which will operate for the convenience of assesses.

Sir, I move.

**Mr. President:** The question is:

"That the Bill to amend the Indian Finance (Supplementary and Extending) Act, 1931, for a certain purpose, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Part I A was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir George Schuster:** I move that the Bill be passed.

**Mr. B. Das (Orissa Division: Non-Muhammadian):** Sir, I only wish to make one observation, that is, that the Honourable the Finance Member brought in this amendment Bill to an Act (the Supplementary Finance Act) which was certified. I wish he had taken steps for incorporating these particular clauses also by the same process of certification. I wish he had done that.

**Mr. President:** The question is that the Bill be passed.

The motion was adopted.

## THE WHEAT IMPORT DUTY (EXTENDING) BILL.

**The Honourable Sir George Ratny (Member for Commerce and Railways):** Sir, I move that the Bill to extend the operation of the Wheat Import Duty Act, 1931, be taken into consideration. I do not think it will be necessary that I should make a long speech in explanation or in support of the motion which I have moved. When the original Bill came

before the House a year ago, it was a somewhat novel departure from what had been our accepted policy, that foodstuffs should be free of duty, or at any rate the primary foodstuffs. But obviously when the Legislature has once adopted the principle of a measure of that kind, then when the question arises whether the period during which it is to remain in force should be extended, all that is necessary to establish is that the circumstances have not so changed as to render unnecessary or inexpedient what a year ago the Legislature decided was both necessary and expedient. I find that in the beginning of April last the price of wheat at Lyallpur was 1-14-0 a maund, whereas the price of Australian wheat in London—and that is the most convenient price to take—was 21-3d. a quarter. Since then there have been variations in price, but the latest price I have for January shows that whereas the price in Lyallpur had risen to Rs. 2-9 a maund, the price in London had risen to 28s. In both cases the percentage of the increase in price is about the same. But during the intervening period it is by no means the case, that the two prices followed the same course. In July, for instance, whereas the price in London had increased to a small extent, the price at Lyallpur had gone down to Rs. 1-9-0 a maund, very distinctly below the April price.

Now, some Honourable Members may conceivably say that in view of the fact that, when the Assembly passed the Act last year, the price at Lyallpur was less than Rs. 2 a maund, and since the price today has risen appreciably and is now in the neighbourhood of Rs. 2-8-0 or Rs. 2-9-0 a maund, the need for the duty is not at any rate so great as it was. In answer to that, I think the most important point to remember is this, that for the five years 1909-10 to 1913-14 the price at Lyallpur averaged Rs. 3-14-0 a maund, and at Rs. 2-8-0 a maund today the price of wheat at Lyallpur is only about two-thirds of the pre-war average. If that be so, the necessity for special measures to aid the agriculturist still exists and I think the general opinion in this House will support Government in the conclusion they came to that, as things are today, the need for the protective duty still exists and has by no means passed away.

In explanation of the particular clauses of the Bill, I need only say a word or two. Clause 2, which is the important clause, merely provides that for the figures "1932" the figures "1933" should be substituted; and clause 3 of the Bill repeals section 3 of the Act. That section was passed for a temporary purpose to exempt from customs duty all wheat shipped by a seller in compliance with a contract of sale made by him before a certain date. I think there can be no doubt that any wheat which was ordered before that date has already come into the country, and therefore that particular section of the Act is merely surplusage and it is better to remove it when we are extending the Act.

Finally, I should like to say this. When I explained the provisions of the original Bill last year to the House, I pointed out that there were two ways in which a protective duty might assist the indigenous producer. One was by extending his market to the extent to which indigenous wheat, or the indigenous article whatever it may be, replaces the imported article; and I said that in so far as that was concerned, the Bill would be effective. But I also pointed out that in another respect in which protective duties ordinarily assist the indigenous producer, the same result could not be expected. Ordinarily when a protective duty is imposed, the price is raised to the full extent of the duty. But that is so only

[Sir George Rainy.]

when the price of the indigenous article is regulated by the cost of importation. That had ceased to be the case in India last year, and it was very noticeable that at the time the duty was imposed it did not result in any increase in the price of wheat at all. Since then there has been an increase of prices, but the price of wheat in other countries has risen to a corresponding extent. Therefore, it is still true that the price in India is out of relation with world prices. What the future course of events may be it is very difficult to say. But if for any reason there should be a shortage of wheat in India, and if there should be simultaneously a general rise in world prices, so that the duty became fully effective in raising the price, the Act itself contains a provision by which Government can take action to prevent the imposition of an excessive burden upon the consumer. That point, therefore, has not been overlooked. I do not think at this stage I need say more. Possibly, when some of the amendments are moved, I may have an opportunity of adding to what I have said; but for the moment I move.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, all the persons interested in agriculture,—and 95 per cent. of the population are interested in it,—will be thankful to the Government for introducing this Bill. The general impression in the country is that the attitude of the Government of India is that all agricultural problems are really the concern of God and of the Local Governments, and the Central Government have nothing to do with them. God regulates the monsoon and the distribution of rain on which agricultural prosperity greatly depends, while the Local Governments settle all the connections between the tenants and landlords and all other problems concerning agriculture. Sir, till recently the Government never paid any attention to agricultural problems. Mr. Birla in 1929, I think—it was the 19th March, if I remember aright—drew the attention of the Government of India to the matter, and requested them to take some action on it. He then pointed out that India used to export wheat to other countries, but the case had been the other way round since 1929; that is, India imported more wheat and exported less, so that the total amount of export in 1929, to which Mr. Birla then drew attention, was a negative quantity. Last year the Honourable the Finance Member very reluctantly brought forward a Bill which is now being reproduced this year. I use the words “very reluctantly”, because the Finance Member went out of his way and proposed the abeyance of the terms of that Bill for six months, and the result was that during these six months, i.e., from 1st April till August, 1931, we imported 111,269 tons of wheat . . . . .

**The Honourable Sir George Rainy:** May I point out, Sir, that the blame or the praise should fall to me and not to my Honourable colleague?

**Dr. Ziauddin Ahmad:** I take it that it was a joint responsibility. I am addressing the Government of India. They gave special concessions to importers of wheat and they allowed wheat to come in without any extra duty till the end of August. The result was that during these six months they introduced about 111,269 tons of wheat, which was about three times the amount of wheat we imported during the same months in the previous year, so that in these months of concession we imported what under normal conditions we would have imported throughout the whole year. This Bill

had not thus had any practical effective influence on the quantity of imported wheat. The Government under pressure passed the Bill, but special allowance was given to merchants who had made their contracts before a certain date. The other reason why I use the words "very reluctantly" is that Government have not taken any special measures to regulate the prices. Had they been keen to help the agriculturists, they could have reduced the freight on wheat from Lyallpur to Calcutta and to other ports from which wheat is exported. It was also pointed out by Mr. Birla in 1929 that the freight from Lyallpur to Calcutta was Rs. 1-6-6,—if I remember rightly—and I quote from memory—and the freight from Australia to Calcutta was only 6 annas. He also said at that time that it was an anomaly that while the Punjab was exporting wheat to outside countries from one port, Bengal and the United Provinces were importing wheat from Australia through another port. The Government of India ought to have paid serious attention to this problem three years ago. Had the Government really taken strong action in this matter about three years ago, then all the troubles we are faced with today would have been minimised and probably there would have been no necessity for the Retrenchment Committee, nor would it have been necessary to take all the drastic action that we were compelled to take during the last few months. Sir, a similar crisis occurred some years ago in Egypt in connection with cotton. Then the Government of Egypt came forward to the relief of their agriculturists. They warned them to diminish the growth of cotton, and the Government spent the resources of the country in purchasing the indigenous cotton and selling it in their own way. This is how the Egyptian Government dealt with their agriculturist. Now, I ask whether the Government of India took any action whatsoever to give relief to agriculturists who are really the mainstay not only of the people of the country but also of the entire Government,—the Local Governments and the Central Government.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): It is the duty of the United Provinces Government. How is it the duty of the Central Government?

**Dr. Ziauddin Ahmad:** My friend says that it is the duty of the United Provinces Government. The theory of the Central Government, as I said in the beginning, has always been that it is the concern of God and of the Local Governments. The Government must have found from their statistics about two years ago that India grew something over 10 million tons in 1929, while the consumption was about 8 million tons, so there was extra production of about 2 million tons about two years ago, and there was over production, about one million tons last year. Provision should have been made for the sale of this extra wheat which we grew. But instead of providing facilities for the sale of excess wheat which we grew, they really provided an inlet for the wheat to come from other countries. Had our Government taken a sympathetic attitude towards agriculturists, then this Import Bill which we are discussing in 1932 would have been passed two years ago. If we could not provide a market for our own wheat outside, at least we ought to have provided a market for our wheat in our own country and then our troubles would not have been so acute as they are today.

Sir, the Bill which is now before us will give some relief, but it is very alarming that this relief is only for a temporary period, because as the circumstances now exist, it is very unlikely that we can expect a better position within the next 12 months. Probably it may take two years, or even



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a longer period, to come to normal conditions. Therefore, to restrict the operation of a Bill of this kind only for a period of one year is another complaint which the agriculturists of this country have against the Central Government. This is also a very important point, and I hope the Government will look into the troubles of the agriculturists. The Finance Member by his inflation policy is making a fortune. The Government are paying their debts in England. Is it not reasonable that a portion of this fortune which the Finance Member is making at the expense of poor agriculturists who on account of distress are selling their gold should be utilised in giving relief to our poor agriculturists? And will not Government come forward

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and give a little relief to the agriculturists also at this time when it is badly needed? The relief can be given by carrying agricultural products at a very cheap rate, if possible entirely at the expense of the Government, from the place where the wheat is grown to the port, so that it may be sold outside at cheaper rates. Government may go further. The surplus quantity may be purchased by the Government, as the Egyptian Government did some years ago, and then it may be sold by the Government even though at a loss. No doubt a little loss would be incurred, but considering the fortune which the Government are making now by printing notes, I think they can as well spend something on these agriculturists. Though I welcome this Bill, still I have a serious complaint that its operation is restricted to only one year.

**Mr. C. C. Biswas** (Calcutta: Non-Muhammadian Urban): There is a saying in Bengali, "He, for whose sake I steal, calls me a thief!" I do not know if the speech of my Honourable friend Dr. Ziauddin Ahmad has produced a similar feeling in the Honourable the Leader of the House. Last year when introducing this measure for the protection of Indian wheat producers, the Leader of the House explained, and he has repeated it to-day, that he was taking a step which was opposed to the accepted policy of the Government of India as laid down in the Report of the Indian Fiscal Commission—not to tax foodstuffs. Having made that departure, taking courage in both hands, and taxed Indian wheat, I should have thought that the Honourable Sir George Rainy was entitled to the gratitude of those who supported him on the last occasion, but it is only a half-hearted compliment that Dr. Ziauddin Ahmad has paid to my Honourable friend to-day. Not only, Sir, is there no case for extending this protection till the end of 1934, I should doubt very much if there was any case for extending it even up to 1933. We have not been supplied with figures showing how the wheat position stood during the last 10 or 11 months. It has been taken for granted—that is the statement which you will find in the Statement of Objects and Reasons—that the wheat position to-day is very much the same as it was last year, and that the need for continuing this protection is still there. I should like to ask my Honourable friend opposite how far he is satisfied that the duty which was put on last year has really benefited the producers and not the speculators. If he has any information on that point, I think the House is entitled to it. If that information is not available, then the House is entitled to know what enquiries he had made to elicit information on that point. My Honourable friend will remember, that was the fear which had been expressed on the floor of the House last year—that the object of this duty was not so much to protect the producers, but it was for the benefit of the speculators and the holders of stocks. Then,

the other point on which I should have liked information was this, how far my Honourable friend is satisfied that there was that huge surplus of exportable wheat, of which we had then heard so much in this House,—whether or not that surplus was a myth. Thirdly, I should like to know how far an outlet has been found for this surplus, if there was a surplus, in other countries, or is it or is it not a fact that the price of Indian wheat which was already above world parity then still remains above such parity, probably stands much higher than what it was last year. How is it proposed, if there was and still remains such a huge surplus, to give relief to the producers, assuming for the moment that these stocks are not in the hands of the speculators already, but are at the disposal of the producers? Then, last year I believe we were told that one reason why it was not possible to fix this duty—assuming it was a protective duty—at the figure which would be represented by the difference between the price at which wheat was being imported and the fair selling price of wheat—was that both those data were uncertain. I should like to know what has been the actual experience, what attempts have been made during the past few months since the new duty was imposed to ascertain what the actual average import price or what the fair selling price worked out at. These are some of the questions on which I expected the Honourable Member would give us some information. Having swallowed the pill once, I do not mind if it goes on for another year, but what I do submit is this, that in order to justify the continuance of an exceptional measure of this kind, the Government were certainly bound to place all the facts and figures before this House, because I am quite sure that my Honourable friend will not deny that this is an exceptional piece of legislation which can be justified only by exceptional circumstances.

**Mr. Muhammad Yamin Khan** (Agra Division: Muhammadan Rural): I support the motion for consideration. For the information of my Honourable friend who has just spoken, I may say one word to him, that he must see the results which had been produced by the introduction of this Bill last year. Last year when this Bill came into effect, it allowed many people to bring in wheat without any duty up to a certain period, which ran into the present financial year, and the effect of that was that there was so much surplus wheat in the country and the imported wheat was so cheap, that it really controlled the price, and at the time of harvest we found that the price went down as low as 23 seers per rupee. In Lyallpur and other places in the Punjab wheat was sold at Rs. 1-4-0 a maund. That was really the destruction of the Indian villagers in the north of India. The economic depression was so acute that we found people deserting the villages, and this fact gave a good deal of food for the Congress propaganda in the country. This was my contention even in the beginning of last year, that by not introducing this Bill the Government was playing into the hands of their own enemies. The result was exactly the same as had been predicted a year before. Now, this problem of depression continued over a long period during the present financial year, until the whole stock was exhausted and the import ceased. Now, the effect is that although wheat was sold at Rs. 1-4-0 a maund in May and June, it is now Rs. 3. per maund. If wheat is sold at Rs. 3 per maund today by extending the period of this Bill it is expected that at the most 15 seers per rupee might be sold at the time of the harvest, but the prices will certainly not go down beyond that. They might remain at 13 seers per rupee in places other than the Punjab. If the period is not extended, the result

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will be that nobody will like to grow wheat and they will never be able to find sufficient money to invest in the produce of wheat, and the result will be that the village population will be starving and they will be left without any employment. If they are left without any employment, these millions and millions of people will not be able to find any employment in the cities or elsewhere. Speaking on behalf of my class, that is the zamindars, I can say that we shall be ruined absolutely. We won't be able to collect any rents because the tenants will have nothing to pay and if the zamindars cannot collect rent Government will not get any revenue. Let them sell the lands for whatever they like. They can very well auction the villages and they will find no bidders to purchase the same. That is the effect which this acute economic problem will produce in the villages. On these grounds, I welcome this Bill. When the clauses come on, I shall deal with them on their merits.

**The Honourable Sir George Rainy:** Sir, I do not propose to say more than a very few words. My friend Dr. Ziauddin Ahmad is a most resolute Oliver Twist who is always wanting more, and I am not in the least surprised that while he bestowed a somewhat mild encomium on my present effort, he devoted the greater part of his speech to explaining the faults I had committed in the past, although he a little unfairly attributed them to my Honourable colleague, the Finance Member. I do not think, Sir, I need deal further with his speech. As regards what fell from my Honourable friend Mr. Biswas, I should like to say this. He asked how this duty had benefited the producer of wheat in India. My answer is that it has benefited the producer in India to this extent that, but for the Bill, not only would a certain quantity of wheat have been imported during the first six months but the imports of wheat would still be going on and probably in much larger quantities. The Bill, it is true, has not had much effect in raising prices, but it has at any rate had the effect of preventing a further drop. I have not the least doubt myself that it has been a distinct benefit to the cultivating classes. Then he put a question about the alleged surplus of wheat in Northern India. I have always been a little sceptical myself when people publish figures purporting to give the amount of surplus, as for example, a million and a half tons, or two million tons, or whatever the figure may be. There has never been any definite proof of the amount, and undoubtedly the evidence which has been accumulating has pointed to the conclusion that the estimates of the surplus have erred a good deal on the large side. That is certainly the impression which I have myself formed.

Another small point that he raised was why did we not fix the rate of duty at what we considered to be the difference between the imported price and the fair selling price. If he will turn to the speech which I delivered last year—it is asking a great deal of anyone, I admit, to ask him to read one's own former speeches—he will find something which is relevant to his inquiry. I do not think, Sir, I need add anything more.

**Mr. President:** The question is that the Bill to extend the operation of the Wheat (Import Duty) Act, 1931, be taken into consideration.

The motion was adopted.

**Mr. President:** The question is that clause 2 stand part of the Bill.

(Dr. Ziauddin Ahmad got up to move his amendment to clause 2: "In clause 2, for the figures '1933' the figures '1934' be substituted".)

**The Honourable Sir George Rainy:** On a point of order. The extension of the period of the duty proposed by this amendment, in a taxing measure, requires the previous sanction of the Governor General.

**Dr. Ziauddin Ahmad:** Does the motion for reduction of the duty also require previous sanction of the Governor General in Council?

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is aware of the ruling I gave on the occasion of the Finance Bill. With regard to the point of order, the sanction of the Governor General is necessary if the proposed taxation is to be extended to another year. The Chair should like to know whether the Honourable Member has obtained the sanction of the Governor General.

**Dr. Ziauddin Ahmad:** I gave only a notice to this effect.

**Mr. President** (The Honourable Sir Ibrahim Rahimtoola): If the sanction of the Governor General has not been obtained the amendment can not be moved.

The question is that clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. G. Morgan** (Bengal: European): Mr. President, I beg to move the amendment that stands in my name:

"That after clause 2 of the Bill the following new clause be inserted and consequential amendments be made:

'3. In section 2 of the Wheat (Import Duty) Act, 1931, for the words 'two rupees per hundredweight' the words 'one rupee per hundredweight' shall be substituted'."

I think Honourable Members of this House are probably not quite aware of what I mean by this amendment. This amendment is not aimed at a reduction in the price to enable imported wheat to compete with Indian wheat. I go on the figures of Indian wheat as they stood last year. Before the Bill was brought in last year, if my figures are correct, the price was about Rs. 2-14-0 per maund and the duty put on was Rs. 1-8-0 a maund, that is Rs. 2 a hundredweight. The price of Rs. 4-6-0 is arrived at landed at the port, and although Government felt that they could not decide what was actually a fair selling price—that is to say, they could not state whether it should be Rs. 3-12-0 or Rs. 4 or Rs. 4-6-0, and that with the markets continually changing, there would have to be constant variations in their rate of duty. I take it we are satisfied that the price of Rs. 4-6-0 was a fair selling price; anyhow between four rupees and that price. Now the object of my amendment is to bring the present position into line with the position when the Bill was introduced last year. The price has risen; it is somewhere in the region of Rs. 8-10-0 today. The duty is still Rs. 1-8-0, and the surcharge is 6 annas, which brings

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the price to Rs. 5-8-0. Now, if my amendment is accepted, the position that will be created is that the figure of Rs. 4-6-0, which was the basic figure when the first Bill was introduced, will be restored . . . . .

**The Honourable Sir George Rainy:** May I put one question to my Honourable friend? Are the prices he is quoting the prices per maund at Calcutta?

**Mr. G. Morgan:** Yes, Sir, and that will still keep the fair selling price of Indian wheat at Rs. 4-6-0 which was the price which was in everyone's mind as being a fair selling price when the duty was put on at Rs. 2 per cwt. Therefore, there is no change in the position so far as agriculture is concerned. The only thing one wants to avoid is undue inflation of price—I know that the Governor General in Council has power to remit or reduce the duty—but that requires investigation and a special procedure which might take a long time, whereas this amendment of mine brings the position back to where we were when we passed the Bill last year. There is no change at all from that position, except in the case of some of our Honourable friends who objected to clause 3. The reason why I would like to have that position continued on a basis of Rs. 4-4-0 or Rs. 4-6-0 is that we do not want to run the risk of raising the price of flour, or the price of wheat, beyond a certain limit. We all think this price is a fair selling price, and we do not want the consumer to have to resort to inferior classes of grain which might be selling cheaper. The price of flour is very important, and that should not be raised beyond a certain limit. I am only basing my arguments on the fair selling price of Indian wheat, and I am quite sure that Honourable Members in this House will agree that Rs. 4 to Rs. 4-6-0 is a fair selling price for Indian wheat landed at Calcutta. Quotations have been given just now which show that Rs. 3-6-0 is the price ruling in some upcountry markets and the Honourable the Leader of the House said that was the average pre-war rate. If you take Rs. 4-6-0 as the selling price of wheat in Calcutta and take an average of one rupee as the railway freight, it comes to Rs. 3-6-0 at, say, Lyalpur, against Rs. 1-4-0 and Rs. 1-8-0, the prices quoted by my Honourable friend Mr. Yamin Khan, at this time last year, and my amendment does not change that position at all. And I challenge anyone to say that there is any prospect of a fall in prices to such an extent as would necessitate an alteration in that price. The price today of imported wheat is Rs. 5-4-0 *plus* duty out of all proportion to the price of Indian wheat, and I, therefore, Sir, move my amendment. In that connection I would just like to read an extract from the speech of my Honourable friend, the Leader of the House, last year, in connection with the surplus my Honourable friend, Mr. Biswas, spoke about:

"It is obvious that once this surplus is absorbed and the duty becomes fully effective in raising the price of wheat, then the question must arise, which Government are bound to consider, as to whether a duty, as heavy as the duty which this Bill seeks to impose, would not be too severe upon the consumer;"

I maintain that two rupees per cwt. is too high, and that reducing it to one rupee would put us in the same position as we were in last year, and should not prove to be too severe on the consumer.

**Dr. Ziauddin Ahmad:** Sir, I gave notice of two motions which on account of the fact that they did not receive the assent of the Governor

General in Council, could not be discussed. I thought that the Bill which is now before us did not go far enough and I therefore made two suggestions: that is, the import duty should be raised from Rs. 2 to Rs. 2-8-0, and the term of this Bill may be extended to one or two years, but the proposition which is now before us is just the reverse (Laughter), and I would request the Honourable the Mover and my friend, Mr. Biswas, to consider the problem from another point of view, and it is this. In 1929-30, India produced about two million tons more wheat than her consumption, that is, the production was about 10½ million and the actual consumption was about 8½. Now last year in 1930-31 we produced about one million more than our consumption; so we have got lying somewhere, either with the tenants or landlords or in granaries, about 3 million tons of wheat.

**Mr. N. M. Joshi** (Nominated Non-Official): May I ask my Honourable friend, why was it that excess production was brought about?

**Mr. G. Morgan:** From what year did the Honourable Member say the surplus started?

**Dr. Ziauddin Ahmad:** We passed the Bill providing for an import duty on wheat last year, but made certain concessions. The result during the first six months when the concession was allowed was very alarming; that is, from the 1st April till the end of August—I have now got the accurate figures—we imported 111,269 tons of wheat, during five months while the import last year during the same months was only 40,000 tons. So, on account of the special concession, we imported enormous quantities of wheat and thus added to our surplus. Now as soon as this duty of two rupees was fully in operation, then the import was stopped altogether; that is, in the months of September, October, November and December India did not import a single grain of wheat from outside. Now as regards the export of wheat, the position is very unfortunate; that is, during the same months from April to August last year, we exported 156,240 tons, while this year we could only export 16,752. Look into the figures 111,269 tons of wheat were imported, while we could only export 16,752 tons: so that there has been an enormous amount of wheat coming into the country and adding to the surplus of the last two years, which is over two million tons. Now what are you going to do with this surplus? Are we not going to be poorer on account of this waste? Perhaps my friend, Mr. Biswas, has very great sympathy for persons engaged in the import trade. I also have very great sympathy for them, but I have still greater sympathy for the millions of people who are dying of starvation on account of the wrong policy of the Government of India.

**Mr. S. O. Mitra:** Those people you refer to get food cheaper.

**Dr. Ziauddin Ahmad:** My friend raises the question of food being cheaper. Sir, cheapness is always good to a certain extent, but if you make everything very cheap. The gain of the consumer is the loss of the producer. We have to maintain the balance beyond which we cannot go on either side.

**Mr. S. O. Mitra:** Bengal always pays.

**Dr. Ziauddin Ahmad:** As regards Bengal, we will discuss it when we come to the question of rice in which Bengal is intimately interested.

[Dr. Ziauddin Ahmad.]

The problem that we have got to consider is that we have got a surplus of wheat lying in the country and we ought to provide a market for it. If it is not within the power of the Government of India to provide a market outside India, it is certainly within the power of the Government of India to provide a market internally by not allowing any more wheat to come into this country. The question of prices is a matter which is not of such a great consequence as the fact that we have got a large quantity of surplus wheat lying in the country and we cannot possibly afford to have more wheat from outside.

**Mr. Muhammad Yamin Khan:** Sir, the object of the Bill is to give protection to the cultivator and to keep the industry of wheat intact. If the protection is not given, then the net result will be that nobody will produce wheat, and India, instead of remaining the chief wheat producing country, will allow Canada or Australia to capture the wheat industry. People who are living in the villages who form 80 per cent. of the population of India depend upon agriculture and agricultural industry. This means that we are depriving them of their livelihood and we will thereby force them to migrate from their villages and thus become paupers. That will be the net result if the protection is not given to safeguard their industry. The question is not the cheapness or the dearness of any commodity. There are some provinces which produce one kind of commodity and there are other provinces which produce another kind of commodity. We have got no contention against the products of Bengal and I shall be as much pleased to give protection to the products of Bengal as to the products of the United Provinces and the Punjab.

Now, I have got to tell the House what this amendment proposes to do. The amendment directly negatives this principle, and what my learned friend wants to do is to benefit the importers. The object of the amendment is not to benefit the producer but the importers. What he wants by the reduction of the duty is that the importer from outside may be able to compete with the Indian producer.

**Mr. G. Morgan:** My friend has entirely misunderstood me. That is not my object.

**Mr. Muhammad Yamin Khan:** There can be no other object of this amendment. When he wants the duty to be brought down, there can be no other object than to benefit the person who can import from outside India. Otherwise, the amendment will be meaningless. It does not matter what the amount of the duty is if that is not the object. It may be Rs. 2 or Rs. 5 or even Rs. 10. It does not matter at all except in so far as it affects the man who brings wheat from outside India.

**Mr. N. M. Joshi:** What about those who purchase wheat?

**Mr. Muhammad Yamin Khan:** My Honourable friend Mr. Joshi is interested in a handful of people who are working as labourers in the mills. I am ashamed to admit that he calls himself the representative of labour when he does not represent the labour that is living in the villages.

**Mr. N. M. Joshi:** May I ask how many men own land in India?

**Mr. Muhammad Yamin Khan:** There is no question of owning land.

**Mr. N. M. Joshi:** It is certainly a question of owning land.

**Mr. Muhammad Yamin Khan:** It is a question of the labourers in the fields. It is the question of the labourers who live in villages. It is not the question of the landlords whose number is small. They may be wiped out. It is the question of the labourers and the cultivators who cannot get even one meal a day. It is the question of their livelihood. If they do not get the return on the money they have invested, they will be deprived of cultivation and of their labour. They cannot get any labour anywhere except in the fields and that labour depends upon the proper return on their investment. If a man spends about Rs. 2 as capital on the cultivation of one bigha of land, he certainly expects that he must get at least Rs. 3 worth of wheat, so that he may be able to pay back Rs. 2 which he had borrowed and keep Re. 1 as his profit which is really his wages and not profit. On the other hand, my friend's labourers might be smoking away so much money which a labourer in the fields cannot get even for his meals. My friend may be interested in the cheapness of the commodity, but he must realise that the Bill is not in the interests of those labourers who reside in big towns but in the interests of those labourers who are residing in the villages. Sir, my friend the Mover of this amendment wants to take away this principle from the Bill. I would much prefer that this handful of people in whose interest this amendment is moved and who were allowed probably up to the end of June to import free of duty because they had made certain contracts up to a certain period, take away their mills from India. If these people were to take away their machinery from Bombay and Calcutta and instal it in some place outside India, it would be much better. They must leave the agriculturists free. It is due to economic depression that the present situation has arisen and the Government, I hope, will not commit all kinds of blunders which they made last year. If the Government continue to listen to their advice, they will soon find that they will have no supporters in the country left. It is because of this economic depression that the country has not been supporting the Government, and in two years' time, if the present condition of things continues, the whole country will rise in a revolt against the Government.

**Mr. President:** Will the Honourable Member now come to the amendment that is before the House on which he is addressing it?

**Mr. Muhammad Yamin Khan:** I maintain, Sir, that this amendment is designed in the interests of other countries and not India. It seeks to benefit the producers of Australia and Canada and a handful of people who have put up their machinery in Calcutta and Bombay and who export flour which is not meant for the consumption of the Indian people but is meant to be exported to Egypt and other places. I, therefore, oppose the amendment.

**The Honourable Sir George Rainy:** Sir, I regret that I am not in a position to accept the amendment moved by my Honourable friend Mr. Morgan. His whole argument was based on an assumption which I do not think can be justified. The assumption was this, that Government must have fixed the amount of duty at Rs. 2 per cwt. on the basis that that duty would suffice to give the producer in India a fair selling price. Now I thought that I made it clear in my speech last year that that was



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not the basis on which Government was proceeding. I do not propose to quote more than a few words of what I then said. I said:

"They did not feel that it was possible to proceed in the way in which the Tariff Board usually proceed when they make enquiries about protective duties, because on the one hand it is extraordinarily difficult to determine what is the fair selling price for Indian wheat, and even if it were possible to determine it there is no means available at the moment by which it could be secured."

Therefore, Sir, a great deal of my Honourable friend's argument falls to the ground. In fixing the amount of the duty at Rs. 2 per cwt. last year Government proceeded on the basis that it must be at such a level that there could be no doubt that, so far as securing the market for the Indian producer was concerned, it would be fully effective. It has fulfilled that object and I am not prepared to say that conditions may not be such during the coming year that a smaller duty—a duty of one rupee per cwt., for example, as recommended by my Honourable friend—would not be fully effective. It is for that reason that I am unable to accept the amendment

**Mr. G. Morgan:** Sir, I beg leave of the House to withdraw my amendment.

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

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir George Rainy:** I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 13th February, 1932.