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THE
LEGISLATIVE ASSEMBLY DEBATES

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(3rd February to 14th February, 1936)

THIRD SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1936



NEW DELHI
GOVERNMENT OF INDIA PRESS
1936.

Legislative Assembly.

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Deputy President :

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MR. M. S. ANFY, M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 13th February, 1936.

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

MEMBER SWORN :

Mr. Arthur Shelden Hands, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

EMPLOYMENT AND TRAINING OF INDIANS IN THE INDIA OFFICE IN LONDON.

350. ***Mr. G. N. Muthuranga Mudaliar:** (a) Will Government lay on the table a statement containing the number of officers and clerks employed in the India Office in London?

(b) How many of them are Indians? Were any Indians employed in that office so far?

(c) Will Government state if any portion of the expenditure on the India Office is borne by Indian revenues, and if so, what?

(d) If the answer to part (c) be in the affirmative, will Government state the reasons why no steps have been taken to employ and train Indians in that office?

The Honourable Sir Henry Craik: I would refer the Honourable Member to the answer I gave to Dr. T. S. S. Rajan's starred question No. 266 on the 11th February, 1936.

CONVERSION OF EXISTING THIRD CLASS CARRIAGES INTO IMPROVED DESIGN CARRIAGES.

351. ***Mr. G. N. Muthuranga Mudaliar:** With reference to the news about the proposed design of improved third class carriages on State Railways, will Government state when they propose to put the same into actual use and whether they will convert existing carriages into the new type as soon as possible and utilise them for the comfort and convenience of the public?

The Honourable Sir Muhammad Zafrullah Khan: The design of the improved third class carriage is still under consideration. It is not the intention to convert existing third class carriages to the proposed new design.

Mr. Lalchand Navalrai: Can the Honourable Member give me an idea as to how many new third class carriages have been built by this time?

The Honourable Sir Muhammad Zafrullah Khan: Of the type that is still under consideration, none.

Mr. Lalchand Navalrai: Some new third class carriages were being exhibited at some stations to the people. I want to know how many of them have actually been built by this time.

The Honourable Sir Muhammad Zafrullah Khan: Only one.

Mr. C. N. Muthuranga Mudaliar: Is it not a fact that the new third class carriage was exhibited at the New Delhi railway station to members of the Railway Finance Committee even as early as last year?

The Honourable Sir Muhammad Zafrullah Khan: No, I do not think so. It has been seen by me and Members of the Railway Board, and I think it is the intention that members of the Central Advisory Council should also see it and make their suggestions at this stage; and, then, after all these suggestions have been received, the final design will be approved of.

FARES AND FREIGHTS FOR PASSENGERS AND GOODS IN JAPAN AND INDIA.

352. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government lay on the table a comparative statement of fares and freights for various classes of passengers and goods as in force in Japan and India?

(b) If no statistics are available at present about the railways in Japan, are Government prepared to take the necessary steps to obtain the same from their Agent in Japan or from the Japanese Government and place them as soon as possible on the table of the House?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government have no information as regards fares and freights in Japan and do not consider that any useful purpose is likely to be served by arranging to obtain such information which must involve a considerable amount of labour.

INDIANS EMPLOYED IN THE LEAGUE OF NATIONS.

353. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government be pleased to lay on the table a list of the establishment of the League of Nations at Geneva, together with offices subordinate thereto, after obtaining the same from the League Office, if it is not available in India?

(b) Will Government say how many of the staff are Indians?

(c) Is it not a fact that the representation of Indians in the staff of the League is very inadequate?

(d) Will Government state what steps they have taken to increase the numbers of Indians employed in all capacities in the League Offices and in the Offices subordinate thereto?

(e) Are Government prepared to consider the advisability of deputing annually some purely Indian personnel from the various Secretariat Offices in India for training and experience in the League Offices and in the International Labour Office?

The Honourable Sir Nripendra Sircar: (a) and (b). The Honourable Member is referred to pages 1092 to 1121 of the League of Nations Official Journal, 16th Year, No. 10 of October, 1935.

(c) and (d). I must leave the Honourable Member to form his own conclusion as to the adequacy or otherwise of Indian representation in the Secretariat. My own opinion was indicated in my reply to part (d) of question No. 121 asked by Mr. Satyamurti on the 4th September, 1935, to which the Honourable Member is also referred in reply to part (d) of the present question.

(e) Government have no such system in contemplation, but I may mention that in recent years delegations to meetings of the International Labour Office have normally included Indian officers who have served in a Secretariat in India.

TRAINING OF INDIANS AS PILOTS, GROUND ENGINEERS AND MECHANICS.

354. *Mr. C. N. Muthuranga Mudaliar: (a) Will Government state how many aviation depots or repair shops or works are maintained by the military department in India or from Indian revenues?

(b) Will Government say how many Indians are being trained in various capacities such as (i) pilots, (ii) ground engineers, (iii) mechanics and in other capacities, at present and if there is any policy behind such recruitment?

(c) Will Government lay on the table a statement showing the personnel employed in all the branches of the Royal Air Force in India in the various centres and commands?

(d) Will Government say how many Europeans have been got out from Great Britain or Anglo-Indians from India in respect of the posts referred to above and under what terms?

(e) Will Government say if such personnel trained in India at the cost of Indian revenues are liable at any time to be used by the English Army for their own purposes, and if so, whether it does not mean so much loss to India?

(f) Will Government state what amounts have been spent up to date from the inception of the Royal Air Force in India, from Indian revenues, both on headquarters establishment and outside offices and workshops?

(g) Will Government state if there are any military aviation centres or workshops in the Madras and Bombay Presidencies or if all these centres are concentrated in north-west India only?

Mr. G. R. F. Tottenham: (a) to (d) and (g). I take it that the Honourable Member is only referring to the Royal Air Force in India and the Indian Air Force and not to Civil Aviation.

The Royal Air Force consists of 251 officers and 1,860 other personnel. Their distribution is shown in a book entitled "Peace Establishment of Royal Air Force units in India", a copy of which I am placing in the Library. The organisation includes an Aircraft Park at Lahore and an Aircraft Depôt at Karachi. These are the only military units of the kind referred to by the Honourable Member in this country. The Indian personnel employed with the Royal Air Force, excluding the ministerial establishment of Royal Air Force Headquarters and followers, number 556 most of whom are Artificers, Mechanical Transport Drivers and clerks. The Indian Air Force, the first flight of which was formed in 1932, is

stationed at Karachi and consists at present of eight Indian officers and 22 other personnel. There are also at present three British officers with it for instructional purposes. The Indian officers are trained as pilots in England before being commissioned. There are at present two cadets under training for commissions. The classification of the other personnel is shown in the statement which I lay on the table. There are in addition 32 apprentices under training. Ground Engineers are civil appointments.

(e) No.

(f) I would refer the Honourable Member to the yearly Finance and Revenue Accounts of the Government of India in which he will find the information he requires.

Statements showing ranks and trades of Indian Air Force Airmen.

Blacksmith.

1 Hawai Sepoy.

Coppersmith.

1 Hawai Naik.

Metal Rigger.

1 Hawai Naik, 4 Hawai Sepoys.

Fitters Aero Engine.

1 Hawai Naik, 2 Hawai Sepoys.

Photographer.

2 Hawai Sepoys.

Carpenter

2 Hawai Sepoys.

Storekeeper

3 Hawai Sepoys.

Clerk General Duties.

1 Hawai Sepoy.

Clerk Pay Accounting.

1 Hawai Sepoy.

Aircraft-hand.

3 Hawai Sepoys. (1 under training as Clerk General Duties.)

Mr. C. N. Muthuranga Mudaliar: Are there Indians among the ground engineers?

Mr. G. R. F. Tottenham: Ground engineers are civil appointments; they have nothing to do with the Royal Air Force or the Indian Air Force. I have no information on that point.

Mr. C. N. Muthuranga Mudaliar: Are there Indians among these 32 apprentices?

Mr. G. R. F. Tottenham: The 32 apprentices are Indians.

STEPS AGAINST COUNTRIES DISCRIMINATING AGAINST THE ENTRY OF INDIANS INTO THEIR TERRITORIES.

355. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government lay a statement on the table showing the numbers of Americans, South Africans, Australians and Canadians who reside and carry on business in India?

(b) Will Government state what, if any, steps they propose to take in regard to nationals of countries which discriminate against the entry of Indians into their territories, and in particular against the nationals of such countries from exploiting the mineral and other wealth of this country for their own advantage?

Sir Girja Shankar Bajpai: (a) A statement according to the census of 1931 showing the number of persons born in America, South Africa, Australia and Canada and resident in India is laid on the table. Information is not readily available as to how many of these carry on business in this country.

(b) Under the Reciprocity Resolution of the Imperial War Conferences of 1917 and 1918, each community of the British Commonwealth, including India, enjoys complete control of the composition of its own population by means of restriction on immigration from any of the other communities. So far as India is concerned the principle underlying the resolution has been provided for in the Immigration into India Act, No. III of 1924. No rules have been framed under the Act, as, in the opinion of Government, the need for this has not so far arisen. So far as the Government of India are aware, Indians who have settled in Australia and Canada are not subject to any economic restrictions and the reciprocity resolution, to which reference has been made, permits of the entry of Indians into these dominions for purposes of commerce. There is, therefore, no case for any retaliatory action against these two countries. So far as South Africa is concerned, resident Indians suffer from a number of disabilities, but Government do not consider that at this stage a policy of retaliation against South African nationals entering or resident in India will be the best way of securing the removal of these disabilities.

The Honourable Member has referred to Americans in part (a) of the question and it may therefore be added that the Government of the United States of America do impose by the Immigration Act of 1924 certain disabilities and restrictions upon entry into and residence in the United States of all Asiatics including Indians. The Government of India are giving careful consideration to this matter and have addressed His Majesty's Government with a view to representations being made to the Government of the United States of America. They do not consider that any further steps are necessary or desirable at present.

As regards the exploitation of mineral wealth, only British subjects are eligible for mining concessions.

Statement showing the number of persons born in America, South Africa, Australia and Canada and resident in India according to the Census of 1931.

United States of America	1,451
South Africa	1,558*
Australia	569
Canada	628

*Note.—Mostly Indians born in South Africa. The number of South Africans of non-Indian origin resident in India is very small.

Mr. M. Ananthasayanam Ayyangar: Have any restrictions been imposed so far on any citizens of the United States coming to visit India?

Sir Girja Shankar Bajpai: As far as I am aware, there are no restrictions.

Mr. M. Ananthasayanam Ayyangar: Are Government aware that when Dr. Rabindra Nath Tagore wanted to go to the United States, certain restrictions were imposed and his thumb impressions were also asked for?

Sir Girja Shankar Bajpai: I have been to the United States myself once, and that was some time ago. As far as I am aware, all immigrants into the United States of America have to comply with certain formalities.

Mr. M. Ananthasayanam Ayyangar: Are there similar restrictions or formalities here as now prevail in the United States of America?

Sir Girja Shankar Bajpai: I presume that there are such formalities in force in this country as suit the conditions in this country.

Mr. C. N. Muthuranga Mudaliar: Will Government proceed to frame rules under Act III of 1924, and take the necessary action if the representations of His Majesty's Government prove futile?

Sir Girja Shankar Bajpai: That, Sir, is a hypothetical question.

Mr. M. Ananthasayanam Ayyangar: May I know whether thumb impressions are insisted upon from any immigrant into India?

Sir Girja Shankar Bajpai: I am not aware that thumb impressions are insisted upon so far as entry into the United States of America is concerned, except for people who cannot sign.

Mr. Lalchand Navalrai: May I know the difference between the restrictions imposed when Americans go over here and Indians go over there?

Sir Girja Shankar Bajpai: I have already answered that question by implication, namely, that each country has formalities as regards entry which suit its particular requirements.

Mr. Lalchand Navalrai: Which is the formality that suits India?

Sir Girja Shankar Bajpai: I would suggest that my Honourable friend should study the passport regulations.

Pandit Lakshmi Kanta Maitra: In view of the fact that Government do not propose to take retaliatory measures against South Africa, what measures do Government propose to take for the removal of the disabilities which that Government impose?

Sir Girja Shankar Bajpai: My Honourable friend has been a Member of this House now for over a year; I have answered a number of questions regarding disabilities of Indians in South Africa, and I should like him to refresh his memory as to what I have said in reply to those questions.

Mr. S. Satyamurti: But nothing has been done!

Pandit Lakshmi Kanta Maitra: I wanted to know any specific measures which Government have taken.

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

INSTALLATION OF WATER TAPS AT STREET CROSSINGS IN NEW DELHI.

356. *Mr. C. N. Muthuranga Mudaliar: (a) Have Government considered the desirability of installing water taps for drinking water at all street crossings in New Delhi?

(b) Are Government aware that the absence of such taps causes great hardship to the various classes of persons who use the roads and that the provision of such taps is one of the amenities of every town?

Sir Girja Shankar Bajpai: (a) and (b). With your permission, Sir, I shall answer parts (a) and (b) of the question together. The New Delhi Municipal Committee are responsible for the provision of water taps for drinking water at street crossings in New Delhi and are considering the question of installing new taps at certain points. A statement giving the places on public streets (i) where water taps already exist, and (ii) where their installation is under consideration is laid on the table.

Statement.

(a) *Places on public streets in New Delhi where water taps for drinking water already exist :*

- (1) Connaught Place (near Hayat Furniture House).
- (2) Junction of Gurdwara Road and Asoka Road.
- (3) Queensway (near Pearey Lal Petrol Pump).
- (4) Prithvira; Road (near European Cemetery).
- (5) Talkatora Road (near Gwalior Transport Company).
- (6) Muntra Road (near Purana Qilla).
- (7) Junction of Akbar Road and King George's Avenue.

(b) *Places on which the installation of water taps is under the consideration of New Delhi Municipal Committee :*

- (1) In front of Safdarjang.
- (2) In front of Police Post, Nizam-ud-din, at the junction of Tughlak Road and Aurangzeb Road.
- (3) Near Delhi Gate at the junction of Muntra Road and Circular Road.
- (4) At York Place.
- (5) At the junction of Circular Road and Minto Road.
- (6) Near Kotla Ferozeshah.

SAFEGUARDING OF THE RIGHTS OF INDIANS SETTLED IN MESOPOTAMIA.

357. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the Iraq Government have taken steps to send away all the Indians settled down in Mesopotamia?

(b) What steps do the Government of India propose to take to safeguard the rights of Indians settled down in Mesopotamia?

Sir Aubrey Metcalfe: (a) No, Sir.

(b) Does not arise.

Mr. C. N. Muthuranga Mudaliar: May I know if the Iraq Government contemplate the withdrawal of any trading facilities to Indian residents in that country?

Sir Aubrey Metcalfe: I do not think so.

ORDER-IN-COUNCIL CREATING A STATUTORY BAR AGAINST INDIANS IN KENYA.

358. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the Governor of Kenya informed the European delegation that waited on them in September last, that the Secretary of State for the Colonies was actively engaged in preparing an Order-in-Council as recommended by the Kenya Land Commission?

(b) Are Government aware that the proposed Order-in-Council would create against the Indian community a statutory bar nowhere obtaining in the British Empire?

(c) Are Government prepared to take steps to represent to His Majesty's Government in England to drop the proposed Order-in-Council?

Sir Girja Shankar Bajpai: (a) Government have seen press reports to the effect that the Governor informed the deputation referred to by the Honourable Member that the question of implementing the Carter Commission Report was receiving active consideration.

(b) It is true that the proposed Order-in-Council will create a statutory disability in regard to the ownership of land by Indians in the Kenya Highlands, which does not exist in any other British colony.

(c) The attention of the Honourable Member is invited to the discussion on Mr. Satyamurti's adjournment motion last year and to the same Honourable Member's question No. 62 asked on the 5th February, 1936, and the replies thereto.

Mr. S. Satyamurti: When was Government's attention drawn to the press statement about the matter referred to in part (a) of the question?

Sir Girja Shankar Bajpai: That, I believe, Sir, was in November.

Mr. S. Satyamurti: Did Government pursue that, and make enquiries in authoritative quarters, as to whether the press statement was accurate to the extent that the proposed Order-in-Council was under active consideration?

Sir Girja Shankar Bajpai: The point is that the press report did not say that the Order-in-Council was under active consideration. What the press report said was that the question of implementing the Carter Commission's Report was under active consideration.

Mr. S. Satyamurti: What did the Government understand by "implementing" except by Order-in-Council?

Sir Girja Shankar Bajpai: Not necessarily that, because the Carter Commission were primarily concerned with the question of the definition of "boundary". The definition of "boundary" may be attained without an Order-in-Council which would mean the discriminatory treatment complained of by my Honourable friend.

Mr. S. Satyamurti: Did Government follow it up, and find out authoritatively what the Governor actually said?

Sir Girja Shankar Bajpai: They did not think it necessary to follow up as to what the Governor said as regards the active consideration of the question of implementing the Report. The Governor also said that he undertook to recommend to His Majesty's Government that the Order-in-Council should be shown to the settlers: that Government did follow up, and on that subject a despatch has already been issued by His Majesty's Government rejecting the request of the settlers.

Mr. S. Satyamurti: What is the latest position about the proposed Order-in-Council?

Sir Girja Shankar Bajpai: We made an enquiry on this subject, but have not had an answer.

Mr. S. Satyamurti: When was the enquiry made?

Sir Girja Shankar Bajpai: An enquiry was made, I think, about the middle of the last month.

**ORDINANCE TO CONTROL AND REGULATE THE MARKETING OF NATIVE PRODUCE
PASSED BY THE KENYA LEGISLATIVE COUNCIL.**

359. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that recently a Bill styled 'An Ordinance to control and regulate the marketing of Native Produce' has been passed by the Kenya Legislative Council and that it is now awaiting the assent of the Secretary of State for the Colonies?

(b) Has the attention of Government been drawn to the deliberations of the Kenya Indian Conference held on 2nd and 3rd November, where the Bill referred to above was criticised as affecting the interests of Indians?

(c) Do Government propose to take steps to represent to His Majesty's Government in England that the measure, if passed into law, would be definitely injurious to the interests of Indians and that the measure should be dropped?

Sir Girja Shankar Bajpai: (a) The answer to the first part of the question is in the affirmative. As regards the second, the Ordinance has received the assent of His Majesty's Government and has been brought into force with effect from the 1st January, 1936.

(b) Yes.

(c) I would invite the attention of the Honourable Member to the relevant portion of His Excellency the Viceroy's speech to the Council of State and the Legislative Assembly on the 16th September last. The Government of India, after full consideration of the Ordinance as passed, decided not to make any further representations but to watch the operation of the measure.

Mr. S. Satyamurti: Before the Ordinance was assented to by the Secretary of State, did he consult the Government of India, or did the Government of India make any representation to him?

Sir Girja Shankar Bajpai: The position as regards that is that His Majesty's Government did enquire whether the Government of India wished to make any further representation in regard to the Ordinance as it had emerged from the Legislative Council. I happened to be in Bombay at the time, and I discussed this matter with the Honourable Mr. Pandya with whose activities and status in Kenya my Honourable friend is familiar, and Mr. Pandya did advise me that the best thing in the circumstances to do was to let the Ordinance go through, watch its operations, and then, if necessary, make further representations.

GRIEVANCES OF THE PILGRIMS TO THE HEDJAZ.

360. ***Qazi Muhammad Ahmad Kazmi:** (a) With reference to starred questions Nos. 269 and 270 asked by Sir Muhammad Yakub on the 11th September, 1935, regarding the report of Khan Bahadur Alhaj Muhammad Habibullah Khan, dated the 16th April, 1935, and entitled 'Some grievances of pilgrims to the Hedjaz' will Government be pleased to state whether they are aware that the Indian pilgrims were put to great inconvenience and harassment by the non-advertisement of the date of sailing S.S. "Rahmani" at Jeddah in March, 1935, against the provisions of paragraph 14 of the Manual of Instructions for pilgrims?

(b) Is it a fact that for that reason the shipping company waited from day to day to have the full complement of pilgrims at Jeddah and the pilgrims had to undergo great inconvenience and to incur the expenses of waiting for several days and even weeks at Jeddah?

(c) Is it a fact that the shipping company office at Jeddah did not supply labels for the heavy baggages of the pilgrims that were to be stored in the hold of the ship?

(d) Is it a fact that the pilgrims were charged Rs. 3-0-0 per head for the carriage of their luggage from on board the ship to shore and *vice versa*?

(e) Are Government aware that no one supervised the embarkation of heavy luggage at Jeddah, in spite of the realization of the embarkation fee, and the pilgrims had to undergo the trouble of supervising the embarkation and had to incur a good deal of extra expense?

(f) Is it a fact that the heavy baggages of the passengers, according to para. 18 of the Manual of Instructions for the pilgrims ought to have been registered, numbered and deposited in the hold before the ship left her moorings and are Government aware that it was allowed to lie on the deck of the ship to the great inconvenience of the passengers?

Sir Girja Shankar Bajpai: (a) Paragraph 14 of the Manual of Instructions for Pilgrims to the Hedjaz applies only to sailings from India. There is no obligation on the shipping company to give a fixed period of notice of sailings from Jeddah.

(b) The shipping company waited in order to avoid the inconvenience of a long wait to the larger number of pilgrims who were expected to arrive shortly at Jeddah after performing the pilgrimage.

(c) Government have received complaints to this effect.

(d) Yes. The charge has been reduced from Rs. 3 to Rs. 2-4-0 per head during the current pilgrim season.

(e) The allegation is not wholly correct. A representative of the Jeddah Agents of the shipping company visited the quay three or four times when embarkation was going on. The company have now been asked to instruct their Jeddah Agents to have a representative on the quay continually on the days of embarkation.

(f) Yes. Government have received complaints to this effect and have asked the shipping company to devise better arrangements for storing the heavy baggage of pilgrims in the holds.

GRIEVANCES OF THE PILGRIMS TO THE HEDJAZ.

361. *Qazi Muhammad Ahmad Kazmi: (a) Are Government aware that on S.S. "Rahmani" herds of sheep and goats were kept on the upper deck in close proximity to some pilgrim passengers who were thus much inconvenienced by the odour which the animals give out day and night?

(b) Is it a fact that animals were slaughtered in open space in front of deck latrines and in close proximity to the pilgrims?

(c) If the answer to parts (a) and (b) be in the affirmative have Government taken any steps to stop the recurrence of this practice?

Sir Girja Shankar Bajpai: Owing to insistence by pilgrims for the supply of fresh meat, ships have to carry live-stock and in the limited accommodation on board ship complete isolation of the animals from the passengers for purposes of accommodation or slaughter is difficult. Government, however, understand that the shipping company are investigating remedial measures.

BAD QUALITY OF FOOD SUPPLIED TO HAJ PILGRIMS ON S. S. "RAHMANI".

362. *Qazi Muhammad Ahmad Kazmi: (a) Is it a fact that the food supplied to the passengers on S.S. "Rahmani" was bad in quality and insufficient in quantity?

(b) Are Government aware that when one of the passengers on S.S. "Rahmani" complained about the food to the Captain of the ship on the Captain's own enquiry, the latter called him a *badmash*? Have Government made an enquiry into this matter? If so, with what result?

Sir Girja Shankar Bajpai: (a) There have been complaints to this effect.

(b) Government enquired into the incident and have been informed that although the epithet mentioned by the Honourable Member was used it was not done in an offensive spirit. Fresh instructions have been issued to the company emphasising that all officers should treat every passenger with courtesy.

CHANGE IN THE SYSTEM OF REALISING FOOD CHARGE FROM HAJ PILGRIMS.

363. *Qazi Muhammad Ahmad Kazmi: Have Government considered the suggestion of the Haj Committee of S.S. "Rahmani" that the system

of realizing food charges from the pilgrims at the time of purchasing tickets be discontinued and a decent restaurant on board the ship be opened, which should cater for pilgrims on cash payment and that a sum of Rs. 5 be kept as a deposit from every Haji for food expenses? If so, with what result? If not, why not?

Sir Girja Shankar Bajpai: Yes. In consultation with the Standing Haj Committee, Government have come to the conclusion that the proposal is not practicable.

ALLEGATIONS AGAINST THE EMPLOYEES OF S. S. "RAHMANI" BY THE HAJ PILGRIMS.

364. *Qazi Muhammad Ahmad Kazmi: (a) Are Government aware that the behaviour of all the employees of S.S. "Rahmani" towards the passengers generally was insulting and objectionable?

(b) If the answer to part (a) be in the negative, are Government prepared to take steps at least against the particular servants of the ships against whom specific complaints have been made or order such steps to be taken by the shipping company concerned? If not, why not?

Sir Girja Shankar Bajpai: (a) and (b). Government consider that the complaints against the staff were greatly exaggerated. The shipping company has, however, issued instructions reiterating that all pilgrims should be treated with courtesy by every one of its employees.

ALLEGED DISCOURTEOUS ATTITUDE OF THE FIRST CLERK AND SENIOR MEDICAL OFFICER TOWARDS THE MEMBERS OF THE HAJ COMMITTEE OF S. S. "RAHMANI".

365. *Qazi Muhammad Ahmad Kazmi: Have Government made an enquiry into the complaint of the Haj Committee, of S.S. "Rahmani" regarding the discourteous attitude of the First Clerk and Senior Medical Officer towards the members of the Haj Committee and for refusing help and withholding information* from them by the said officer as well as by the Captain of the ship, during the discharge of their duties as members of the said Committee? If not, why not?

Sir Girja Shankar Bajpai: Yes. No complaint was presented on the ship or to the shipping company's officials on arrival and in subsequent enquiries the alleged discourtesy was denied.

COMPLAINT AGAINST THE DOCTOR-IN-CHARGE OF THE HOSPITAL IN S. S. "RAHMANI".

366. *Qazi Muhammad Ahmad Kazmi: (a) Will Government be pleased to state whether they have made any enquiry into the complaint in writing against the Doctor-in-charge of the hospital, who is alleged to have delayed the dressing of the wounds of an indoor patient by two days for extorting money from her? If so, with what result?

(b) If the answer to part (a) be in the negative, are Government prepared to hand over the matter to a proper court for trial?

(c) Have Government considered the advisability of keeping a lady doctor or a trained nurse on board the ship for female pilgrims? If so, with what result?

Sir Girja Shankar Bajpai: (a) Yes. The allegation is not correct.

(b) Does not arise.

(c) It is very difficult to obtain suitable women for such employment but efforts to do so are being continued.

PROVISION OF A LOUNGE FOR HIGHER CLASS PASSENGERS ON PILGRIM SHIPS.

367. ***Qazi Muhammad Ahmad Kazmi:** Have Government considered the suggestion of providing a lounge for higher class passengers especially when the doors of their cabins are practically blocked by deck passengers? If so, with what result?

Sir Girja Shankar Bajpai: The shipping company have considered the question of providing a lounge for higher class passengers and their latest vessel S.S. "Islami" has one. They have also reported that the deck passengers who block the alleyways near the cabins are the servants of cabin pilgrims and any attempt to remove them leads to trouble with the occupants of the cabins.

DISPOSAL OF DEAD BODIES ON PILGRIM SHIPS.

368. ***Qazi Muhammad Ahmad Kazmi:** Have Government considered the proposal for asking the shipping companies to engage a gang of Muslims for disposing of the dead bodies of the pilgrims and also to keep a *Ghassal* (male bather) and a *Ghassala* (female bather) for bathing dead bodies on board the ship? If so, with what result?

Sir Girja Shankar Bajpai: In view of the provisions of Rule 156 (4) of the Indian Pilgrim Ships Rules, 1933, Government do not consider any further action is called for.

EMPLOYMENT OF HAKIMS AND PROVISION OF INDIAN MEDICINES ON PILGRIM SHIPS.

369. ***Qazi Muhammad Ahmad Kazmi:** Have Government considered the suggestion that the shipping companies should engage a *Hakim* with a provision of Indian medicines for the treatment of pilgrims who are mostly habituated to this form of treatment? If so, with what result?

Sir Girja Shankar Bajpai: The Honourable Member's attention is invited to the answer to starred question No. 607 in this House on the 14th August, 1934.

PROVISION OF WATER TAPS, BATHS AND LATRINES ON PILGRIM SHIPS.

370. ***Qazi Muhammad Ahmad Kazmi:** Have Government considered the necessity of providing in S.S. "Rahmani" and other pilgrim ships, water taps, baths and latrines in every block where pilgrims are accommodated? If so, with what result?

Sir Girja Shankar Bajpai: The matter is under consideration.

REDUCTION OF THE NUMBER OF PASSENGERS ON S.S. "RAHMANI" AND OTHER SHIPS.

371. *Qazi Muhammad Ahmad Kazmi: (a) Have Government been pleased to consider the following remarks of the Haj Committee of S.S. "Rahmani" regarding the accommodation on S.S. "Rahmani", which is claimed to accommodate 1,601 deck passengers.

"leaving aside the space required for the fairly large number of officers and crew of the ship and also the fact that the 'Food Supply Company' has occupied a good part of the accommodation of the deck we would venture to say that s.s. Rahmani cannot accommodate more than 1,000 deck pilgrims.....we are sure that if it were possible for the members of the Port Haj Committee to see the pitiable plight of the pilgrims now lodged on the deck and ill-ventilated pit of Rahmani they would shed tears..... unless and until this place is greatly improved it is sheer cruelty to put in pilgrims in this suffocating pit which is a fit place for the herds of sheep and goats.....now enjoying the cool breeze on the upper deck. Would the unfortunate Hajis in the pit have changed places with them."?

(b) Have Government taken any steps towards the reduction of the number of passengers on S.S. "Rahmani" and other ships. If so, with what result?

(c) If the answer to part (b) be in the negative, will Government be pleased to state if they are prepared to take any steps in the matter? . If not, why not?

Sir Girja Shankar Bajpai: The matter is under consideration.

PROVISION OF WOODEN BENCHES ON PILGRIM SHIPS.

372. *Qazi Muhammad Ahmad Kazmi: (a) Have Government considered the suggestion of the said Committee to the effect that wooden benches each 6 feet long $2\frac{1}{2}$ feet broad and $1\frac{1}{2}$ feet high be provided for each pilgrim, so that strong and weak may have his full share of space, and all small things belonging to the pilgrim may easily be kept under the bench and there may be no necessity of removing the beddings at the morning wash and cleaning of the decks? If so, to what effect?

(b) If the answer to part (a) be in the negative, are Government prepared to order the Shipping Companies to provide such wooden benches? If not, why not?

Sir Girja Shankar Bajpai: (a) and (b). Yes. Sleeping platforms for pilgrims were provided on two pilgrim ships as an experimental measure but the experiment did not prove a success. Government do not consider that the provision of benches will be more popular or convenient to pilgrims. They have, therefore, decided not to pursue the matter.

PROVISION OF ELECTRIC FANS IN THE PITS ON PILGRIM SHIPS.

373. *Qazi Muhammad Ahmad Kazmi: (a) Have Government considered the suggestion of the Haj Committee of S.S. "Rahmani" about providing electric fans in the pits used for accommodating passengers? If so, with what result?

(b) If the answer to part (a) be in the negative, are Government prepared to order the Shipping Companies to provide such fans?

Sir Girja Shankar Bajpai: The matter is under consideration.

PROVISION OF A HARBOUR AT JEDDAH.

374. ***Qazi Muhammad Ahmad Kazmi:** (a) Are Government aware that there is no harbour at Jeddah, and its absence causes much difficulty and inconvenience to passengers especially aged persons, women and children?

(b) In view of the large number of pilgrims who alight at Jeddah have Government considered the advisability of providing a proper harbour at Jeddah?

(c) If the answer to part (b) be in the negative, are Government prepared to help the pilgrims in this matter and arrange for a proper harbour at Jeddah?

Sir Girja Shankar Bajpai: (a) Government have received complaints to this effect.

(b) and (c). The matter is primarily the concern of the Government of Saudi Arabia.

PROVISION OF MORE GANGWAYS ON PILGRIM SHIPS.

375. ***Qazi Muhammad Ahmad Kazmi:** (a) Are Government aware that S.S. "Rahmani" which is claimed to be able to accommodate about 1,651 passengers is provided with only two gangways which are quite inadequate to meet the needs of pilgrims at the time of embarkation and disembarkation at Jeddah, and that the same is the condition of almost all the other steamers that visit Jeddah?

(b) Looking to the inconvenience and even danger to life are Government prepared to order the Shipping Company to provide at least double the number of present gangways?

Sir Girja Shankar Bajpai: According to the information furnished by the shipping company, the average rate of embarking or disembarking pilgrims at Jeddah is between 380 and 428 per hour. For this rate of embarkation two gangways are quite adequate.

REMOVAL OF NAMES OF CANDIDATE POSTMEN FROM THE WAITING LIST IN THE GANDAK POSTAL DIVISION.

376. ***Mr. B. B. Varma:** (a) Are Government aware that the names of thirty-four candidate postmen have been removed from the waiting train under the orders of the Superintendent of Post Offices, Gandak Division (Bihar and Orissa), in his memo. No. 2105, dated the 5th August, 1934, on the ground that the candidates had exceeded age limit?

(b) Is it a fact that before removing their names they were asked by the local postal authorities to produce affidavit from the court of the District Magistrate, Motihari, Champaran (Bihar and Orissa) in proof of their age and were these affidavits considered before removing the candidates?

(c) Is it a fact that some of the removed candidates have been appointed after 1st April, 1935 either as mail-peons or telegraph messengers?

(d) Will Government be pleased to state the reason of preferential treatment in case of some of the removed candidates?

(e) Is it a fact that most of these removed candidates had served either as postmen, mail-peons or telegraph messengers for twelve years or more?

(f) Do Government propose to reconsider their cases and condone their ages especially of such candidates who have put in over twelve years of service?

The Honourable Sir Frank Noyce: (a) to (f). Government have no information. The matter is within the competence of the Postmaster-General, Bihar and Orissa Circle, to whom a copy of the question and this reply is being sent.

REPAIR OF THE MOTIHARI HEAD POST OFFICE.

377. ***Mr. B. B. Varma:** (a) Will Government be pleased to state when the repair of the Motihari Head Post Office (Champaran—Bihar and Orissa), which was damaged in the earthquake, will be taken up?

(b) Are Government aware that the business of the Post Office is still carried on in Tattisheds (temporary huts), which are both unsafe and inconvenient?

(c) Is it a fact that the Engineers have declared the building safe after some repair? If so, do Government propose to take any action for the immediate undertaking of repairs?

(d) Will Government be pleased to state separately the cost incurred in the construction of the Tattisheds for the Motihari Head Post Office and the Superintendents (Posts and Telegraphs) Bungalow, Gandak Division, Bihar and Orissa, and the cost of repairs from 20th January, 1934 to 30th June, 1934?

The Honourable Sir Frank Noyce: (a) and (c). The opinion of the engineer who examined the building was that it will be safe if the top storey is removed and the ground floor repaired. This involves the erection of a new building to provide quarters for the Postmaster. Work on this and on repairing the old building has been commenced and it is anticipated that it will be completed in both cases by March next.

(b) Yes. Government do not consider the sheds to be unsafe as they have been strengthened and the cash and valuables are kept at night in the safe in the main building. There will, of course, be a certain amount of inconvenience until the post office is shifted back to the new building.

(d) The cost incurred on a temporary shed for the head post office was about Rs. 363 and on a temporary residence for the Superintendent of Post Offices, Gandak Division, was about Rs. 400. No expenditure was incurred for repairs during the period 20th January, 1934, to the 30th June, 1934.

-TELEGRAPH OFFICES ON STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

378. ***Mr. B. B. Varma:** (a) Will Government be pleased to state whether there are Telegraph Offices existing in each of the stations of the

Bengal and North Western Railway? If the answer be in the negative will Government be pleased to state the names and number of Telegraph Offices that have been closed on different stations of the Bengal and North Western Railway?

(b) Are Government aware of the fact that this closure has been causing great inconvenience to the traffic of North Bihar, who are prevented from having free communication by Telegraph?

(c) Will Government be pleased to consider the feasibility of transmitting the messages through telephone if financial consideration do not permit opening of the Telegraph Offices?

(d) Are Government prepared to state the number of inward and outward telegrams dealt with by each of the stations where the telegraph offices have been closed during the last three years and the income derived thereby during that period?

The Honourable Sir Muhammad Zafrullah Khan: (a) For Railway working telegraph offices have been required in the past at every crossing station on a railway. When the exigencies of railway working permit, public telegrams have been accepted at these offices. Owing to improved methods of railway working, these telegraph offices are no longer required at forty-nine stations on the Bengal and North Western Railway the names of which are in the list which I lay on the table, and these have been closed on grounds of economy.

(b) No complaints have been received.

(c) This would probably be inconvenient, but I am sending the suggestion to the Agent for his consideration.

(d) Government have no information and do not consider that the expense involved in making enquiries would be justified.

List of Stations at which Telegraph Offices have been closed.

From 1st April, 1935.

- | | |
|---------------------|--------------------|
| 1. Kataria. | 20. Pachrukhi. |
| 2. Naugachia. | 21. Bhatapokhar. |
| 3. Kharik. | 22. Bankala. |
| 4. Narayanpur. | 23. Nankhar. |
| 5. Pasraba. | 24. Ganribazar. |
| 6. Maheshkhunt. | 25. Sardarnagar. |
| 7. Lakhminia. | 26. Kusmhi. |
| 8. Lakho | 27. Domingarh. |
| 9. Begusarai. | 28. Jagatbela. |
| 10. Tilrath. | 29. Sabjanwa. |
| 11. Parmanandpur. | 30. Maghar. |
| 12. Nayagaon. | 31. Tinich. |
| 13. Santa. | 32. Gaur. |
| 14. Goldinganj. | 33. Gonda Kacheri. |
| 15. Ghupra Kachery. | 34. Maijapur. |
| 16. Kopasamhota. | 35. Sarju. |
| 17. Daudpur. | 36. Gograghat. |
| 18. Ekma. | |
| 19. Chainwa. | |

From 15th June, 1935.

- | | |
|---------------|-------------------|
| 1. Sarai. | 8. Muktapur. |
| 2. Goraul. | 9. Kishanpur. |
| 3. Kurhani. | 10. Havaahat. |
| 4. Turki. | 11. Iaheriasarai. |
| 5. Silont. | 12. Utiapur. |
| 6. Dholi. | 13. Dalingsarai. |
| 7. Pusa Road. | |

Mr. Lalchand Navalrai: Why have these offices been closed: is it on account of the new system?

The Honourable Sir Muhammad Zafrullah Khan: I have explained that it is due to the improvements which have been introduced with regard to the working of the system.

REFUND OF EMERGENCY CUT TO POSTAL OFFICIALS IN THE CHAMPARAN DISTRICT.

379. ***Mr. B. B. Varma:** Is it a fact that only 50 Postal Officials out of 214 in the district of Champaran (Bihar and Orissa) have received the refund of emergency cut? If the reply be in the affirmative, will Government be pleased to state the reason why the cases of other officials have been ignored, who had suffered equally during the great earthquake in Bihar? Are Government prepared to reconsider the cases of the remaining postal officials?

The Honourable Sir Frank Noyce: Out of 213 postal officials employed in the Champaran District 51 were allowed a refund of the amount of the emergency cut in pay for six months from the 1st April, 1934. The concession was given on the principle adopted by the Local Government and it was granted only to those who had suffered severely from the earthquake of January, 1934, and, in whose case, the imposition of the cut in pay would have caused exceptional hardship. It is not, therefore, a fact that the claims of officials, who suffered equally with those to whom the concession was granted, have been ignored. In these circumstances Government are not prepared to reconsider the matter.

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

380. ***Dr. T. S. S. Rajan:** (a) Has there been any recruitment for the Indian Medical Service since March, 1935?

(b) If so, how many were selected?

(c) How many of these were Indians and how many Europeans?

Mr. G. R. F. Tottenham: (a) Yes.

(b) 48.

(c) 21 Indians and 27 Europeans.

CONFIRMATION OF TEMPORARY INDIAN MEDICAL SERVICE MEN.

381. ***Dr. T. S. S. Rajan:** (a) Will Government state whether any temporary Indian Medical Service men who have been duly recommended by the Selection Board for permanent service, have been made permanent?

(b) If so, how many?

(c) Of these, how many were with Indian medical qualifications only?

Mr. G. R. F. Tottenham: (a) If the Honourable Member means during 1935, as in the previous question, the answer is in the negative.

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

TEMPORARY INDIAN MEDICAL SERVICE MEN.

382. ***Dr. T. S. S. Rajan:** (a) Will Government state how many temporary Indian Medical Service men complete their terms of contract of five years with the end of 1935?

(b) Were they discharged from service?

(c) How many of them had their contracts renewed?

(d) How many temporary Indian Medical Service men are there now in the service who have put in more than five years of service?

(e) Was there any recruitment for temporary service made during the year 1935?

(f) If so, how many with Indian qualifications only and how many with foreign qualifications were recruited?

Mr. G. R. F. Tottenham: (a) Four.

(b) No.

(c) All.

(d) Six.

(e) Yes.

(f) Five with Indian qualifications only and 21 with British.

RATIO FOR INDIANS AND EUROPEANS IN THE INDIAN MEDICAL SERVICE.

383. ***Dr. T. S. S. Rajan:** (a) Has the ratio of two Europeans to one Indian been maintained throughout this year in the Indian Medical Service cadre?

(b) What is the result of the investigations regarding the ratio of two Europeans to one Indian?

(c) If the ratio is maintained, will Government state their reasons for such a procedure?

(d) Is it a fact that the strength of the Army in India is two Indians to one British, and if so, what are the reasons for maintaining an inverse ratio in the Indian Medical Service?

(e) If the ratio is not statutorily fixed why is it rigidly followed in practice? Is it a fact that even though the European recruitment is meagre and not readily forthcoming?

Mr. G. R. F. Tottenham: (a) Yes, approximately.

(b) and (c). The matter is still under consideration.

(d) and (e). A fixed ratio is not even now maintained rigidly in the I.M.S., but it is necessary to have a greater number of British than Indian officers because the I.M.S. has to provide specially for the medical care of the British members of the Civil Services and also to maintain a war reserve of British officers against the war needs of the Army. In the event of war, Indian medical officers can be obtained locally, while British cannot.

Dr. T. S. S. Rajan: Last year I was told that in a year's time the matter would be settled: it is now just more than a year since that answer was given. What are the reasons for the delay?

Mr. G. R. F. Tottenham: I very much regret the delay, but the matter is a very complicated one: our recommendations on the subject were submitted to the Secretary of State some months ago, and his final reply has not yet been received.

Dr. T. S. S. Rajan: How do Government explain the fact that European civilians should be attended upon only by European I. M. S. officers?

Mr. G. R. F. Tottenham: That, Sir, is the existing policy.

Dr. T. S. S. Rajan: Are not Europeans available outside the I. M. S. to attend upon them?

Mr. G. R. F. Tottenham: No; there are a very small number indeed.

Mr. T. S. Avinashilingam Chettiar: What is the policy implied in saying that only European doctors should attend European civilians?

Mr. G. R. F. Tottenham: That is the policy.

INDIAN OFFICERS IN CERTAIN CATEGORIES OF MEDICAL APPOINTMENTS.

384. ***Dr. T. S. S. Rajan:** (a) How many Indian Officers are there in the following categories of appointments:

- (i) Surgeons-General in the various provinces.
- (ii) Inspectors General of Civil Hospitals in the various Provinces.
- (iii) Inspectors General of Prisons in the various Provinces.
- (iv) Director General of Public Health.
- (v) Director of Public Health in the Provinces.
- (vi) Director General of Medical Services.
- (vii) Director of Medical Services.
- (viii) Assistant Director of Medical Services.
- (ix) Deputy Director of Medical Services?

(b) How do Government explain the paucity of Indians in these appointments when the strength of the Indians is 1:2 in the Indian Medical Service cadre?

Mr. G. R. F. Tottenham: (a):

- (i) One.
- (ii) One.
- (iii) Five.
- (iv) The Honourable Member presumably means the Public Health Commissioner with the Government of India. This appointment is held by a British Officer.
- (v) Four.
- (vi) The Honourable Member presumably means the Director General, Indian Medical Service. This appointment is held by a British Officer.

(vii) to (ix). None. These appointments are held by officers of or above the rank of Colonel. There is no such Indian officer at present on the military side.

(b) Of the high appointments on the civil side mentioned by the Honourable Member more than 1/3 are at present held by Indians. On the military side there are at present no Indian officers of the requisite seniority.

CONSULTATION OF THE EXECUTIVE COUNCIL BY THE GOVERNOR GENERAL AND RECOMMENDATION OF THE CRIMINAL LAW AMENDMENT BILL.

385. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether the Executive Council of the Government of India was consulted by, or offered any advice to, the Governor General in respect of the recommendation of the Criminal Law Amendment Bill;
- (b) if so, what their advice was;
- (c) whether they advised the Governor General in favour of the recommendation, and if so, the reason why they decided to recommend that the opinion of the Legislative Assembly should be disregarded by the Governor General;
- (d) whether they were consulted by, or offered any advice to, the Governor General about the further progress of the Bill; and
- (e) whether they propose to respect the verdict of the House in respect of this Bill, and if not, why not?

The Honourable Sir Henry Craik: With your permission, Sir, I propose to give one reply to questions Nos. 385 and 386.

In the public interest the Government of India are not prepared to give the information asked for.

Mr. S. Satyamurti: On that matter, Sir, I submit for your ruling, that it is not open to Government to say they refuse to answer any question. The relevant Standing Orders provide for cases in which questions shall not be put: there are three categories—foreign relations, relations with any Indian States or Chiefs, or any matter which is being adjudicated in a Court of law. These are the specific categories which are prohibited from the scope of questions. This question does not obviously come under any of these categories.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member perhaps argued that question before and the Chair gave its ruling.

Mr. S. Satyamurti: You may yet revise your ruling. Fortunately for this House, Presidents' rulings are not binding on themselves—they could always reconsider a question. It has been held in the House of Commons

Mr. President (The Honourable Sir Abdur Rahim): If anything fresh has occurred, yes: The Chair perhaps considered the matter fully.

Mr. S. Satyamurti: A fresh incident has occurred, and I should like you to reconsider the matter, if I may say so respectfully.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better look up the Chair's ruling first. If the Chair has given a considered ruling, it does not think it should be asked to reconsider it again within the course of a few months.

Mr. S. Satyamurti: On a fresh consideration—not on old considerations I agree: but, if a fresh thing has occurred, I think I am entitled to ask

Mr. President (The Honourable Sir Abdur Rahim): At any rate the Chair does not see any reason at the present moment to reconsider its decision.

Mr. S. Satyamurti: Will you kindly look at this question? It is a matter of great public interest.

Mr. President (The Honourable Sir Abdur Rahim): That is another matter. The Honourable Member may say that on this particular question the ruling of the Chair does not apply.

Mr. S. Satyamurti: I suggest this is a case in which the public are very deeply interested, and this House also is; and if Government were to say "I will not answer"

Mr. President (The Honourable Sir Abdur Rahim): What advice the Executive Council gave to the Governor General is a matter for them entirely.

Mr. S. Satyamurti: But we pay for them!

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have everything exposed to the public view.

Mr. S. Satyamurti: What else are we here for, except to expose them?

Mr. President (The Honourable Sir Abdur Rahim): Certainly not: if the Government say this is their policy, then the Honourable Member can consider it; but what passes in the Council itself or between the Executive Council and the Governor General or the Secretary of State is not a matter which the Honourable Member can compel them to disclose: he knows the result of their deliberations; that is all.

Mr. S. Satyamurti: I do not know: that is my trouble: I know only the Governor General's decision—I do not know anything else.

Mr. President (The Honourable Sir Abdur Rahim): That is quite enough.

Mr. S. Satyamurti: I want to know what Government did. I cannot consider the action of the Governor General. Under the Standing Orders I am precluded from criticising the Governor General. But I am entitled under the law, as it stands, I submit, to criticise this Government; if they say "We were not consulted", there is an end of the matter, I have nothing more to say. I want to know if they were consulted or not and, if so, what their advice was.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has given its ruling, and it does not see any reason for changing it.

CONSULTATION OF THE EXECUTIVE COUNCIL BY THE GOVERNOR GENERAL AND CERTIFICATION OF THE CRIMINAL LAW AMENDMENT BILL.

†386. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether the Executive Council of the Government of India was consulted by, or offered any advice to, the Governor General in respect of the certification of the Criminal Law Amendment Bill;
- (b) if so, what the advice was; and
- (c) whether the advice to the Governor General was in favour of certification, and if so, the reason why they decided to recommend that the opinion of the Legislative Assembly expressed on two occasions decisively should be disregarded by the Governor General?

POSITION ON THE NORTH-WEST FRONTIER.

387. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the two‡ extracts from the *Statesman* and the extract from the *Hindustan Times* enclosed herewith;
- (b) what the latest position on the Frontier is; and
- (c) how long the Government expect to carry on this "War" on the Frontier before peace is secured?

Sir Aubrey Metcalfe: (a) Yes.

(b)—(c). Attention of the Honourable Member is invited to the reply given on the 6th February, 1936, to part (c) of question No. 98.

Mr. S. Satyamurti: Are Government considering this question, if I may say so, from the human point of view, and will they get into touch with the leaders of these tribes and see if anything definite and permanent cannot be settled?

Sir Aubrey Metcalfe: Government are in constant touch with the so-called leaders of the tribes.

Prof. N. G. Ranga: Is it a fact that bombs are still being thrown on villages from the air?

†For answer to this question, see answer to question No. 385.

‡Sent to the Department concerned.

Sir Aubrey Metcalfe: Certainly no bombs are being thrown at the present moment.

INDIAN ARMY CADETS REMOVED FROM THE INDIAN MILITARY ACADEMY.

388. ***Mr. S. Satyamurti:** (a) Will Government please state how many Indian Army Cadets were removed from the Indian Military Academy during the term ending June 1935 stating the names and the units to which they belong and their total period of service?

(b) What were the remarks of the Commandant, the Company Commanders on them, on the strength of which they were removed? What are the ranks of Company Commanders?

(c) What were the exact recommendations of the Brigade or District Commanders with regard to personality, powers of command and leadership and general fitness for a King's Commission in respect of each of these Cadets, and what are the names and ranks of officers who interviewed each of them and recorded their remarks on the form appended to Appendix IV-A of the Provisional Regulations respecting admission to the Indian Military Academy in accordance with para. 47 thereof?

Mr. G. R. F. Tottenham: (a) to (c). Eight Indian Army Cadets were removed because in the opinion of those best qualified to judge they were not likely to make good officers. I am not prepared to give the further detailed information asked for by the Honourable Member.

Mr. S. Satyamurti: What is the proportion of these eight to the total number?

Mr. G. R. F. Tottenham: For that particular term? Every term there are 15 open candidates and 15 Indian Army cadets. Eight Indian Army cadets were removed in that term, but they were not necessarily all who entered in that particular term—there might have been some from previous terms—I cannot say the exact proportion.

Mr. S. Satyamurti: May I know if Government have considered or have come to any conclusion after consideration, as to what are the main grounds on which these army cadets were removed? I am not asking for details—I am asking in order that people concerned may improve, and it may lessen the number who are likely to be sent out.

Mr. G. R. F. Tottenham: I think I may say the main ground was an insufficiently high standard of education.

Mr. S. Satyamurti: Are Government taking any steps to improve the standard of education of those who are likely to come up either directly or indirectly, by addressing the authorities concerned?

Mr. G. R. F. Tottenham: Yes; Government are taking very definite steps.

Pandit Lakshmi Kanta Maitra: What is the authority that judges whether a particular candidate is qualified or disqualified? Is there a selection board or examining body which examine these particular cadets?

Mr. G. R. F. Tottenham: No: if the Honourable Member would read the Regulations, he will find that it is all laid down there. A copy of the Regulations is in the Library.

Sardar Mangal Singh: How long were these cadets in the Academy?

Mr. G. R. F. Tottenham: I cannot say: one or two terms perhaps.

Pandit Lakshmi Kanta Maitra: Before removal, could they not be given a further trial?

Mr. G. R. F. Tottenham: No; they were given ample trial.

Pandit Lakshmi Kanta Maitra: For how long?

Mr. G. R. F. Tottenham: I cannot say in each case how long: some of them may have been there for a year or more, and some of them for less.

Pandit Lakshmi Kanta Maitra: Has the Honourable Member any personal knowledge of these cases?

Mr. G. R. F. Tottenham: No, Sir: I have no personal knowledge.

Pandit Lakshmi Kanta Maitra: Then, will he be good enough to make inquiries and find out for how long they were given a period of probation?

Mr. G. R. F. Tottenham: No, Sir; I don't think it is necessary to do so.

PROBLEMS OF INDIANS IN ZANZIBAR.

389. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the statement of Mr. C. F. Andrews about the problems of Indians in Zanzibar, reported in the extract† sent herewith;
- (b) whether Government propose to take steps as suggested in the statement; and
- (c) if not, why not?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). I would invite the attention of the Honourable Member to the reply given by me on the 5th of this month to his question No. 61.

Mr. S. Satyamurti: Have Government since pursued this matter?

Sir Girja Shankar Bajpai: The fact of the matter is that, since the day before yesterday, Government are pursuing it very actively with Mr. Tayabji who is already here from Zanzibar.

Mr. S. Satyamurti: Have the Government of India sent their despatch?

Sir Girja Shankar Bajpai: Not until I have finished my discussion with Mr. Tayabji, but I can assure my Honourable friend that the despatch will go very soon.

Mr. S. Satyamurti: Have Government heard anything about the riots, since the last question was put from His Majesty's Government?

Sir Girja Shankar Bajpai: That does not arise out of this question, Sir, but I can inform my friend that we have not had a reply yet.

EXPLOSION AT THE ABBOTTABAD AERODROME.

390. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the news item regarding explosion at the Abbottabad aerodrome published in the extract† enclosed herewith;
- (b) whether the Court of Enquiry has completed its investigations, and what its conclusions are; and
- (c) what steps, if any, do Government propose to take to avoid or minimise such disasters in the future?

Mr. G. R. F. Tottenham: (a) Yes.

(b) Yes. The findings were:

(i) that the deaths and injuries to personnel and the loss of the two aircraft were caused by the explosion of a bomb while it was being removed from an aeroplane on the ground which subsequently ignited petrol;

(ii) that the cause of the detonation of the bomb and the responsibility therefor could not be determined for certain, but that there was no evidence of carelessness or neglect.

(c) The matter is still under examination.

Mr. S. Satyamurti: Which matter is under consideration? Does the Honourable Member mean the steps to be taken?

Mr. G. R. F. Tottenham: Yes, Sir: that is what the Honourable Member asked. That matter is still under examination.

REPLACEMENT OF THE AUDIT SERVICE BY CIVILIANS AND REPORT OF THE WHEELER COMMITTEE.

391. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the accompanying letter† from Simla, dated September 2, in *The Hindu*;
- (b) whether it is a fact that the Audit Service is being replaced by civilians; and if so, the reasons therefor; and
- (c) whether the report of the Wheeler Committee will be placed before the Legislature for discussion and expression of opinion before the Government of India decides to take action thereon?

†Sent to the Department concerned.

The Honourable Sir James Grigg: (a) Yes.

(b) No.

(c) No decision has been taken, but I can give no guarantee that the report will be discussed in the Legislature before action is taken thereon.

Mr. S. Satyamurti: May I know, Sir, why Government cannot give any guarantee that this Report, which may involve increase of expenditure, will be placed before this House?

The Honourable Sir James Grigg: I do not think it is profitable to discuss anything before the Report is presented.

Mr. S. Satyamurti: May I know, Sir, why they say that they will not give any guarantee that the Report will be discussed in the House, before action is taken on it?

The Honourable Sir James Grigg: Because we cannot readily foresee the circumstances and the time at which the decisions will be taken.

Mr. T. S. Avinashilingam Chettiar: Will the Report be published, Sir?

The Honourable Sir James Grigg: I do not know.

Mr. T. S. Avinashilingam Chettiar: Then, who knows? (Laughter.)
(No reply.)

PREPARATIONS FOR ANY CONTINGENCY OF WAR.

392. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether Government are warning all officers of the Indian Reserve to hold themselves in readiness for active service;
- (b) whether nurses in Government Hospitals are being sounded as to whether they are prepared to proceed on active service in the event of war; and
- (c) whether any other arrangements or preparations are being made for any contingency of war in the near future?

Mr. G. R. F. Tottenham: (a) No.

(b) No.

(c) It is the essence of military training and organisation to be ready for war. No unusual preparations are being made.

Mr. S. Satyamurti: May I take it then that the Government of India anticipate no immediate war?

Mr. G. R. F. Tottenham: The Honourable Member may draw his own conclusions.

IMPORTS OF JAPANESE SPORT SHIRTS AND OTHER COTTON APPAREL GOODS.

393. ***Mr. S. Satyamurti**: Will Government be pleased to state:

- (a) whether any representation has been received from the Committee of the All-India Hosiery Manufacturers Association with regard to the serious situation created by the ever-increasing imports at all Indian ports and in Burma of sport shirts and other cotton apparel goods from Japan;
- (b) whether Government propose to amend the Tariff Act on the lines suggested in the representation; and
- (c) if not, why not?

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

(b) and (c). It is not the practice of Government to disclose their intentions beforehand in these matters.

Mr. S. Satyamurti: I am very grateful for that answer, Sir, but may I know whether the Government are considering this matter, in view of the very serious situation created by the facts mentioned in clause (a) of this question?

The Honourable Sir Muhammad Zafrullah Khan: Yes, Sir.

RECOGNITION OF COMMUNAL ASSOCIATIONS OF GOVERNMENT OR RAILWAY SERVANTS.

394. ***Mr. S. Satyamurti**: Will Government be pleased to state:

- (a) whether it is the policy of Government to recognise communal associations among Government or Railway servants;
- (b) whether they have considered the deleterious effect of such Associations among Government servants; and
- (c) whether they are prepared to take steps to see that communalism does not spread among Government servants?

The Honourable Sir Henry Craik: (a), (b) and (c). The Government have in the past recognised some associations representing Indian officers on the one hand and European officers on the other hand. But the Rules now in force for the recognition of associations of Government servants or Railway servants on State-managed Railways preclude the recognition of associations which restrict their membership to particular communities.

Mr. M. Ananthasayanam Ayyangar: What in the answer to clause (c) of this question, Sir?

The Honourable Sir Henry Craik: I gave one answer to all parts.

Mr. President (The Honourable Sir Abdur Rahim): The answer has already been given in the House.

Mr. M. Ananthasayanam Ayyangar: I did not hear the answer to clause (c), Sir. Then, how could I follow it?

The Honourable Sir Henry Craik: Would the Honourable Member like me to read it again?

Mr. M. Ananthasayanam Ayyangar: Yes, Sir:

Mr. President (The Honourable Sir Abdur Rahim): No, it has already been read out once.

SITUATION OF THE INDIAN SALT INDUSTRY.

395. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the critical situation of the Indian salt industry; and
- (b) whether they propose to take any action in the matter, and if not, why not?

The Honourable Sir James Grigg: (a) and (b). Government have received a representation from the Indian Salt Association asking for the continuance of the existing protection and it is under consideration.

Mr. S. Satyamurti. Did he receive a deputation the other day from the Indian Salt Manufacturers' Association?

The Honourable Sir James Grigg: Yes, Sir.

Mr. S. Satyamurti: Did they create a good impression on the Finance Member?

The Honourable Sir James Grigg: I cannot tell him that.

APPOINTMENT OF A SPECIAL OFFICER TO LOOK AFTER MUSLIM INTERESTS IN RAILWAY SERVICES.

396. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they are contemplating the appointment of a special officer to look after Muslim interests and the ratio of Muslim representation in the Government of India State Railway services?
- (b) the reason for that; and
- (c) whether the Government have considered whether the present financial position of the Railways will stand the appointment of an extra officer?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). In view of considerable increase in Establishment Work, Government have found it necessary to create a temporary post of additional Deputy Director, Establishment, Railway Board, for one year with effect from the 17th October, 1935. This officer, in addition to other work, deals with questions relating to communal representation on Indian Railways.

Mr. S. Satyamurti: What are his other duties?

The Honourable Sir Muhammad Zafrullah Khan: He prepares replies to a large number of the questions put with regard to the Railway Department in this House.

Mr. S. Satyamurti: Who was doing it, before he was appointed?

The Honourable Sir Muhammad Zafrullah Khan: The work was distributed among the various branches of the Railway Board before this officer was appointed, but the number of questions has grown at such a rate that it was found necessary to make special arrangements.

Mr. S. Satyamurti: What is the total damage to the taxpayer, as a result of this appointment?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member mean what his pay is to be? I would require notice as to the exact amount, but he is getting the same pay as a Deputy Director.

Mr. S. Satyamurti: Have Government considered the question that, in the straitened finances of the Railways, it is almost criminal to make an additional appointment like this?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow that question.

Mr. S. Satyamurti: Sir, I want to know if Government have considered that it is reckless to add to the expenditure of the Railways, in these days of straitened finances of the Railway Department?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member may rest assured that nothing would be added to the expenditure of the Railways unless it was absolutely necessary, but if the Railway Board are to continue to discharge the duties that are imposed upon them, then they must have the absolutely necessary minimum establishment.

Mr. S. Satyamurti: What is the minimum, or is there any further increase proposed?

The Honourable Sir Muhammad Zafrullah Khan: There is no further increase proposed.

Sardar Sant Singh: May I know, Sir, to what community does this officer belong?

The Honourable Sir Muhammad Zafrullah Khan: Muslim.

Sardar Sant Singh: May I know, Sir, how will a Muslim be able to safeguard the interests of other communities?

The Honourable Sir Muhammad Zafrullah Khan: I have no reason to think that a Muslim officer will not be able to safeguard the interests of other communities as well as an officer of any other community will be able to safeguard the interests of the Muslim community.

Sardar Sant Singh: Does the Honourable Member contemplate appointing a member of any other community to this office?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir, because the present incumbent who holds this office will continue to hold office till he completes his one year, and when his period of office comes to a close, Government will reconsider whether it is necessary to appoint another officer, and if they consider it necessary to continue the appointment, they will appoint a suitable man to whatever community he may belong.

POSITION OF INDIANS IN MAURITIUS.

397. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the accompanying extract† from the *Hindustan Times*, about the position of Indians in Mauritius; and
- (b) whether Government propose to take action as suggested in the Resolutions passed by the meeting of Indians, and if not, why not?

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

(b) I would point out to the Honourable Member that the Resolutions in question do not suggest that any action should be taken by the Government of India.

Mr. S. Satyamurti: What is the position of Indians in Mauritius today?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I could not say anything, apart from the cutting which the Honourable Member has supplied that they have some grievances with regard to their trade. In that cutting, they have suggested to their Governor that their grievances should be placed before the Home Government and the Colonial Office.

Mr. S. Satyamurti: Have the Government of India made any inquiries, or will they make inquiries in this matter?

The Honourable Sir Muhammad Zafrullah Khan: Inquiries into what matter?

Mr. S. Satyamurti: Inquiries into the grievances of Indians in Mauritius.

The Honourable Sir Muhammad Zafrullah Khan: The Indians in Mauritius have no grievances against the Government of India.

Mr. S. Satyamurti: May I know, Sir, if the Government of India have no interest in the position of Indians in other countries, and whether they will be prepared to make inquiries as to what the grievances are of the Indians in Mauritius, and take suitable steps to remedy those grievances?

The Honourable Sir Muhammad Zafrullah Khan: The grievances in this matter are pointed out in the cutting itself, and the cutting itself indicates the action that they think proper to be taken. That is the only course of action to be pursued which they themselves are pursuing.

SITUATION IN THE NORTH-WEST FRONTIER PROVINCE.

398. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the accompanying extract† from the *Statesman* about the situation in the North-West Frontier Province;
- (b) whether Government will throw any light on the matters mentioned therein; and
- (c) what is the latest position?

Sir Aubrey Metcalfe: (a) Yes.

(b) The facts regarding the grant of compensation of Rs. 50,000 to the Tori Khel Wazirs are briefly that the area in respect of which payment has been made is situated near Razmak on the boundary of Mahsud and Wazir tribal lands and immediately adjoining the permanent military camp at that place. This area has been in dispute for many years between the Wazirs and Mahsuds, and as the dispute was a cause of constant anxiety to the garrison of the camp, and also involved the question of our good faith to the Wazirs, Government acquired it for themselves by payment of the sum mentioned to the Wazirs, whose claims to it were admitted to be superior to those of the Mahsuds. It is hoped that by this measure a lasting settlement has been obtained of this troublesome and dangerous problem. The fact of Chinnai's assassination, which took place on the 27th August 1935, and also an account of the Hazara Border trouble have already been published in the press.

(c) The situation on the Frontier is generally peaceful.

BALANCE OF TRADE.

399. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the accompanying note† regarding balance of trade from the Simla Correspondent of the *Hindustan Times*, dated the 30th August,
- (b) whether the figures stated therein are correct; and
- (c) what action do Government propose to take in the matter?

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

(b) Yes.

(c) Government do not consider that a temporary set back which occurred more than six months ago is a matter which calls for any action.

ADULTERATION OF DRUGS.

400. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the accompanying extract† from the *Statesman*;

(b) whether they propose to take any action to check this growing evil of drug adulteration; and

(c) if not, why not?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). I would refer the Honourable Member to the answer given by me to his question No. 34 on the 4th of this month.

PROHIBITION OF THE SALE OF OPIUM.

401. *Mr. S. Satyamurti: Will Government be pleased to state:

(a) whether their attention has been drawn to the Resolution of the Assam Provincial Congress Committee to approach the League of Nations to take steps for the total prohibition of the sale of opium in Assam;

(b) what is the policy of Government in this matter; and

(c) why they do not prohibit the sale of opium in any part of the country?

The Honourable Sir James Grigg: (a) Yes.

(b) The policy of the Government of India is one of non-interference with the moderate use of raw opium, though every possible measure should be taken to prevent abuse.

(c) Excise is a provincial transferred subject. As regards Central Administered Areas, the policy of the Government of India is not one of complete prohibition.

Mr. S. Satyamurti: Have Government made any enquiries about conditions in Assam? Are they satisfied that the use of opium there is moderate, and what is the test of moderation?

The Honourable Sir James Grigg: The subject of opium is one with which I am imperfectly acquainted. I would rather that the Honourable Member should put down his question.

Mr. G. Morgan: Are Government aware that nearly thirty years ago

The Honourable Sir James Grigg: No. (Laughter.)

Mr. G. Morgan: Will Government kindly look up the records and find out whether it is a fact that the number of opium licensees was severely curtailed by the Government of Eastern Bengal and Assam and that the consumption of *ganja*, which is a far worse drug; has increased enormously?

The Honourable Sir James Grigg: I am prepared to take it from the Honourable Member.

Mr. M. Ananthasayanam Ayyangar: Are Government aware if similar substitutes have been found in China?

The Honourable Sir James Grigg: As I have said already, I am imperfectly acquainted with the subject both as regards India and China.

Mr. M. Ananthasayanam Ayyangar: Has the export of opium to China been prohibited?

The Honourable Sir James Grigg: I am grateful for the information which the Honourable Member is giving.

INDUSTRIES RECEIVING PROTECTION FROM GOVERNMENT.

402. ***Mr. Akhil Chandra Datta:** Will Government be pleased to state what are the industries now receiving protection from Government which derive from abroad

- (a) the whole of their raw material;
- (b) 25 per cent. of their raw material;
- (c) 50 per cent. of their raw material; and
- (d) 75 per cent. of their raw material?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b), (c), and (d). Complete information is not available, but so far as it is available, it is contained in the Reports of the Tariff Board and the Evidence Volumes, copies of which are in the Library.

INDIGENOUS INDUSTRIES ENJOYING GOVERNMENT PROTECTION.

403. ***Mr. Akhil Chandra Datta:** Will Government be pleased to state:

- (i) how many indigenous industries enjoy the protection of Government; and
- (ii) if they have in their view any other industries which they propose to give protection to in the near future?

The Honourable Sir Muhammad Zafrullah Khan: (i) Presumably the Honourable Member is referring to tariff protection. The following industries are granted such protection:

- (1) Iron and Steel,
- (2) Magnesium chloride,
- (3) Paper and paper pulp,
- (4) Match,
- (5) Salt,
- (6) Sugar,
- (7) Gold thread,
- (8) Cotton textile and
- (9) Sericulture.

(ii) The Government of India are not aware of any other industry which fulfils the conditions prescribed by the Indian Fiscal Commission.

PROTECTION OF INDIAN INDUSTRIES AGAINST JAPANESE COMPETITION.

404. ***Mr. Akhil Chandra Datta:** Will Government be pleased to state:

- (i) if there is a specific provision in the Indo-Japanese Trade Agreement which gives freedom to the Government of India to counteract the adverse effect of the fall of the Yen on an Indian industry by the imposition of compensatory duties;

- (ii) if they are aware of the fact that the continued fall of the Yen combined with other causes has seriously affected the Indian industries; and
- (iii) if they have taken any advantage of the said provision to protect the Indian industries against the ruinous Japanese competition?

The Honourable Sir Muhammad Zafrullah Khan: (i), (ii) and (iii). The Honourable Member is referred to the reply given to parts (a), (b) and (c) of Pandit Krishna Kant Malaviya's starred question No. 6 during the current Session.

GROWTH OF THE INDIGENOUS GLASS INDUSTRY.

405. *Mr. Akhil Chandra Datta: Are Government aware of the fact that Japanese dumping and the fall of Yen both seriously threaten the existence of the glass industry in India? If so, what steps have they taken to save and to develop the growth of the indigenous glass industry?

The Honourable Sir Muhammad Zafrullah Khan: The attention of the Honourable Member is invited to the Government of India, Commerce Department, Resolution No. 458-T (14), dated the 22nd June, 1935, since the publication of which there has been no material change in the exchange value of the Yen in terms of rupees.

GRANT OF PROTECTION TO THE GLASS INDUSTRY.

406. *Mr. Akhil Chandra Datta: (a) Will Government be pleased to state on how many occasions the recommendations of the Tariff Board have been rejected by them?

(b) Will Government be pleased to state:

(i) if in view of the recommendations of the Tariff Board and in view of the strong and persistent demand of the Indian Glass Industry they propose to consider the advisability of granting immediate protection to the glass industry; and

(ii) whether there are any steps considered by Government to ensure the development of this industry; and if so, whether they propose to take such steps?

(c) Will Government be pleased to state if they are prepared to have all orders of glass articles required by the civil and military departments placed with Indian firms?

(d) Are Government prepared to reconsider the advisability of establishing a Glass Research Institute as recommended by the Tariff Board?

(e) What is the general policy of Government as regards the grounds on which the recommendations of the Tariff Board should be rejected by them? Are the grounds merely economic and financial or are they political also?

The Honourable Sir Muhammad Zafrullah Khan: (a) I lay a statement on the table giving the information in brief.

(b), (i) and (ii). The decisions of Government which were announced in Commerce Department, Resolution No. 458-T (14), dated the 22nd June, 1935, were taken after full and careful consideration of the case in all its aspects. There has been no change in the position since.

(c) Government are not prepared to order that articles must be purchased from firms in India without regard to either quality or price, but the Stores Purchase Rules apply to glass as to other purchases.

(d) The Honourable Member is referred to the reply given by the Honourable Sir Frank Noyce to part (b) of Pandit Krishna Kant Malaviya's starred question No. 4 on the 4th February, 1936.

(e) The Government are guided by the principles laid down in the Resolution adopted by this House on the 16th February, 1923.

Statement showing important recommendations of the Tariff Board which were not accepted by the Government or were accepted in a modified form.

Subject of enquiry.	Decisions of Government.
1. Increase of duties on Steel (1924)	Recommendations accepted in a modified form.
2. Grant of protection to the Cement Industry (1925).	The recommendation to pay bounties on cement consigned from an Indian factory to the ports or to railway stations within a specified radius of the ports was not accepted.
3. Grant of protection to the Cotton Mill Industry (1927).	The recommendation by a majority of the Board for payment of a bounty on yarns of higher counts was not accepted. The recommendation by a majority of the Board to increase the import duty on cotton piecegoods from 11 per cent. to 15 per cent. <i>ad valorem</i> was not accepted.
4. Grant of protection to the plywood and Tea Chest Industry (1927).	The recommendation for an export duty on tea packed in chests not made in India was not accepted.
5. Heavy Chemical Industry (1929)	Recommendations accepted in a modified form.
6. Salt Industry (1930)	Recommendations accepted in a modified form.
7. Continuance of protection to the Cotton (Textile) Industry (1932).	Recommendation accepted in a modified form.
8. Grant of protection to the Sericultural Industry (1933).	Recommendations accepted in a modified form.
9. Grant of protection to the Glass Industry (1932).	Recommendations not accepted.
10. Removal of tariff inequality in respect of Hauls and Reeds (1934).	Recommendations not accepted.
11. Grant of protection to the Woollen (Textile) Industry (1935).	Recommendations not accepted.

Mr. M. S. Aney: Will Government be pleased to state what are the total requirements of glass articles for the civil and military departments of the Government of India?

The Honourable Sir Muhammad Zafrullah Khan: Will the Honourable Member please give notice of that question? I shall then supply him with the information.

Mr. S. Satyamurti: With reference to the answer to clause (c) of the question, may I know if the price preference, which forms part of the stores purchase policy of the Government of India, is laid down for all articles, or does the preference vary with regard to particular articles having regard to their need for specific protection, and other relevant considerations, applying to each industry?

The Honourable Sir Muhammad Zafrullah Khan: I believe the policy is general.

Mr. S. Satyamurti: Will Government be good enough to consider whether, in respect of particular industries whose development might be necessary for the economic well-being of this country, some articles may require greater preference than other articles?

The Honourable Sir Muhammad Zafrullah Khan: There is no percentage of preference laid down.

Mr. S. Satyamurti: May I take it, therefore, that every article is being examined by the Government from the point of view of its specific requirements, and will Government lay down a policy with regard to each article, and not a uniform one for all articles?

The Honourable Sir Muhammad Zafrullah Khan: That raises a very large question, but consideration is paid to each order which is to be supplied, and many relevant factors enter into the final decision.

Mr. M. Ananthasayanam Ayyangar: Are Government taking any steps to encourage the production of soda ash in this country, as, for want of it, Government are persistently refusing protection to this industry?

The Honourable Sir Muhammad Zafrullah Khan: Government are looking into the question to see whether there are any possibilities of manufacture of soda ash in this country materialising.

Mr. M. Ananthasayanam Ayyangar: How long has it been under consideration? Are Government aware that in the Kathiawar States they are trying to produce soda ash?

The Honourable Sir Muhammad Zafrullah Khan: There was an attempt to produce it at Dhrangadra, and that was the enterprise which the Tariff Board had in view when they made their report. I am afraid, enquiries show that these works have been closed down, and I do not think it is the intention of that particular State to revive this industry.

Pandit Lakshmi Kanta Maitra: In view of the fact that Government do not propose to do anything for this particular industry after that Resolution of theirs, do Government not think it advisable that at least special preference should be given to glass produce of Indian firms?

The Honourable Sir Muhammad Zafrullah Khan: Special preference in what respect?

Pandit Lakshmi Kanta Maitra: Glass produce of Indian works.

The Honourable Sir Muhammad Zafrullah Khan: What kind of preference?

Pandit Lakshmi Kanta Maitra: That the stores should be purchased from the Indian firms. That would give some help to the Indian glass industry.

The Honourable Sir Muhammad Zafrullah Khan: I have given a reply to that.

Pandit Lakshmi Kanta Maitra: Special preference, I mean.

The Honourable Sir Muhammad Zafrullah Khan: I have already given a reply to that.

COMMUTATION OF PENSIONS.

407. ***Mr. Suryya Kumar Som:** (a) Will Government be pleased to state the amounts which were granted as commutation of pensions to Government Officers since 1930 up to December 1935 by the India Government?

(b) On what principle this commutation is granted? Is it based on the principle of profit and loss or for helping the officers in their distress?

The Honourable Sir James Grigg: (a) The figures from 1st April, 1930, up to the 31st March, 1935, were approximately:

	Rs.
1930-1931	57 lakhs.
1931-1932	56 "
1932-1933	108 "
1933-1934	99 "
1934-1935	86 "

The figures from the 1st April, 1935, up to the end of December, 1935, are not yet available.

(b) The privilege of commuting a portion of their pension has been given so as to help officers to arrange their circumstances during retirement in a way most suitable to themselves.

COMMITTEE FOR REVISION OF THE SCALES OF PAY OF GOVERNMENT SERVANTS.

408. ***Mr. Suryya Kumar Som:** Do Government propose to appoint a Committee to investigate into the scales of pay in vogue at present and to recommend drastic reduction of the present scales consistent with the efficiency of the services? If not, why not?

The Honourable Sir Henry Craik: As a result of the recommendations of the General Purposes Sub-Committee of the Retrenchment Advisory Committee the scales of pay of future entrants into most of the services under the control of the Governor General in Council have, after very careful consideration, been revised during the last few years and in the

majority of cases very appreciable reductions have been made. Revised leave rules considerably less liberal than the old leave rules have also been issued for new entrants. Both the revised rates of pay and the revised leave rules have been drawn up with a view to placing new entrants to Government service on as economic a basis as possible, and all new entrants since the 15th July, 1931, to services under the Governor General in Council are now governed by these new rules. In view of the action as mentioned above, which has only just recently been taken by Government, it is not considered either necessary or desirable that another committee should be appointed as suggested by the Honourable Member.

DISCONTENT DUE TO THE RESTORATION OF FIVE PER CENT. CUT.

409. ***Mr. Suryya Kumar Som:** Are Government aware that great discontent has been created in the country by the restoration of five per cent. cut of the most highly paid officers?

The Honourable Sir James Grigg: I would invite the attention of the Honourable Member to paragraph 14 of my speech introducing the Budget for 1935-36.

BRIDGE ON THE BRAHMAPUTRA NEAR MYMENSINGH.

410. ***Mr. Suryya Kumar Som:** (a) In which year the bridge on the Brahmaputra was constructed at Mymensingh?

(b) On what basis the excess fare for the bridge was and is being realised?

(c) Has not the cost of the bridge been realised by this time? What was the cost of the bridge and what amount has been realised in the shape of excess fare for the bridge up till now? Is it a fact that the cost of the bridge has been over-realised? If so, why excess fare for the bridge is now charged?

(d) Do Government propose to see that the realisation of the excess fare is stopped?

(e) With reference to the Honourable Member in charge of Railways reply to a question during the last Delhi Session to the effect that there was no record to show if the cost of the bridge had been realised by excess fare, do Government propose to calculate the excess fares realised up to this time?

(f) Was not the bridge constructed with smaller spans and lesser height for want of materials for bigger spans on account of the European War?

(g) Was there not an understanding that the spans of the bridge would be enlarged and the height of the bridge would be increased? Are Government prepared to take steps to widen the spans and increase the height of the bridge?

(h) Are Government aware that the bed of the river Brahmaputra is being silted up and its eastern bank is being over-flooded on account of the spans of the bridge at Mymensingh being smaller and that big boats with masts cannot cross it on account of short height of the bridge, and are Government prepared to take special care beforehand that the spans of the bridge to be constructed shortly over the river Meghna at Khairab Bazar be sufficiently large not to obstruct the free flow of water and the height be sufficiently high to allow even big boats and steamers to pass with masts on?

The Honourable Sir Muhammad Zafrullah Khan: (a) 1917.

(b), (c), (f) and (g). The Honourable Member is referred to information laid on the table on the 3rd April, 1935, in reply to unstarred question No. 60 asked on the 22nd February, 1935.

(d) The answer is in the negative.

(e) In view of the position as explained in reply to parts (h) and (j) of question No. 60, already referred to, Government do not consider that the time and trouble involved in collecting the information is commensurate with the results to be obtained.

(h) This is a matter which concerns the Local Government who have accepted the railway scheme for the Meghna Bridge.

NON-ISSUE OF RETURN TICKETS ON THE MYMENSINGH BHAIRAB BAZAR SECTION OF THE ASSAM BENGAL RAILWAY.

411. ***Mr. Suryya Kumar Som:** Are Government aware that return tickets are not issued on the Mymensingh Bhairab Bazar Section of the Assam-Bengal Railway? If so, are Government prepared to introduce ordinary return tickets on the M. B. Railways?

The Honourable Sir Muhammad Zafrullah Khan: Government understand that first, second and intermediate class through return tickets are issued from all stations on the Assam Bengal Railway to Calcutta and Barrackpore at one and a half fares. The question of extending the issue of concession return tickets is one entirely for the Assam Bengal Railway Administration to consider. A copy of the Honourable Member's question and of my reply will be forwarded to the Agent of the railway for consideration.

PROVISION OF AN INTERMEDIATE CLASS WAITING ROOM AT MYMENSINGH.

412. ***Mr. Suryya Kumar Som:** Are Government aware that the intermediate class passengers feel much inconvenience for want of a waiting room for them at Mymensingh Station on the Eastern Bengal Railway? Are Government prepared to make arrangements for a separate waiting room for the intermediate class passengers at Mymensingh?

The Honourable Sir Muhammad Zafrullah Khan: I am sending a copy of the question to the Agent, Eastern Bengal Railway, for consideration, but I would point out to the Honourable Member that the Local Advisory Committee is the natural channel for bringing such matters to the notice of the administration concerned.

APPOINTMENT OF MORE BOOKING CLERKS AT NARAYANGUNGE RAILWAY STATION.

413. ***Mr. Suryya Kumar Som:** Are Government aware that Narayangunge is a very important station on the Eastern Bengal Railway and that passengers feel much inconvenience in obtaining tickets at that station on account of there being only one booking clerk to serve tickets to all classes of passengers? If so, are Government prepared to appoint more hands to serve tickets at that station?

The Honourable Sir Muhammad Zafrullah Khan: The booking office at Narayungunge is opened one hour before the advertised time of departure of trains and, as the maximum number of tickets sold for any one train has been eighty, the work is well within the capacity of one booking clerk.

ABSENCE OF A SEPARATE WINDOW TO SERVE TICKETS TO INTERMEDIATE CLASS PASSENGERS AT MYMENSINGH.

414. ***Mr. Suryya Kumar Som:** Are Government aware that there is no separate window to serve tickets to the intermediate class passengers at Mymensingh Station on the Eastern Bengal Railway and that the intermediate class passengers who are generally middle class people experience great difficulty to obtain tickets from the third class window where there is generally great rush of passengers?

The Honourable Sir Muhammad Zafrullah Khan: Intermediate class tickets are issued from the first and second class booking window and a notice to this effect is exhibited on that window. There should be no difficulty in intermediate class passengers obtaining tickets as the total of first, second and intermediate class tickets sold for any one train has not exceeded twelve.

ISSUE OF TICKETS HALF AN HOUR BEFORE THE STARTING OF TRAINS AT CERTAIN STATIONS ON THE EASTERN BENGAL RAILWAY.

415. ***Mr. Suryya Kumar Som:** Are Government aware that even at important stations such as Narayungunge, Dacca and Mymensingh, Railway tickets are given only half an hour before the starting of trains and that it causes great inconvenience to the passengers? If so, are Government prepared to allow tickets being issued throughout the day or at least two hours before the intended trains start?

The Honourable Sir Muhammad Zafrullah Khan: The booking offices at these stations are opened one hour before the advertised time of departure of trains. Any extension of this time would necessitate the appointment of additional staff. This cannot be justified, as experience shows that full advantage is not being taken of the one hour at present provided for booking.

ENHANCEMENT OF THE PERIOD OF AVAILABILITY OF RETURN TICKETS ON THE EASTERN BENGAL RAILWAY.

416. ***Mr. Suryya Kumar Som:** Are Government aware that at present ordinary return tickets are issued for four days only for distances 61—100 miles on the Eastern Bengal Railway? If so, are Government prepared to re-introduce the former system of issuing tickets for seven days for the distances 61—100 miles?

The Honourable Sir Muhammad Zafrullah Khan: First and second class ordinary return tickets on the Eastern Bengal Railway for distances from 26 to 100 miles are available for four days, and intermediate and third class ordinary return tickets for distances up to 65 miles are available for two days and for distances from 66 to 100 miles are available for four days. The Agent, Eastern Bengal Railway, states that the limit of two days for

distances upto 65 miles, which is the maximum distance over the suburban area, applied to intermediate class ordinary return tickets and that this limit was made applicable to third class ordinary return tickets when these were introduced in October, 1934.

HOT WATER CHARGES IN THE WAITING ROOMS AND RETIRING ROOMS AT DELHI AND CAWNPORE.

417. *Seth Haji Abdoola Haroon: (a) Is it a fact that there are waiting rooms and retiring rooms at Delhi and Cawnpore?

(b) Who are the caterers on these stations for the refreshment rooms?

(c) Is it a fact that some arrangements are made with these caterers to supply hot water to the passengers? If so, what are the rates?

(d) Are Government aware that these caterers are charging eight annas per bucket?

(e) Do Government propose to have this charge reduced?

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

(b) At Delhi, Messrs. Spencer and Company, S. L. Kapoor and Company and Mr. M. Khadim.

At Cawnpore, Messrs. C. F. Kellner and Company, S. L. Kapoor and Company and Isa Brothers.

(c) Only one of the caterers at each of these stations supplies hot water. I am placing on the table a statement showing the rates charged.

(d) No.

(e) Does not arise.

Statement.

The rates charged for the supply of hot water are as follows:

At Delhi, by Messrs. Spencer & Co.:

per pint	one anna.
per small kettle	two annas.
per gallon, for less than three gallons	three annas.
per gallon, for not less than three gallons	two annas.
per bucket	four annas.

Note.—The bearer in charge of retiring rooms arranges the supply of hot water at two annas per bucket.

At Cawnpore, by Messrs. Kellner & Co.:

per bucket when one or two buckets are required	two annas.
for a hot bath, up to a maximum of six buckets	eight annas.

APPOINTMENT OF DR. C. L. FABRI AS ASSISTANT SUPERINTENDENT IN ARCHÆOLOGY.

418. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government state:

- (i) whether it is a fact that one Dr. C. L. Fabri was disqualified for appointment under the Government of India in the Archæological Department on the score that he is a non-British subject;
- (ii) whether he has been appointed assistant superintendent in Archæology—*vide Gazette of India*, dated 16th November, Part I, page 1313—in contravention of the statutes; and
- (iii) whether the post in which he has been appointed was advertised and applications were called for?

(b) If the reply to part (a) (iii) be in the affirmative, will Government state how many persons applied for? Was there no Indian available? If it was not advertised for, why not? Was the Public Services Commission consulted whether candidates were available or not? If not, why not?

(c) How many candidates applied for the post of Assistant Superintendent for Archæology along with Dr. C. L. Fabri?

(d) How many of them and in what order were they recommended?

(e) Is none of the candidates recommended by the Commission available for the place offered to Dr. C. L. Fabri?

Sir Girja Shankar Bajpai: (a) (i) No.

(ii) No.

(iii) No.

(b) It is not necessary to advertise or call for applications for temporary appointments. Actually Dr. Fabri was considered by the Public Service Commission to be best qualified for a permanent vacancy in the Department.

(c) to (e). Do not arise.

Mr. C. N. Muthuranga Mudaliar: Was the Public Service Commission consulted with regard to this appointment?

Sir Girja Shankar Bajpai: There was, as I have already stated, no need to consult the Public Service Commission, because the appointment is a temporary appointment.

APPOINTMENT OF DR. C. L. FABRI AS ASSISTANT SUPERINTENDENT IN ARCHÆOLOGY.

419. ***Mr. C. N. Muthuranga Mudaliar:** Will Government state:

- (a) whether it is a fact that Dr. C. L. Fabri has been appointed for the purpose of distributing the finds at Mohenjo-Daro and Harappa to the provincial museums (*vide the Hindu*, dated 7th November, 1935);
- (b) whether the work could not be done by the office of the Superintendent of Archæology, Western Circle; and
- (c) what the salary on which he has been appointed is and whether it is proposed to give him any overseas and other allowances?

Sir Girja Shankar Bajpai: (a) Dr. Fabri has been appointed to assist the Director General of Archæology in India in the distribution of Mohenjo Daro finds to the various museums in India.

(b) No.

(c) Dr. Fabri has been appointed on a salary of Rs. 300 per mensem without overseas or other allowances.

Mr. C. N. Muthuranga Mudaliar: Was a temporary appointment needed? Could not any office clerk do it?

Sir Girja Shankar Bajpai: I have already answered that question in the negative.

Mr. Lalchand Navalrai: What work has he actually been doing there?

Sir Girja Shankar Bajpai: He is collecting and arranging the finds for the purpose of distribution to the museums.

Sir Cowasji Jehangir: Has that distribution taken place now?

Sir Girja Shankar Bajpai: No.

Sir Cowasji Jehangir: How long will it take to distribute these finds?

Sir Girja Shankar Bajpai: It is expected that the arrangements for the purpose of distribution will be completed in another two months, and then the question of distribution will be taken up.

Mr. Lalchand Navalrai: What is the idea of this distribution? Are these finds to be taken away from Mohenjo Daro.

Sir Girja Shankar Bajpai: I have not said that.

Mr. Lalchand Navalrai: Then, what is the idea of distribution?

Sir Girja Shankar Bajpai: My Honourable friend seems to be very greedy. He wants to have all the finds kept in Mohenjo Daro. The idea is that those which ought to be kept in Mohenjo Daro will be kept there and the others will be given to other museums where they might be exhibited to good purpose.

Mr. Lalchand Navalrai: It is not a question of being greedy. The idea is that all people should come and see them. If some portions are taken away, do not Government think that nobody will be able to understand the actual state of things?

Sir Girja Shankar Bajpai: Government have not in any way modified their policy with regard to distribution of these finds. It is only duplicates and triplicates that go to other museums.

Sir Cowasji Jehangir: Have any instructions been given to Dr. Fabri with regard to distribution?

Sir Girja Shankar Bajpai: Dr. Fabri's function is to sort out the finds. The actual distribution will be done by the Director General of Archæology in consonance with the instructions that Government have already issued. A copy of these is available in the Library of the House.

Mr. Lalchand Navalrai: Will any non-official be associated with that work?

Sir Girja Shankar Bajpai: There is no need to associate any non-official.

DISTRIBUTION OF ARCHÆOLOGICAL FINDS AT MOHENJO DARO AND HARAPPA TO THE MADRAS MUSEUM.

420. ***Mr. C. N. Muthuranga Mudaliar:** (a) Are Government aware of the fact that in or about 1933 the Government made a statement on the floor of this House that each of the Museums in India including the Madras Museum will have a share in the finds at Mohenjo Daro and Harappa?

(b) Are Government aware of the fact that experts like Sir J. Marshall have declared that the Mohenjo Daro civilization is mainly Dravidian? Is it a fact that the Madras Museum has a good pre-historic collection?

(c) Do the Government of India propose to direct the Director General of Archæology to see that the collection is distributed to the Madras Museum also?

Sir Girja Shankar Bajpai: (a) It is not possible, without more precise information as to its date, to trace the statement which the Honourable Member says was made on behalf of Government.

(b) The answer to the first part is in the negative, and that to the latter in the affirmative.

(c) I would invite the Honourable Member's attention to the rules that the Government of India have framed for the distribution of archæological relics. A copy of these rules was laid on the table of the House on the 4th of this month, as promised in connection with the Honourable Member's question No. 260 on the 11th September, 1935.

Prof. N. G. Ranga: Will the Madras Museum have its share of these finds?

Sir Girja Shankar Bajpai: I would ask the Honourable Member to study the rules on the subject. The Madras Museum *qua* the Madras Museum has no claim to these finds.

PRESERVATION OF CERTAIN MONUMENTS.

421. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that special chemical treatment is contemplated to be given to the rock-cut temples and sculptures therein in Western India for arresting the decay that sets in as the result of time and climatic conditions? If so, what progress has been made in this direction?

(b) Are Government prepared to extend to the other parts of India this process of preservation including the Madras Presidency unto such places as Mahabalipuram, Conjeevaram, Tanjore, Yerragudi (Asokan Ins.) and other places?

Sir Girja Shankar Bajpai: (a) Yes, in the Elephanta Caves where the Archæological Chemist has suggested such treatment on an experimental basis.

(b) If the experiments at Elephanta succeed then extension to monuments that lend themselves to such treatment will be sympathetically considered.

HANDING OVER TO THE PUBLIC OF THE ROMAN CATHOLIC CHURCH ON THE SEASHORE AT PORTO-NOVO IN THE MADRAS PRESIDENCY.

422. *Mr. C. N. Muthuranga Mudaliar: (a) Are Government aware of the fact that the Roman Catholic Church on the seashore at Porto-Novo of the Madras Presidency now vested in the Government of India under the Ancient Monuments Preservation Act is now going to ruins?

(b) Are Government prepared to consider the desirability of handing over the Monument to the public of the place—Panchayat Board for such useful purpose (conversion into a park) as they may think fit?

Sir Girja Shankar Bajpai: (a) The Roman Catholic Church at Porto-Novo is a privately owned monument, but is protected under section 5 of the Ancient Monuments Preservation Act, 1904, by an agreement with the owners. Its condition has remained practically unaltered since the date of its protection.

(b) As the monument is privately owned, Government cannot hand it over to the Panchayat Board or to anyone else.

CONTRIBUTIONS TO THE EPIGRAPHIA INDICA.

423. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the contributions to the Epigraphia Indica are to a large extent in the Dravidian languages?

(b) Is it a fact that one who is not a scholar in these languages cannot satisfactorily and efficiently discharge the responsibility of editing them?

(c) Is it a fact that the Government Epigraphist for India is the *ex-officio* editor of the Epigraphia Indica?

(d) Is the present incumbent a good scholar in the Dravidian languages? If he is not, how can he discharge the function of editorship with correctness and authority?

(e) Is it a fact that the same officer is the Editor of the volumes of South Indian Inscriptions which are almost all of them in the languages of South India?

(f) Is it not a fact that most of the previous officers who happened to be the Epigraphists to the Government of India like Hultzsch, Venkayya, Krishna Sastri and others were good scholars in the South Indian languages?

(g) Are Government prepared to insist on this qualification of the Epigraphist to the Government of India?

Sir Girja Shankar Bajpai: (a) No; the contributions are in English.

(b) Though a knowledge of Dravidian languages is desirable, it is not indispensable.

(c) Yes.

(d) No. He was appointed on the advice of the Public Service Commission who considered him to be the best candidate available for the post of Government Epigraphist.

(e) No; the editor of the volumes is the Superintendent for Epigraphy who is a specialist in South Indian Epigraphy.

(f) Some of them have been.

(g) The desirability of acquiring a working knowledge of Dravidian languages has already been impressed on the Government Epigraphist.

PRINTING OF THE PUBLICATIONS OF THE EPIGRAPHY BRANCH OF THE
ARCHAEOLOGICAL SURVEY.

424. *Mr. C. N. Muthuranga Mudaliar: (a) Is it a fact that the publications of the epigraphy branch of the Archæological Survey are printed not any where near Ootacamund where the office of the Government Epigraphist is situated?

(b) Is it a fact that the tours of the Government Epigraphist are mostly in Northern India? If so, does not this entail heavy expenditure on the part of Government by way of travelling allowances? Have Government considered the question of reducing this kind of expenditure by transferring the office to a more central place like Madras or Delhi? Are Government prepared to consider the desirability of shifting the office to Madras or Delhi?

Sir Girja Shankar Bajpai: (a) The publications of the Epigraphical Branch of the Archæological Survey of India are printed partly in Madras and partly in Calcutta.

(b) The tours of the Government Epigraphist are not confined to any special part of the country. The dependent parts of the question do not, therefore, arise.

ARCHAEOLOGICAL CIRCLES AND GAZETTED OFFICERS IN THOSE CIRCLES.

425. *Mr. C. N. Muthuranga Mudaliar: (a) Will Government state the number of the various Archæological Circles, with their names and the number of gazetted officers in each of the circles?

(b) Is not the southern circle as big as any other circle and as important as any other? Why is there only one officer in this circle alone?

Sir Girja Shankar Bajpai: (a) I lay on the table a statement giving the desired information.

(b) Yes, approximately. The arrangement may not be ideal but addition of staff will necessitate expenditure which the Department cannot afford at present.

Statement showing the number and names of various Archæological Circles in India, together with the number of gazetted officers employed in each of them.

Serial No.	Name of Circle.	Number of gazetted officers.	Remarks.
1	Central Circle, Patna	2*	* The post of Assistant Superintendent is vacant at present.
2	Burma Circle, Mandalay	1	
3	Western Circle, Poona	2	
4	Southern Circle, Kotagiri	1	
5	Northern Circle, Agra	2	
6	Eastern Circle, Calcutta	2†	† The Superintendent also holds charge of Archæological Section, Indian Museum.
7	Frontier Circle, Lahore	1	

Mr. M. S. Aney: Will Government consider the question of altering the number of Archæological Circles and making a separate circle of the Central Provinces?

Sir Girja Shankar Bajpai: If Government were to consider the making of a separate circle for the Central Provinces, they would be faced with the same difficulty, namely, additional expenditure.

ERECTION OF A SPECIAL PLATFORM FOR HIS EXCELLENCY THE VICEROY AT NEW DELHI.

426. ***Mr. C. N. Muthuranga Mudaliar:** Is it a fact that a special platform at a cost of over Rs. 50,000 is being erected for the reception of the Viceroy at New Delhi? Is it also a fact that Government are turning down several necessary proposals for want of funds?

The Honourable Sir Muhammad Zafrullah Khan: No. A platform was already in existence, but a shelter has been erected over the existing ceremonial platform to protect users of this platform from the weather. Including a suitable pavilion and lighting arrangements, the cost is less than Rs. 50,000.

The urgency of all works is being carefully scrutinised, but necessary works are not being turned down.

Mr. T. S. Avinashilingam Chettiar: May I know what is the cost, if it is less than Rs. 50,000.

The Honourable Sir Muhammad Zafrullah Khan: Rs. 48,700.

Mr. S. Satyamurti: How many people use this platform in a year?

The Honourable Sir Muhammad Zafrullah Khan: I could not say.

Mr. S. Satyamurti: More than one?

The Honourable Sir Muhammad Zafrullah Khan: It is used on several occasions.

Mr. S. Satyamurti: Is it for the public?

The Honourable Sir Muhammad Zafrullah Khan: It is for those people who arrive on the platform on the occasion of the departure or arrival of high dignitaries.

Mr. S. Satyamurti: Are we entitled to arrive there?

The Honourable Sir Muhammad Zafrullah Khan: The platform is not used for ordinary trains.

Mr. S. Satyamurti: Then, who is entitled to arrive on this platform?

The Honourable Sir Muhammad Zafrullah Khan: The Viceroy, the Commander-in-Chief and possibly other high dignitaries.

Mr. S. Satyamurti: May I ask whether an expenditure of 48,700 is justified in the present state of railway finances, when urgent reforms for the comforts and conveniences of thousands of passengers are held up for want of funds?

The Honourable Sir Muhammad Zafrullah Khan: Having regard to the fact that this platform was being used for this purpose and did not have these amenities with regard to shelter and light, Government decided to provide the necessary protection in these respects.

Mr. N. M. Joshi: May I know if there is a permanent staff at the platform?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. T. S. Avinashilingam Chettiar: Is it only the Viceroy and the Commander-in-Chief who are entitled to alight on this platform?

The Honourable Sir Muhammad Zafrullah Khan: Possibly other high dignitaries might also alight on or depart from this platform. If you want exact information, I am afraid I shall have to ask you to put down a question.

Mr. S. Satyamurti: Has the Honourable Member ever used this platform?

The Honourable Sir Muhammad Zafrullah Khan: I have never used it.

Sardar Mangal Singh: Are the Members of this House entitled to depart from this platform.

The Honourable Sir Muhammad Zafrullah Khan: I think if there were a special occasion when a special train would have to depart from or arrive at this platform and the occasion justified it, I have no doubt they would be so entitled.

Mr. C. N. Muthuranga Mudaliar: When the Viceroy goes on tour in aeroplanes, what is the need for this ceremonial platform?

The Honourable Sir Muhammad Zafrullah Khan: The Viceroy does not always travel in aeroplanes and it is not only the Viceroy who might arrive at or depart from this platform.

Pandit Lakshmi Kanta Maitra: When did this idea originate?

The Honourable Sir Muhammad Zafrullah Khan: Ideas originate in minds, and I have no knowledge of the working of various minds.

Pandit Lakshmi Kanta Maitra: During the last quarter of a century, this idea never originated. How is it that it has now originated for the first time?

The Honourable Sir Muhammad Zafrullah Khan: The thing not having been done before, it is perfectly obvious that it had not been seriously thought of previously.

AMOUNT SET APART BY THE MADRAS GOVERNMENT FOR WATER SUPPLY SCHEMES IN RURAL AREAS.

427. ***Mr. C. N. Muthuranga Mudaliar:** Will Government be pleased to state:

- (a) whether it is a fact that a sum of Rs. 5½ lacs from out of the grant made by the Government of India for village uplift has been set apart by the Madras Government for Water Supply Schemes in rural areas;
- (b) whether the Madras Government propose to name the schemes referred to in part (a) as "Jubilee Wells" or "Jubilee Schemes" and whether they do so under instructions from the Government of India;
- (c) whether any portion of funds collected in connection with the King's Silver Jubilee is to be utilised for carrying out the schemes referred to in part (a);
- (d) if the answer to part (c) be in the negative, why Government should name the scheme as "Jubilee Schemes"; and
- (e) whether Government propose to continue the grant for rural uplift for this year also?

The Honourable Sir James Grigg: (a) Yes.

(b) The answer to the first part is in the affirmative and to the second part in the negative.

(c) I assume not.

(d) This involves a matter of opinion.

(e) I cannot anticipate the budget speech.

SALE OF THE OLD CANTONMENT BUILDINGS IN POONAMALLEE.

428. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

- (a) whether they have sold away or propose to sell away a portion of the old cantonment buildings in Poonamallee;
- (b) If the answer to part (a) be in the affirmative, what specific portions of the same were sold and the price fixed for the same;
- (c) whether Government have fixed the price by private negotiations, and the party to whom the Government have sold or propose to sell;
- (d) why they have not chosen to sell the buildings by public auction;
- (e) whether the buildings are in charge of the Military Department or were they transferred to the Government of India before they were sold;
- (f) in whose charge is the portion in which the Blind School is located;
- (g) whether it was also sold to the Blind School, and, if so, for what price; or it was lent to the Blind School; and
- (h) whether they propose to hand over the other portion that is sought to be sold to Chingleput District Board for locating the Poonamallee Board High School?

Mr. G. R. F. Tottenham: (a) and (h). With the exception of one shed all the buildings have been sold.

(b) and (c). Single men's barracks, married men's quarters and some other buildings were sold by private treaty to the Madras Association for the Blind for Rs. 1,50,000 and the Station Hospital, the barracks for married men and some other buildings by private treaty to the Bishop of Mylapore for Rs. 40,000.

(d) The method adopted was considered to be in the best interests of the State.

(e) The buildings were in charge of the Army Department of the Government of India before they were sold.

(f) and (g). The Madras Association for the Blind whom it was sold for Rs. 1½ lakhs.

Mr. C. N. Muthuranga Mudaliar: May I know what is the valuation of 12 NOON. the buildings sold?

Mr. G. R. F. Tottenham: I must ask for notice.

DELAY IN THE DELIVERY OF LETTERS FROM POONAMALLEE AND SURROUNDING VILLAGES.

429. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

- (a) whether they are aware that there is undue delay in the delivery of letters from the Poonamallee and surrounding villages;

- (b) whether Poonamallee is only 13 miles distance from Madras;
- (c) whether postal mails are carried by the railway mail up to Arkonam and then brought back by passenger train only the next day to Poonamallee;
- (d) whether letters are delivered in Poonamallee and surrounding villages as also from Sriperumbudur Post Office late in the day; and
- (e) whether Government propose to consider the advisability of arranging to send postal mails from Madras up to Sriperumbudur by motor service so that letters may be delivered early in the morning?

The Honourable Sir Frank Noyce: (a) to (e). Government have no information. The matter is within the competence of the Postmaster-General, Madras Circle, to whom a copy of the question has been sent for suitable action.

SEATS PROPOSED TO BE GIVEN TO THE ZAMINDARS IN THE MADRAS
PRESIDENCY IN THE PROVINCIAL ASSEMBLY.

430. ***Mr. C. N. Muthuranga Mudaliar:** With reference to the reply to part (c) of starred question No. 1608, asked on the 6th April, 1935 regarding the seats proposed to be given to the Zamindars in the Madras Presidency in the Provincial Assembly, will Government please state:

- (a) whether they ordered the preparing of a tentative list of voters for the Zamindars' Constituencies for the Provincial Legislatures in a lower franchise basis;
- (b) whether the Madras Government have since expressed themselves against lowering the present franchise in the Zamindars' Constituencies; and
- (c) whether Government propose to take any subsequent action in the matter in view of their reply referred to in part (a) above?

The Honourable Sir Nripendra Sircar: (a) No.

(b) Yes, they have done so in their proposals to the Indian Delimitation Committee.

(c) Government are not in a position to add anything to what they have stated in their reply to part (c) of the Honourable Member's previous question No. 1608, until they have had occasion to consider any discussion of the problem which the Committee may have undertaken.

Mr. President (The Honourable Sir Abdur Rahim): With regard to the question asked by Mr. Satyamurti as to whether the Chair can ask the Members of Government to disclose what advice they give to the Governor General in certain matters, the Chair must make it clear to the House that it is for the Chair only to interpret the Rules and Standing Orders. If any Honourable Member is dissatisfied with the position, it is open to the House to have the Rules and Standing Orders changed in that connection.

SHORT NOTICE QUESTIONS AND ANSWERS.

IMPORT OF SIAMESE RICE INTO THE PORT OF BOMBAY.

Seth Govind Das: Will Government be pleased to state:

- (a) whether they are aware that about twenty thousand (20,000) tons of Siamese rice have come to the port of Bombay recently;
- (b) whether they are aware that such imports of rice into India bring down the price of the commodity to a low level;
- (c) whether they have taken any steps to prevent or cause the prevention of such shipments entering Indian ports by the levy of heavy duty;
- (d) if not, their reasons and difficulties for not doing so;
- (e) whether they are aware that more shipments of Siamese rice are expected to come shortly; and
- (f) if so, whether they intend to take steps for the prevention of such entries?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (e). The total imports of Siam rice, consisting mainly of whole rice, into Bombay since November last has amounted to about 16,000 tons. A further consignment of 3,000 tons is expected shortly.

(b) No. The latest available quotation for Burma rice, which is very largely consumed in Bombay, is exactly what it was a year ago.

(c) In so far as these imports consist of broken rice, they are subject to an import duty of 12 annas per maund.

(d) and (f). Do not arise in view of the reply to part (b) of the question

Seth Govind Das: Sir, a recent statement which was placed by the Government shows that about rupees 50 lakhs worth of rice were imported into this country from April to December, 1935. Do Government not think that this position of dumping foreign rice do call for the imposition of some duty, so that the price of rice may not be still further brought down?

The Honourable Sir Muhammad Zafrullah Khan: On that occasion, when I laid the figures on the table, I replied in detail to the questions that were directed towards eliciting Government's policy in this matter.

Mr. Sami Vencatachelum Chetty: Have Government got any information as to the price at which this Siamese rice has been imported?

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

Prof. N. G. Ranga: Is it not a fact that Siamese rice is being imported at a very much lower price than the Indian price itself?

The Honourable Sir Muhammad Zafrullah Khan: That I could not say; but I may inform the House that the price of Burma rice, which is consumed very largely in Bombay, is the same this year as it was last year, and I think the variations in the prices of different qualities of Burma rice this year are the same as last year, *viz.*, between Rs. 6-7-0 and Rs. 7-6-0.

Prof. N. G. Ranga: Is it not a fact that these imports do have a depressing effect upon the prices of Indian rice?

The Honourable Sir Muhammad Zafrullah Khan: Yes, but as the Honourable Member must have observed in spite of a press report that there was one single consignment of 20,000 tons which had arrived, though it would be difficult to imagine the size of the ship that could bring in such a consignment, the actual total imports of rice since last November have been less than 16,000 tons.

Seth Haji Abdoola Haroon: Is it a fact that on account of the shortage of the crop in India, say in Madras and some other places, this broken rice is imported into India?

The Honourable Sir Muhammad Zafrullah Khan: That I could not say, but so far as broken rice is concerned, the Honourable Member is aware that there is a duty of twelve annas per maund imposed.

Dr. F. X. DeSouza: Do those figures include imports from Indo-China also?

The Honourable Sir Muhammad Zafrullah Khan: The figure of 16,000 tons that I have given is for Siamese rice.

Dr. F. X. DeSouza: Will the Honourable Member state the figures for Indo-China also?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will give notice, I will get the information.

IMPORT OF JAPANESE GREY PIECE-GOODS AND ITS EFFECT ON THE HANDLOOM INDUSTRY OF MADRAS.

Mr. M. Ananthasayanam Ayyangar: (a) Are Government aware that the import of Japanese grey (unbleached) piece-goods is killing the handloom industry in the Madras Presidency and that two lakhs of handloom weavers and twenty thousand handlooms have been thrown out of work within the past three months?

(b) Are Government aware that the continued importation is adding to the injury caused?

(c) What steps, if any, do Government propose to take in the matter to protect the handloom industry?

(d) Are Government prepared to take early steps to further reduce the quota and restrict the import of Japanese greys?

(e) Are Government aware that Japanese grey goods are purposely, with a view to dumping, sold cheaper now than they were sold in 1933-34, whereas the prices of bleached and coloured goods have gone up?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The Honourable Member is referred to the reply given by me yesterday to his starred question No. 308.

(d) No, Sir. Even if the action suggested by the Honourable Member were in fact necessary, the terms of the Convention and Protocol governing the commercial relations of India and Japan would preclude such action being taken.

(e) No.

Sir, I promised to supplement on one point the information that I gave in reply to a supplementary question on this subject yesterday, and that was as to what steps it was expected that the Local Government of Madras would take or was taking with regard to this matter. The information that I am able to supply is as follows:

To enable the handloom weavers in Madras to compete with mill-made cloth, action along the following lines appears to be under contemplation by the Local Government:

(1) Supply of yarn on the most advantageous terms possible. At present the handloom weaver is handicapped by having to borrow money often at exorbitant rates of interest for the purchase of yarn and the price he has to pay is considerably higher than that at which yarn is available to the mills. The proposal is that yarn should be obtained from the Madras Handloom Weavers Co-operative Society which supplies yarn at favourable rates.

(2) Reduction in the costs of production of handloom woven cloth. Apart from the advice and assistance from the technical staff of the Department of Industries regarding improvements in the manipulative processes in weaving and the adoption of modern methods of dyeing, there is the proposal to use yarns of slightly lower quality for weft instead of the present practice under which the same yarns are used for warp and weft. There is also the proposal to provide ovens of improved design in order to effect economies in fuel costs. At present wood fuel is used in open hearths for dyeing purposes.

(3) Better marketing of handloom woven cloth.

In addition to the appointment of a marketing officer who will generally advise on and supervise the work relating to marketing, the appointment of a cloth designer is contemplated. Other improvements which are contemplated are:

- (a) Standardization of handloom products with a view to enable such products to be marketed in bulk.
- (b) The supply of power-driven finishing plant to enable handloom woven goods to be finished properly.

Steps have also been taken to enlist the co-operation of the merchants with a view to the development of the market for handloom woven cloth, while the question of weaving on the handlooms the particular kinds and designs of mill-made cloth which compete with the handloom products is also being taken up.

With regard to part (e) of the short notice question put today, the further details are these:

The prices with regard to plain greys and bordered greys and white (bleached) and coloured stuff (printed or dyed) during the December months of 1933, 1934 and 1935 have varied as follows:

Plain greys: -/2/-, -/2/-, -/2/-.

(There has been no change with regard to these);

Bordered greys, -/1/7, -/1/10, and -/1/10;

White (bleached), -/2/1, -/2/9, and -/2/4;

Coloured (printed or dyed), -/2/2, -/2/8 and -/2/.

Prof. N. G. Ranga: Will Government consider the advisability of taking steps to help the handloom weavers against the competition of mill-made cloth? As Government themselves have admitted there is depression in handloom industry, not only in the South, but also in the Bombay Presidency?

The Honourable Sir Muhammad Zafrullah Khan: I have read out a very detailed reply as to the steps that are being taken to enable the handloom weavers to compete successfully with mill-made cloth.

Prof. N. G. Ranga: In view of the fact that these steps have been under the contemplation of the Government of India for more than one year till now, is it not the view of the Government of India that these handloom weavers merit some protection immediately from the mill-made cloths also?

The Honourable Sir Muhammad Zafrullah Khan: In what manner and in what respect? Does the Honourable Member suggest [an excise duty on mill-made cloth?

Prof. N. G. Ranga: It is not my business to suggest in what manner it should be protected. I can only suggest that the handloom weavers should be given some protection against mill-made cloth. It is for the Government of India to devise ways and means of giving such protection.

The Honourable Sir Muhammad Zafrullah Khan: My reply is that with the adoption of these methods and improvements with regard to which I have just read out a statement, it is expected that the handloom weavers will be in a position to compete more successfully against mill-made cloth.

Mr. Sami Vencatachelam Chetty: Are Government aware that some of these measures have already been adopted at least in Madras?

The Honourable Sir Muhammad Zafrullah Khan: I have read out a detailed statement.

Pandit Nilakantha Das: May I suggest a rebate or drawback on duty on yarn or some measure at least to minimise the profit of the middle-man, by which the handloom weavers will get the yarn cheaper?

The Honourable Sir Muhammad Zafrullah Khan: May I suggest that Honourable Members, who are interested in that aspect of the question, might confer with those Honourable Members, who are interested in the other aspect of the question, that is to say, with regard to the mill-made cloth and the suggestions which they both might agree upon might perhaps be considered by Government.

Dr. T. S. S. Rajan: How do these measures affect the dumping of Japanese goods?

The Honourable Sir Muhammad Zafrullah Khan: Government have no reason to believe that there is any Japanese dumping. I have read out a detailed statement which shows that prices have not gone down.

EARTHQUAKE IN BIHAR.

Mr. T. S. Avinashilingam Chettiar: Will Government state:

- (a) whether the news in today's *Hindustan Times* about another severe earthquake in Bihar is true;
- (b) what is the havoc caused there; and
- (c) what is the latest news about it?

The Honourable Sir Henry Craik: (a), (b) and (c). As reported in the Press, there were earthquake shocks in various parts of Bihar on Tuesday morning. We have ascertained by telephone that no reports of damage have been received by the Government of Bihar and Orissa who have made special enquiries from most of the places affected.

I am afraid I must qualify that by what appeared in this morning's newspaper which says that two persons died from injuries by a wall collapsing at Bhagalpore. I have no other reports of damage.

Mr. T. S. Avinashilingam Chettiar: What are the reasons for so frequent earthquakes?

(No answer.)

MOTION FOR ADJOURNMENT.

PROHIBITION OF THE APPOINTMENT OF INDIANS IN THE CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice of a motion for the adjournment of the House from Mr. T. S. Avinashilingam Chettiar. He proposes to move for the adjournment of the House to discuss a definite matter of urgent importance, namely, the statement of the Foreign and Political Department Secretary that His Majesty's Government has prohibited the appointment of Indians in the Cypher Bureau.

Is there any objection?

Sir Aubrey Metcalfe (Foreign Secretary): I wish to object. I would invite your attention to Rule 12 of the Indian Legislative Rules which lays down in sub-rule (ii) that the "motion must be restricted to a specific matter of recent occurrence". The Honourable Member in his motion has certainly misquoted what I said. But I will come to that later on. The main point that I wish first to bring to your notice is that the position as regards the employment of Indians in the Cypher Bureau has been exactly the same for the last 20 years since the Bureau came into existence, and there has been no development since which would justify this motion.

Mr. President (The Honourable Sir Abdur Rahim): What has been complained of here is the statement that His Majesty's Government have prohibited the appointment of Indians. This statement might not have been before the House before.

Sir Aubrey Metcalfe: I will deal with that point. In doing so, I would invite your attention to what I might almost describe as a debate which took place on this subject as a result of a question put by Mr. Muhammad Muazzam Sahib Bahadur, question No. 935, which will be found in the Legislative Assembly Debates, Vol. VII, dated the 15th September, 1933. Perhaps I might read out some of the relevant portions. I will first of all read out what I said myself as contained in the official report of yesterday. It was a supplementary question which was asked at the very last moment, after 12 o'clock, and Mr. Satyamurti said:

“Do His Majesty’s Government say that they do not want Indians employed there?”

To which, I replied:

“His Majesty’s Government are entitled to make a Rule as to who shall use the Codes which belong to them.”

Mr. Satyamurti again asked:

“Have they said that Indians shall not be employed there?”

To which, I replied:

“Obviously; otherwise Indians would be employed.”

I wish to compare with that the statement which was made by Major W. K. Fraser-Tytler in 1933. An Honourable Member, Mr. B. R. Puri, then put a supplementary question as follows:

“Am I right in assuming that there is some rule or regulation issued by the London Office, that none but British subjects should be allowed to handle the Codes which relate to their Department?”

To which Major W. K. Fraser-Tytler replied:

“I am afraid it will not be in the public interest to disclose what the actual rules are. They were issued by the London Foreign Office. They are pretty obvious and Honourable Members can draw their own inference as to what they are.”

I maintain, Sir, that I said nothing which Major Fraser-Tytler did not say in this House two years ago.

Mr. President (The Honourable Sir Abdur Rahim): What is the exact statement made by the Honourable Member yesterday?

Sir Aubrey Metcalfe: I have read that out to you, Sir, just now. Mr. Satyamurti asked: “Have they said that Indians shall not be employed there?” To which I replied: “Obviously; otherwise Indians would be employed”. Exactly the same statement which was made by Major Fraser-Tytler in 1933, almost in the same words.

Mr. President (The Honourable Sir Abdur Rahim): The question “Have they said that Indians shall not be employed there?” and the answer “Obviously; otherwise Indians would be employed”, is different from the previous question and answer in 1933. Then, the Honourable Members were asked to draw their own inference, but here there is a categorical statement.

Sir Aubrey Metcalfe: There is no categorical statement made by me. It was not intended to be a categorical statement. The question was put in that form by Mr. Satyamurti as a supplementary question after, I think, 12 o'clock had struck and I had no time to consider my reply. But I am prepared to admit that the reply was not strictly speaking accurate and if the House wishes to have an accurate statement, I am perfectly prepared to give it here and now.

Mr. President (The Honourable Sir Abdur Rahim): That will be better.

Sir Aubrey Metcalfe: The position is this. I have taken the trouble to write this out so that there would be no confusion on a subsequent occasion. As I have said, the situation is and has been for the last 20 years at least that certain Cypher Codes which are not the property of the Government of India have been in use by that Government. There are rules, which are not made by the Government of India, governing the classes of persons by whom those codes may be handled; and it is a fact that Indians are not included among those classes. It is hoped very shortly to discontinue the use of these codes and to substitute codes which are the property of the Government of India. Any restrictions upon the employment of Indians will then cease to apply. This is the situation and that situation has been known to the House at least since 1933.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, you have yourself said in answer to the question of the Foreign Secretary all that need be said at this stage here. The position today is not, what it was in the debate of 1933.

Mr. President (The Honourable Sir Abdur Rahim): But he has read out just now what the actual position is, and that has been the position all along, to my own recollection.

Mr. S. Satyamurti: I take it, Sir, that the statement stands that the rules, which prohibit the admission of Indians into this department, are made by His Majesty's Government whose Cypher Codes the Government of India are now using. No doubt the Foreign Secretary was good enough to say that these rules might be modified and these codes might be given up.

Mr. President (The Honourable Sir Abdur Rahim): Not "might be". I think he said that they are considering the modification of the rules.

Mr. S. Satyamurti: But the point that I want to raise on this motion is the framing of rules by His Majesty's Government, prohibiting the admission of Indians in the use of these codes.

Sir Aubrey Metcalfe: Sir, may I, on a point of information, point out that even now this matter is being misrepresented (I have no doubt quite unintentionally). There are no actual rules prohibiting the appointment of Indians as such. There are rules which specify that these particular Codes shall only be used by certain classes of persons,—and it is a very small class of persons,—and in that class Indians do not happen to be included.

Mr. S. Satyamurti: That is the point,—Indians are not included. We want to censure

Mr. President (The Honourable Sir Abdur Rahim): This information was given to the House some time ago that the code belongs to His Majesty's Government and they have laid down what classes of persons are to use that code. That information has been in possession of the House.

Mr. S. Satyamurti: But we did not know till yesterday as to the responsibility for the non-inclusion of Indians. The responsibility is now admitted to be that of His Majesty's Government and the point is

Mr. President (The Honourable Sir Abdur Rahim): The answer was given on the supplementary questions and the Honourable Member has now read out what the actual position is.

Mr. S. Satyamurti: And the position is that His Majesty's Government have made these rules, and have not included Indians among the classes to be employed. We object to the Government of India acquiescing in these orders. The code is now prevailing; it is not a dead code, and the position at this minute is that those codes are being used by the Government of India.

Mr. President (The Honourable Sir Abdur Rahim): This has been known to the House for a long time.

Mr. S. Satyamurti: Not the responsibility of His Majesty's Government who have made these rules; and this Government have acquiesced in them. We want to censure the Government of India for non-action in this matter, and I submit it is perfectly in order according to the rules.

Mr. N. M. Joshi (Nominated Non-Official): Sir, may I say one word on this? I feel, Sir, that whatever may have been said by the Government of India on these points some years ago, the passing of the Government of India Act has changed the situation altogether. The Government of India Act has prohibited any discrimination regarding the appointment of British Europeans in India and this obligation is mutual; that is, there shall be no discrimination made by Great Britain against the appointment of Indians. I, therefore, feel, that the Government of India on the passing of the Government of India Act should have seen that this discrimination against Indians was removed.

Mr. President (The Honourable Sir Abdur Rahim): Is the Act in force now?

Mr. N. M. Joshi: I do not know whether the Act is in force or not. My point is this that the Government of India should have made an effort to see that this discrimination is taken out. And we know today or we learnt yesterday that the Government of India did nothing and, therefore, it is our right to censure that Government.

Sir Aubrey Metcalfe: Sir, on a point of information, I object strongly to the Honourable Member saying that the Government of India have done nothing. We have been working at this for the last five years and

we are now on the point of success, because new Cypher Codes, I hope, will be in use and all these restrictions will be withdrawn before this Assembly sits again.

Sardar Mangal Singh (East Punjab: Sikh): Are there Anglo-Indians included in those classes?

An Honourable Member: That question was answered yesterday.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, the point taken against the motion is that it has been in existence all these years and there is nothing new.

Mr. President (The Honourable Sir Abdur Rahim): It is not urgent. The question has been debated and explored very often in this House.

Mr. T. S. Avinashilingam Chettiar: There may be very many reasons why Indians are not there, but it is only yesterday that we found definitely that it was under the definite instructions of His Majesty's Government that Indians have not been appointed till now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has explained that statement. He says that the matter is now under active consideration to remove this anomaly. After that what is the ground for adjournment?

Mr. T. S. Avinashilingam Chettiar: That is the plea which he has to put up in case the motion is allowed. But that is not the plea which they have been considering for five years.

Mr. President (The Honourable Sir Abdur Rahim): It was in answer to a supplementary question. He has now explained fully what the position is.

Mr. T. S. Avinashilingam Chettiar: The question is that they have said that Indians shall not be employed

Mr. President (The Honourable Sir Abdur Rahim): I think the question has been sufficiently discussed. An explanation of the position has been given by the Foreign Secretary that this matter has been previously discussed in this Assembly and the answer that has been given previously is exactly what the Foreign Secretary really intended to give in answer to the supplementary question which was put to him the other day. He has now explained the position more fully and he has also pointed out that the matter is engaging the active consideration of Government so that the anomaly may be removed as early as possible. In those circumstances, I hold that the matter is not urgent, and I, therefore, disallow the motion.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Wednesday, the 12th February, 1936, the time fixed for receiving nominations for the Standing Committee for the Department of Education, Health and Lands, only three nominations have been received. As the number of candidates is equal to the number of vacancies, I declare Mr. K. M. Jedhe, Maulvi Badrul Hasan and Mr. W. B. Hossack to be duly elected.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, the other day, when I was speaking on the motion before the House, I pointed out that the mere fact that provisions of any Act were being abused or misused was not a justification for demanding its repeal. Sir, it is not only the supplementary laws or Ordinances which are being abused and misused, but I submit that there are provisions in the ordinary laws of the country which are many times being abused and misused; and it has never been contended that, only because the provisions are being abused, those enactments should be withdrawn.

Now, Sir, we have got section 144 of the Criminal Procedure Code. It is well-known that the provisions of this section have often times been abused and misused in this country. I can point out a case from my own province. For the last two years, the Muslims of Ajodhya have not been allowed to perform sacrifice on the occasion of *Id-uz-Zuha* on account of orders issued under section 144 of the Criminal Procedure Code. In spite of the fact that the right of Muslims to perform sacrifice has repeatedly been admitted by Indian High Courts, the executive have ignored the rulings of the High Court and the law of the country, and the authorities in Ajodhya have for the last two years prohibited the Muslims to perform sacrifice at the time of *Id-uz-Zuha*. A third *Id-uz-Zuha* is shortly coming, and I do not know what action the Government of the United Provinces or the Government of India are taking so that the Muslims may be allowed to perform a religious duty, namely, the sacrifice on the occasion of *Id-uz-Zuha*. In spite of it, it was never suggested by anybody in this House that section 144 of the Criminal Procedure Code should be repealed or withdrawn. In the same way, we know that section 110 of the Criminal Procedure Code is sometimes misused. Even if some respectable persons or big landlords incur the wrath or displeasure of the police or the executive, they are run in under section 110 and sometimes are sent to jail; but it is not a justification, and it has never been argued or pointed out, that this section should be repealed or removed from the Statute-book of the country. What I mean to say is that the mere fact that an enactment or the provisions of a certain law are sometimes abused or misused is no justification for saying that that enactment or that law should be repealed or removed. As long as laws exist in the world, I think their abuse and misuse will also continue.

Mr. A. K. Fuzlul Huq (Bakargunj cum Faridpur: Muhammadan Rural): You admit it has been misused?

Sir Muhammad Yakub: I said the other day that not only this, but other enactments are abused. The executive officers have as many failings as Honourable Members on this side; they are not perfect men and you cannot say that the executive will always act rightly. But what is the criterion? The chief thing to be seen is whether the necessity for keeping a certain measure on the Statute-book exists or not. Mr. President, we have been debating this Bill for a full year, and more than a dozen Honourable Members to my right have made speeches—not only five or ten minutes speeches, but speeches for two hours or more—in support of the Bill. What have they shown? They have shown the hardships inflicted upon the public by carrying out the provisions of this Act which my friend wants to be repealed. They have only shown that on such and

such an occasion the provisions were applied to such and such an association and some hardships were inflicted on certain persons. I ask 'Is this a legal or logical ground to demand the repeal of the Act?' No attempt whatsoever, not the feeblest attempt, has been made to show that the necessity for keeping this measure on the Statute-book no longer exists. Many eminent lawyers have spoken in support of the Bill of my friend, Mr. B. Das, but none of them has yet attempted to show or made even a feeble and slight attempt to show that Communist associations do not exist in India, that Communism has died out in this country or that the influence of Communists on the minds of Indian youth has become extinct. Therefore, I submit that unless my friends can show by valid, legal and logical reasons, and quote facts and figures to prove that Communism no longer exists in India, they will not be justified in demanding the repeal of the Criminal Law Amendment Act.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): What about England? Is there no Communism there?

Sir Muhammad Yakub: There is Communism in all countries in the world; but they have also got extraordinary powers and extraordinary laws to deal with it. In no country will you find that the executive is not armed with a weapon to deal with Communism or other subterranean movements. I shall try to show that Communism is gaining more and more strength in India and that the influence of the Communist is becoming greater and greater every day. I shall also try to show what secret methods the Communist is adopting to inject poison in the minds of the raw youth of India.

Mr. Mohan Lal Saksena: You seem to be in touch with them!

Sir Muhammad Yakub: If I am in this House, I think I am in touch with a large number of Communists. (Laughter.) I need not go outside the House to make friends with Communists.

An Honourable Member: Communalists or Communists?

Sir Muhammad Yakub: In this connection, with your permission, Sir, I will quote a few lines from the speech which the Honourable Mr. Sloan made in the Council of State on Wednesday, the 25th September, 1935, on the Criminal Law Amendment Bill, which is published in Vol. II, No. 8 of the Council of State debates. He said:

"Now, Sir, I should like to say one or two words—quite briefly—about Communism. Recently as a result of searches in Bombay we have acquired some very valuable information about Communism which has confirmed our suspicions and has enabled us to get valuable evidence of the work of the Communists, showing how widespread their activities are and also showing in a very interesting way how effective our law has been. A resolution passed by the Provincial Central Committee of the Communist Party of India on October 30th, 1934, mentioned having received reports submitted by Madras, Calcutta, Nagpur—I call the attention of my Honourable friend, Mr. Kalikar, to this: he thought his province was free from all these things—Nagpur, and oral reports of party work from the United Provinces and from the Bombay Presidency, that is outside Bombay City. No reports had been received from the Punjab and the resolution went on to direct the Secretary to call for a report from that province. That shows how widespread is the work of this committee. We also got from the same searches a list of secret instructions for work in India drawn up by the Communist Internationale. The following information is from a paper found in one

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of the houses searched. After summarising the difficulties and the imperfections of the organisation, this paper says that these are borne out first by the textile strike of 1934 in Bombay, which, as Honourable Members will remember, broke down, and secondly, by the virtually paralysed condition of the party since the ban. That ban is the ban under the Criminal Law Amendment Act. No more convincing proof could be got I think than this document of the effectiveness of our Act. In speaking on Monday I mentioned the difficulty the Communist Party had in getting funds and I have brought with me today rather an interesting document; actually it is page 363 of a well-known novel called "The Good Companions". It is a very innocent looking paper. Actually that is a receipt for £363 brought out from England by a certain lady and the initials of the recipients are given on the document. I show this to show the secret methods to which the Communists are reduced for bringing out funds and for getting receipts for their funds."

This is only one example which shows how deep-rooted the Communist movement in India is, and how it is assuming very dangerous proportions in this country. We also know that some Indian Communists returned recently from Moscow after graduating themselves in what we may call Communism. It was reported in the papers that they used even forged passports in order to conceal their coming back from Moscow in Russia. Now, these are the secret methods which are being adopted, and still my friend, Mr. B. Das, wants that the only weapon which the Government has got to meet the situation should be taken away from the Government

Mr. A. K. Fuzlul Huq: What is a communist—one who has been knighted?

Sir Muhammad Yakub: The *ex*-Mayor of Calcutta should confine himself to the precincts of the Calcutta Corporation: the Legislative Assembly is not the place where we should have wrangles of the sort that my Honourable friend had during the short time he occupied the position of the Mayor of Calcutta

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address himself to the clause under discussion.

Sir Muhammad Yakub: Mr. President, as I have just said, a number of Indians have just returned from Moscow after graduating themselves in, what we may call, the art of Communism. What have they done since their return to India? In my hand here, I have got a poster in Gurmukhi.

Mr. Mohan Lal Saksena: Where did you get it from? From the Publicity Department?

Sir Muhammad Yakub: It was posted on railway stations and on the road side. It was particularly meant for the Sikh sepoys in the Punjab, that was circulated by these young men

Mr. Mohan Lal Saksena: From which station did you get it?

Sir Muhammad Yakub: You gave it to me last night and now you ask me: really I cannot understand you: you people have got no moral courage: you gave this to me, and now you ask where I got it from? I am not going to be interrupted by interruptions like these. With your permission, Mr. President, I would like to read a few lines from the translation of this pamphlet

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not be interrupted.

Sir Muhammad Yakub: It says:

"A letter addressed to the military sepoy from the *Hindustani Ghadarites*. Note: we appeal to all Indian well-wishers of the public to send this letter to the military sepoy at any rate."

So this letter was broadcasted all through the Punjab and other places. This letter goes on to say:

"In the last war, the British by keeping your brethren before the guns of Germany caused them to be killed. After the War the British took possession of the German colonies in Africa and what did they give you? A similar war is about to start again."

Now, these words are to be marked. We know what the political conditions are in Europe and everywhere else; and it is at this juncture that an attempt is being made to tamper with the loyalty of the soldiers in India. It says:

"The British will once more extol you to try to cause you to be burnt in the blazing fire of this war. Are you prepared to die always for the British and to incur the odium of the world? We know that you have accepted the slavery to the British for the sake of your bellies and that you have no personal friendship with them. We hope that just as the native troops in other countries gave help to those who had revolted, in the same way, in the event of outbreak of mutiny you will also join the *Ghadarites*, that is, the mutineers, and help in the removal of the British Government and the achievement of emancipation of India."

It goes on to say:

"You know that at present a British soldier gets much more as salary than an Indian sepoy, though in a battle it is the Indian troops which are sent to the forefront in the blazing fire, and on many occasions the Indian women were dishonoured by British soldiers."

This was the sort of pamphlet which was published by these youths who have returned recently from Moscow. Again they say:

"The *Ghadarites* are quite confident of your support. You have once given proof of it. Only a short time ago, the Garhwalis flatly refused to obey the orders of the British to fire on the Indians. The *Ghadarites* are aggrieved by the fact that Gandhi, the Leader of the Congress, has not fully appreciated the sacrifices undergone by these sepoy. The *Ghadarites* have viewed this mischievous act of Gandhi with contempt and they have much respect for the sacrifice resorted to by these sepoy. The *Ghadarites* want to assure their brethren of the Army that Gandhism is dying out in India, and the *Ghadarites* who have approbation of the sacrifices of these sepoy are gaining ground."

That is, the peaceful non-co-operation cult of Mr. Gandhi is dying out and Communism is becoming more and more vigorous in this country. This is what they say. In fact, this is the reading of the situation by these gentlemen:

"Dear brethren, for the future you should not lose your precious lives for the sake of the British, but should instead join hands with the *Ghadarites* in washing out the blot of slavery of India to the British and thus benefit from the efforts of your own people as well as of others. Until the outbreak of a great war or mutiny, you should outwardly remain loyal to the British, but always inwardly attached to the *Ghadarites*. Until the outbreak of a war or mutiny, you should outwardly remain loyal to the British, but always inwardly you should be attached to the *Gaddar Party*."

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This is the moral which they want to teach to the soldiers in India:

"You should preach the same thing to your brethren in the Army and impress on each one of them separately that in the event of the British waging a war with any great power, they should in the first instance press the point that Indian troops cannot be sent abroad. If they are fraudulently sent to some place, they should fire in the air at the *Morcha* and seize the opportunity of going over to the enemy of the British."

Even if a foreign country invades India, our soldiers are being taught to revolt; for instance, they are taught that they should join Germany or Italy.

An Honourable Member: What is the harm in it?

Sir Muhammad Yakub: I do not want to address people who possess this sort of mentality. What I want to tell them, if they are patriotic . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should address the Chair.

Sir Muhammad Yakub: The only answer I can give them is, whatever they talk here about patriotism is mere camouflage and hypocrisy. ("Hear, hear" from Opposition Benches.):

"The enemy of the British is the friend of India and he would congratulate them on their action. When the British would enter the war in support of any power, India must resort to mutiny. In that case it should be your duty to join the *Gaddar* Party with your arms and sink the British rule. Before the mutiny breaks out, you should stick to your posts, but until such time, you should be kind enough not to obey the orders of the British to open fire on any Indian. When the mutiny starts, you should first take possession of the magazine and then by joining the *Gaddar* you should take your guns in the face of the British. Down with the British Empire, Victory for the Indian troops in the mutiny. We are brothers and friends."

Some Honourable Members from Opposition Benches: Hear, hear.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): Is there any address to it? I would like to meet the writer who must be an interesting man worth meeting.

Sir Muhammad Yakub: Well, probably the writer of this will be visiting you every day. You do not require his address. They are all your bosom friends. Half of them have come into this House and half have remained outside. (Laughter from Opposition Benches.)

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member again to address the Chair.

Sir Muhammad Yakub: Sir, this is the manner in which Communist propaganda is coming into this country. We also know that there is a well organized *Gaddar* Party in America and other parts of the world, and some of the members of this party every now and then secretly come to this country and try to destroy the fabric of society and civilization of our motherland. Under these circumstances, I ask, will it be patriotic, will it be right, will it be just on our part, when we are on the threshold

of a new era, to disarm not the European officers, but our own brethren, some of whom will soon take their seats on the Treasury Benches, and deprive them of the only weapon which they have got to meet these forces? ("Hear, hear" from Official Benches.)

There is one point, Sir, which I would like to submit, and it is this, that great stress was laid the other day by some Honourable Members on the point and they asked, why not have recourse to the ordinary law of the country, why not bring the cases of such people before the ordinary law Courts of the country? I submit, Sir, that anybody who has the slightest experience of governing a country will never say that cases of such subterranean activities and societies can be brought successfully before Courts. In the first place, there are very eminent lawyers in this House, and they know very well, how very difficult it is to produce the necessary legal evidence, or to get legal evidence, in such cases in order to bring them before law Courts?

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Therefore, convict them on suspicion.

Sir Muhammad Yakub: Then, Sir, it is very difficult to protect the lives of informers and approvers. We know how, when a man, who, according to the behests of his conscience, spoke the truth and revealed a conspiracy and gave evidence before a Court of law, was shot down and killed. Under these circumstances, either you should say openly that you want communism in this country or do not bring forward such childish arguments which nobody who has got the slightest grain of wisdom in his brains would accept. ("Hear, hear" from Opposition Benches.) Sir, is there any country in the world which can deal with secret associations by having resort to the ordinary law of the land? These are extraordinary conditions, and extraordinary conditions can only be dealt with by extraordinary weapons. What is the extraordinary weapon? I say this is the only extraordinary weapon which we have got to meet the present condition of affairs. The onus heavily lies upon my friends to show any other enactment on the Statute-book of India which can effectively deal with the menace of secret associations, communism, terrorism and such other activities which I have just mentioned.

Mr. President, the other day, my friend, Mr. Sri Prakasa, who, I am sorry, is not here today, delivered a speech for two hours, and that speech was applauded by all Members of his Party. He gave some details of the hardship which was inflicted.

(At this stage, Mr. Sri Prakasa, who was away, entered the Chamber.)

Some Honourable Members: Here he is. He has come.

Sir Muhammad Yakub: I am so glad he has now come.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I am sorry I was late.

Sir Muhammad Yakub: Sir, the other day, my friend gave the House detailed accounts of two institutions on which, he said, very grave hardship was inflicted by the application of the Criminal Law (Amendment) Act.

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Now, Sir, if the Communists in our country, or, for that matter, if any other enemy of our country, takes shelter in the wings of women and children and if they are coward enough to expose their women and children to save their faces, then they must be held responsible for any hardship that may be inflicted on women and children. If institutions which were once founded for giving ordinary education to boys are utilised for preaching Communism, then naturally the inmates of those institutions must suffer some hardship

Mr. Sri Prakasa: What authority has he to say that those institutions are dens of Communism?

Mr. Mohan Lal Saksena: He is a non-official informer.

Sir Muhammad Yakub: I have got enough authority for making those allegations before the House.

Mr. Sri Prakasa: Then the Honourable Member must produce proofs to show that those institutions are dens of Communism.

Sir Muhammad Yakub: You ought to have produced proofs when you placed your formula before the House the other day.

Mr. President (The Honourable Sir Abdur Rahim): There should be no conversation of this kind.

Mr. Sri Prakasa: I have only placed before the House the facts as they are.

Mr. Mohan Lal Saksena: He is the non-official informer.

Sir Muhammad Yakub: Sir, I may also place certain facts before the House regarding the Prem Maha Vidyalaya about which my friend spoke the other day. This institution was originally founded in 1909. Since 1929, it had largely been used for political purposes and for producing and disseminating objectionable propaganda. The Principal of the Vidyalaya, Babu Jugal Kishore, started a village workers' training class in 1929 with the object of training men for seditious propaganda in rural areas. In 1930, the authorities of the Vidyalaya decided to utilise this class for the purpose of furthering the Civil Disobedience Movement in the Muttra and Agra districts. In 1930, the Principal, Babu Jugal Kishore, was arrested and sentenced to imprisonment under section 108 of the Criminal Procedure Code. Other political agitators who were students of the union were also arrested. At the beginning of 1932, the authorities of the Vidyalaya organised meetings and demonstrations in defiance of the orders issued under section 144 of the Criminal Procedure Code. Although the institution was nominally closed on the 7th January, 1932, a number of students remained behind with the object of taking part in the Civil Disobedience Movement. The institution was, therefore, declared to be unlawful under section 16 of the Criminal Law Amendment Act of 1908

An Honourable Member: This very Act.

Sir Muhammad Yakub: . . . this very Act, and its premises were taken over under section 3, sub-section (2) of the Unlawful Associations Ordinance of 1932. The institution had been originally established for giving ordinary education to the students, who attended it, but as it was being allowed to become a hot bed of politics and sedition the Local Government sanctioned the filing of a suit by the District Magistrate under section 92 of the Civil Procedure Code. This will show that, when the Government can, they take action under the ordinary law of the land. So a suit was filed under section 92 of the Civil Procedure Code with the object of introducing a new scheme of management for the institution, and with a view to carrying out the wishes of the original donors of the endowment. The suit has not been finally decided and an appeal is still pending before the High Court so far as I know. I ask if an institution which was originally started for the innocent purpose of giving education to boys is being utilised for such activities and then the poor boys have to suffer, on whom is the responsibility? The responsibility lies upon those who use these institutions for nefarious activities of their own and not upon those who want to curb those unlawful activities. About the other institution, I will not make any remarks because my Honourable friend is himself connected with that institution.

Some Honourable Members: Go on.

Sir Muhammad Yukub: Suffice it to say that these apparently innocent educational institutions are being utilised for carrying on communist and terrorist propaganda in the country, and, therefore, it is necessary and it sometimes becomes the duty of Government, to take possession of these institutions, and in doing so, some inconvenience must be caused to the inmates of the institutions. But the responsibility, as I have said, lies upon those who utilise these institutions for propaganda work. Mr. President, I beg to assure the Honourable Members on my right, through you, that I am not an inch behind them in my feelings of patriotism for my country. I have as much anxiety and desire to see my beloved country take its proper place

Some Members on the Opposition Benches: Oh!

Sir Muhammad Yakub: in the civilised world, and, therefore, it is that I submit most sincerely, and with the greatest emphasis that I can command, that it would not be right on our part at this time to disarm the Government of our own country of the weapons which we have got in our armoury to meet the forces of disorder and communism in India. The pamphlet, a translation of which I have just read before the House, shows that the Communist Party has as much hatred for the Congress and its esteemed leader, Mr. Gandhi, as they have for the Government. When they see that the strong hand of the British is being somewhat loosened in the country and that, at least in the provinces, the leaders of our own country will be in charge of law and order, naturally it will give them an impetus it will encourage them to increase their activities and to put their activities into force with greater vigour than they have been doing up to this time. Will it be really right that we should disarm our own people, our own friends, the members of the

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Congress, who we expect will occupy the Treasury Benches after the next elections at least in the provinces . . . (Interruption) . . . for which they are hankering,—will it be right that we should disarm my Honourable friend, Mr. Satyamurti, of the weapon with which he will have to meet the forces of anarchy in the province of Madras? Therefore, in the circumstances, let us wait for one or two years more. The time will shortly come when, even in this Assembly, there will be no Nominated Members and there will be no Government bloc, and if the people of our own country, who are made responsible for the government of the country, will think, that these Statutes are not required, if they so desire that they will be able to govern the country without the aid of these weapons, then there will be nothing in their way to repeal them and to remove them from the Statute-book. There will be no Nominated Members, there will be no Government bloc, and the leaders of our own country will be in a better position to do away with all the laws, and I think, not only this law, but I should be jolly glad if they will repeal all the laws in the country and try to govern without any law. (Laughter.) For these reasons, I am sorry I have to oppose the Bill which has been moved by my Honourable friend, Mr. B. Das.

Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) :

Sir, I could not get a chance to speak in the earlier stages of this Bill at Simla, and as clause 2 of this Bill is the operative clause, I hope you will pardon me if I speak generally about the origin and working of the 1908 Act, while opposing the passing of this clause. I must confess at the outset that it is not without some sacrifice of my communal interests that I have to oppose measures that would disturb the peace and tranquillity of India. I belong to a community which has been the subject of exploitation by the monied classes ever since a settled form of government has been established in India, and our progress is barred. It does not need any arguments to prove this. We, Jats, were the masters of Northern India when the British came, and if we had not been stopped by this peace-loving Government, we would have gone down and taken possession of my Honourable friend, Mr. B. Das's own province. (Laughter.) If, therefore, conditions are restored in India wherein we could revive our activities and organise our raids on the rich, we, as a community, stand to gain. But the higher interests of nationalism demand that peace and order should be maintained in the country. Therefore, I have to sacrifice my communal interests and give preference to higher and national interests. Sir, this Bill has been in existence since 1908 and has been very freely used during recent years. The reasons for the repeal of this Act, as given in the Statement of Objects and Reasons, are not that it has been a dead letter, and, therefore, serves no useful purpose on the Statute-book, but that although it was intended only for terrorists and anarchists movements, yet the power given to the executive has been lately misused in declaring peaceful and non-violent societies as unlawful and thus great injustice has been done to the Congress. With your permission I will read the relevant portion to the House. It reads :

“Both Parts I and II were enacted with a view to enable the Government to deal with avowed crimes of violence by anarchical and revolutionary organisations. The manner in which Part II has been used since May last to repress avowedly non-violent organisations and non-violent activities and in particular to suppress the

organisations of the Indian National Congress and the peaceful and legitimate activities of Congress workers, has resulted in an abuse of the law of so serious a character and has inflicted an amount of injury and injustice, so wide and general, that the highest Courts in India have had to point out and condemn them."

In other words, it comes to this that as power has been misused by the executive in regard to activities other than those of the terrorists and anarchists, therefore it should be repealed. Now, Sir, I have perused the provisions of Part II of this Act and find that its operation was not confined to openly anarchical and terrorist movements only but it was in 1908 enacted to be used against the so-called peaceful and non-violent societies which were not half so harmful and dangerous to the peace of the country, as the Congress has been. The Honourable Sir Harvey Adamson who was in charge of this Bill explained this in his speech very clearly and with your permission I wish to read the relevant portion of his speech.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Captain Rao Bahadur Chaudhri Lal Chand: Sir, I was going to read from the speech of Sir Harvey Adamson who was in charge of the Bill in 1908. My object is to show that the Act was intended to operate upon societies other than terrorists. Speaking of *Seva Samitis*, he said:

"Outwardly professing to be devoted to such laudable objects as keeping order at meetings and helping pilgrims at festivals, they have been largely used for the forcible boycott of foreign goods, and for terrorising the community. The members often claim to travel free and they have not hesitated to assault officers of steamer and railway companies who have refused them accommodation."

Thus, it is not true, as was stated by Mr. B. Das, that the Act was meant for dealing with anarchists and terrorists alone. The reason is simple. Some societies were outwardly non-violent and peaceful and yet they exploited young men for nefarious deeds. That was in 1908. What is the position today?

Sir, in this connection, I would refer to the speech made by the Honourable Pandit Krishna Kant Malaviya at Simla. He gave many instances and I will here quote only two of them. In one case he mentioned that a young man who had been proclaimed an offender and who was hiding during the day and travelling at night did come to him for help, and, instead of reporting the man to the police, as any honourable citizen would do, he gave him monetary help in order to feed him and to provide travelling expenses.

An Honourable Member: What for?

Captain Rao Bahadur Chaudhri Lal Chand: Probably my Honourable friend did not then realise that by his doing so he was committing an offence under section 216 of the Indian Penal Code. Then, my Honourable friend, Pandit Krishna Kant Malaviya, quoted another instance of a leading Congressman of Cawnpore city who related to him that he knew all about the raid on the Viceroy's train. He knew all the plans before the actual occurrence took place, and yet neither before the occurrence nor during

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the investigation or trial of the case was this secret revealed to the police or to the Courts.

But why should I quote individual cases? The world has progressed since 1908, when young men used to be exploited and used for these crimes. Since then we have seen young girls also employed for this purpose. Even Pandit Krishna Kant Malaviya—I am sorry he is not in his seat now—related how he acted during the struggle for non-violence and peace. He pointed out that young women were put in the forefront as volunteers, while he used to watch from a distance! (Laughter.) Sir, I cannot believe that young girls could use pistols at convocation gatherings without the support of some of our so-called inoffensive non-violent friends and societies. Not only that. During the last ten years we have seen in every province that witnesses have been hooted, boycotted and terrorized by these societies. We know that in all conspiracy-cases the defence has been organized by the Congress and perpetrators of the worst deeds have been defied by them. I wish my Honourable friend had not brought in the Congress. Sir, for that body I have a very great regard. (Hear, hear.) The topmost men are men of whom every country will be proud, and they have made very great sacrifices. I also admit that it is *not* part of their creed to resort to anarchical crimes; but, frankly speaking, this could not be said about all the rank and file. Necessity has forced the Congress to recruit men from the lowest grades of society; so the use of this material could not but result in corruption, and it is no use arguing here that they are all angels.

An Honourable Member: They are all angels!

Captain Rao Bahadur Chaudhri Lal Chand: Sir, I am convinced that there might not have been enough reasons for this Act in 1908, but surely, at the present moment, it would be sheer madness to ask for the repeal of this Act. I may here inform the House that in 1908, even Dr. Sir Rash Behari Ghosh, that eminent lawyer and once President of the Congress, supported this Bill. His argument is worthy of notice, and I will only read a couple of lines from his speech. This is what he said:

“My Lord, when the Executive have deliberately come to the conclusion that they should be invested with new powers to maintain law and order, it is, generally speaking, the duty of every Member to support the Government; specially at a time like this, when they have to face a great and serious, though not a widespread, evil. I am, therefore, glad to be able to say that I can honestly vote in favour of the Bill.”

Sir, if I had time, I could show that a Congressman of today is a terrorist of tomorrow and it is a breeding ground for law-breakers. I do not wish to take any more time of the House, and I resume my seat in the hope that those Honourable Members who have got a free conscience . . .

An Honourable Member: Like yourself!

Captain Rao Bahadur Chaudhri Lal Chand: . . . would certainly not like anarchy to take the place of peace by our repealing this legislation. Sir, I oppose. (Applause.)

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

Mr. Umar Aly Shah (North Madras: Muhammadan): Sir, I rise to support the repeal of the Criminal Law Amendment Act, 1908, which

has been moved by my Honourable friend, Mr. B. Das. Many Honourable Members have made lengthy speeches, and I do not want to take up much of the time of the House. Sir, this Act was originally passed to meet the terrorism and sedition prevalent in Bengal in 1908. There were revolutionary and anarchical activities in those days in Bengal, and this Act was aimed at suppressing them. But, with the passing of this Act, many innocent citizens were ruined by this horrible law. The Government misused this law by roping in even innocent citizens in the name of law and order. As a protest against this measure, the Non-Cooperation Movement was launched with the support of the Indian National Congress and the Congress actively encouraged that movement. There are several instances where the Government, under the authority vested in them by this law, have harassed innocent and poor people. I can give the instance which took place in a town in my part of the country. I am referring to Peddapuram, an old historical Kshatriya's town, in Godavari District. There some respectable, rich and learned people gathered to take some lunch. Strange to say, just before they sat for lunch, the policemen came on the scene with arms and *lathis* and destroyed the whole food that was collected there to be partaken by the people and dispersed the people by dealing *lathi* blows. The result was several people were injured. I can multiply instances like this to show how the Government have abused the provisions of this law. The very fact that Government desire the continuance of this law shows the utter weakness of the Government position. There is no anarchy or revolution at present in any part of India and hence there is no necessity to continue this law on the Statute-book any longer. This British Government have been ruling this country for the last 150 years. They have got many more laws on the Statute-book which are quite sufficient to cope with any situation and which are enough to enable them to rule this country. India is a great and peaceful country with many races and religions. While many nations and races came here to rule, all of them had to go away and only this British Government have come to stay. The Indians have the habit of treating their rulers as God Vishnu. The Indians are always quite faithful and law-abiding from the very beginning. I read many criminal laws which were prevalent in ancient Governments and races, but none of them was so rigorous as the present law. The kings, who introduced repressive laws in their kingdoms, lost their country in a short time. This Criminal Law now on the Statute-book has created a great gulf of difference between the Government and the people, but Government do not realise this. The British Government came as a saviour to our country, but they do not maintain their prestige on account of such repressive laws. The people here do not want to support any repressive law, and the Government know it and still they want to continue such laws to our utter disgrace. The Government have become very unpopular on account of this law. Unpopularity is not fair for any Government, any nation and any party. I, therefore, submit, it will not pay for the Government to continue this law any longer on the Statute-book. I request the Government to repeal this law at once, so that the people may live in peace and harmony. We are all human beings and we should not be ruled with such a law!

*"Angloham Bharathoha mithyapimahan,
Koyam vibhedhak prabhoo,
Kim gangam buni bim ti thembavamanaw,
Mruth kumbha putham bhase."*

[Mr. Umar Aly Shah.]

(No difference between the British and the Indian as a king as the sun's reflection in the water of the Ganges and in the pot is the same.)

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I must thank you. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair wishes to remind the House that there are 30 or 40 Bills of which notice has been given by non-official Members awaiting introduction.

Mr. T. S. Avinashilingam Chettiar: Sir, I must thank you and this Honourable House for giving me an opportunity to say a few words over this very important measure. The importance of this measure can be understood from the fact that about 20,000 or 30,000 or 40,000 people have been arrested in the name of this law in this country and my Honourable friends who have preceded me have spoken enough to show how this Act has been misused by the Government. It rests with me to-day only to say a few words and explain why we, on this side of the House, feel so keenly about the repeal of this Criminal Law Amendment Act. It is common ground, and I hope the Honourable Members on the Opposite Benches will accept it from us that we are all against anarchism. We are against violence. If possible, we will try to help the Treasury Benches and the Government, as far as possible in our hands, to see that this anarchy and these violent political crimes are put an end to. In saying so, Sir, I have got the great authority of Mahatma Gandhi and the other political leaders of the country. Mahatma Gandhi has said not once, not twice but a hundred times and none dare doubt his sincerity that as far as it lies in his power he will do his best to put down this political violence in this country. But Mahatma Gandhi's work as a non-violent preacher has been made rather difficult by the actions of this Government because of this very Act. Repression by its very nature creates a power that destroys it, and oppression by its very nature creates the power that destroys it. That is the natural law governing humanity and nature. And that being so, there is no doubt that when there is repression and when there is oppression, that itself creates a power in the country in opposition to it. And the acts of oppression which have been committed by this Government under this Act have not tended to quell this anarchism and violence but are rather encouraging them. And that is the very reason, Sir, why we feel that this Bill should be repealed. In this matter I will say one thing. Many speeches have been delivered in this House. We Indians are suffering from a very peculiar disease and Mr. C. R. Reddy of Madras coined a very fine name for it, and that is "competitive loyalty". And I am sorry that people have vied with each other to show this Government how loyal they are. They are not satisfied with talking about the pros and cons of the Bill, but they must show their loyalty by abusing other people with or without evidence. In this matter I should suggest to you, Sir, that the use of scraps of paper which are not properly authorised must carry very little value indeed.

Sir, our reasons for opposing the Act are threefold. Firstly, the Act itself has no restrictions placed upon it. It is giving a writ to the executive to act in any way it pleases, to declare anything it pleases as legal or illegal and arrest a man, put him in jail for six months or fine him a thousand rupees. Secondly, I can understand that in extraordinary cases any executive must be armed with great powers. But the executive that should be armed should have our confidence; and in this case we can say from past experience that they have absolutely violated all rules and they do not deserve to get a *carte blanche* from us. Thirdly, I should like to quote here one passage which our friend Captain Lal Chand read out. He has said that Dr. Rash Behari Ghosh supported this Bill. Sir, I will quote a little bit from that speech. He said:

“My Lord, when the executive have deliberately come to the conclusion that they should be invested with new powers to maintain law and order, it is, generally speaking, the duty of every Member to support the Government, specially at a time like this when they have a great and serious, though not a widespread, evil.”

Captain Lal Chand read thus far and stopped. I will read the next few lines:

“I am, therefore, glad to be able to say that I can honestly vote for the Bill. But there is one clause in it and only one which I have not been able to bring myself to accept, I mean the clause which gives the executive power to suppress associations which they may deem to be unlawful”;

and the clauses to which he referred are exactly the clauses which this Bill seeks to delete. Sir, I support the Bill.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural): Sir, in the first instance, I wish to assure you that I have carefully read the remarks which I addressed to this House on the first occasion with reference to this Bill. And I further assure you that, but for the fact that there are matters which, whatever might be the fate of the Bill, it is both the interest and the duty of the House to know, I would not have thought fit to occupy the time of the House. To a certain extent, the speech of my Honourable friend, Sardar Sant Singh, in the manner in which he analysed the sections of the Act which is sought to be repealed, has left me in a position to shorten the observations which I have got to make. There is one more matter which evidently has not received sufficient attention of the House, perhaps by reason of the fact that my Honourable friend, Sir Abdul Halim Ghuznavi, had given notice of an amendment for their omission, and for some reason, which it is very difficult to understand to some and very easy to understand for the others, the amendment has not been moved. The clause before the House consists mainly of two sub-clauses. Sub-clause (2) says:

“All proceedings and prosecutions pending on the date of the coming into force of this Act shall be deemed to be withdrawn.”

[Mr. Bhulabhai J. Desai.]

And sub-clause (3) says :

“All sentences of imprisonment or fine or both that may remain to be undergone or paid by those convicted under the Act shall cease with the coming into operation of this Act.”

I am aware, Sir, that under the General Clauses Act here, the repeal of an Act does not affect either the proceedings of the prosecutions pending or the sentences of imprisonment or fine which have not been suffered and paid; though I am bound to call attention to the fact that prior to the enactment of the General Clauses Act the English law stood as follows. I am reading from Maxwell on Interpretation of Statutes, page 342:

“When an Act expired or was repealed, it was formerly regarded in the absence of provision to the contrary as having never existed except as to matters and transactions passed and closed.”

And, Sir, that was a very salutary provision of the law which, by the General Clauses Act and by other Acts operative in that behalf, has adhered to continuing the proceedings and prosecutions and allowing the sentences of imprisonment and fine still to be suffered by persons even though the Act may be repealed. It was strenuously urged upon you at the time when the closure was sought to be moved at the time of the debates in Simla, that sub-clauses (2) and (3) were independent and did not necessarily follow as a corollary from sub-clause (1). As a matter of interpretation of the General Clauses Act, that undoubtedly was true. But equally it is true that, prior to the enactment of that Act, the English law stood as I have already read to the House. And, therefore, if the Repealing Act was to be passed, it was necessary that sub-clauses (2) and (3) should also be passed, in view of the provisions of section 6 of the General Clauses Act. So much, Sir, for those two sub-clauses which have been read. There is one more matter that I wish to add in reference to sub-clauses (2) and (3), and that is that whereas in a case of long-standing ordinary legislation sub-clauses (2) and (3) might well be regarded as unnecessary or uncalled for, with a legislation of this type to which exception is taken as a matter of principle, it is undoubtedly essential that the expiration of the mischief, should we succeed in attaining it, should also be coterminous with the cessation of all prosecutions and with the results which follow under sub-clause (3) of sentences of imprisonment and fine which have not been suffered or paid. It is because we object to this Act on matters of principle that we submit to the House that sub-clauses (2) and (3), though not necessary corollaries by reason of the statutory provisions of India, are a necessary sequence of repeal and must be accepted as a necessary sequence, so far as this particular Act is concerned. On the previous occasion, Sir, I had occasion to observe and make remarks with reference to section 17 to which I only wish to make a reference in passing. I have no desire to travel over that ground again, but the point I submitted was that here is an executive government wanting this and nothing less. It is not as if you are today considering a provision which might be changed or altered or which might be found can be pruned or amended or moderated. You are here face to face with a Statute in which either you take the extreme

limits of every word that is there or nothing. That being the position, as I pointed out with reference to section 17, it has been interpreted by many High Courts in India to which attention has been called in the Statement of Objects and Reasons "and has inflicted an amount of injury and injustice, so wide and general, that the highest Courts in India have had to point out and condemn them", and among the most important has been that there is no qualification to the infliction of punishment for assisting the operations of an assembly which may be declared illegal under section 16. In fact it was pressed upon many High Courts that at all events they should read the words "unlawful" operations of an "unlawful assembly"; but they said that the Legislature has given unchartered liberty so far as the executive in this matter is concerned, and they must enjoy it so long as the Legislature choose, either in their ignorance or in their lassitude, to continue to allow to remain on the Statute-book an Act in which once an association is declared illegal, however lawful, however proper its acts may be, any association with its lawful acts is still punishable and is in fact and has been punished during the last four years. Coming, Sir, to the real mischief of the Act, it is in sub-section (b) of section 15 (2). If the matter had stood at (a), there is a definite position and power which an executive may be understood to claim in an emergency if one is made out satisfactorily. Section 15 (2) (a) is:

• "Which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts."

I am reading all this to show to you, Sir, and to the House, if I can, 3 P.M. and to the extent to which I can, that in every single Statute the right tendency in modern times has been that whenever any power is conferred for the purpose of meeting any mischief that the mischief shall be defined in terms so precise that it cannot be the subject conceivably of abuse except in a dishonest manner. Therefore, so long as section 15 (2) (a) stood, one could not take any objection to it, should the executive make out a case for the requirements of an exceptional power to meet the then real and proved emergency. But when you come to sub-section (b), you have there a provision the like of which it is impossible to find:

"Or which has been declared to be unlawful by the Local Government under the powers hereby conferred."

You might as well have had no sub-section (a). Sub-section (a), in the language of Sir Muhammad Yakub, is what is called camouflage, for if you have sub-section (b), namely, "any association which has been declared to be unlawful by the Local Government", it is difficult to understand why, except for the purpose of sheer deception, sub-section (a) was required at all. But the truth of the matter is this: that it is the same old story. So long as Legislatures, and willing and submissive Legislatures are to be found, having perhaps made out a case on some definite matter which can be precisely stated, you then proceed to say: "Now that you are in my grips, I want you to give me a further unchartered power." It is that which is the subject of real mischief, it is that which has been the subject of real abuse and it is that against which the House now protests in the way of this Statute for its repeal. For

[Mr. Bhulabhai J. Desai.]

section 16 under which the power to declare unlawful associations is given is in these terms:

“If the Local Government is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Local Government may, by notification in the official Gazette, declare such association to be unlawful.”

And the test of it all, again, is a form of drafting which, unfortunately, is not scrutinised carefully during the time wherever a scare is created. I put it to you, Sir, and I put it to the House that if that section had only said: “If the Local Government is of opinion that any association may by notification be declared unlawful”, the section would have exactly remained the same; for what is the section? The section is: “If the Local Government is of opinion, etc.”, so that it is a matter of little consequence, there is no examination of how that opinion is arrived at, there could be no examination of how that opinion is arrived at. Then why do the words after ‘opinion’ read that the association either interferes with the administration of the law or with the maintenance of law or order, or that it constitutes a danger to the public peace? I can well understand a piece of legislation where it was possible to examine the existence of the grounds on which the Government was going to act and form its opinion. Then there is indeed some sense, some point, some materiality in those words, but inasmuch as you cannot examine the opinion of the Government at all, it is not competent to any tribunal to examine that opinion, you might as well wipe out those words from the section and read that section as if it ran:

“If the Local Government is of opinion that an association should be suppressed, it may by notification declare such association to be unlawful.”

Let us, therefore, not remain under any delusion in the company of Captain Lal Chand who might have conquered India, but gave it up to the Britisher for the sake of peace. It is a matter of extreme regret that men after men should get up in this House and read this, take what it does not mean, take what it cannot aim at, and deliver addresses which at least it is sad to hear. He talked of exploiting young men, but what about exploiting old men from time to time and times without number. I wish and trust that a generation will now rise when there may be the exploitation of old men, and the exploitation of the young would be an impossible situation. (Applause.) This lip-sympathy for the exploitation of young men we all know is perfectly futile and cannot be sincere. Let us fully understand what this Act stands for. If you take away its verbiage—in that you cannot examine it—no tribunal can examine the grounds of the opinion—if you take away the verbiage from this Act, all that the Act can say is: “If an Indian Prince, whose will is law, had declared such an Act, he might have been asked either to abdicate or perhaps been sent on a holiday.” (Hear, hear.) For the Act really and truly means—and I want every man before he votes against this measure of its repeal to fully understand and not let himself remain

under any delusion or under a mistake—that it is Government's opinion, an opinion which is not liable to be criticised, an opinion which is not liable to be displaced, an opinion which is not liable to any examination by any impartial tribunal; therefore, the grounds which are there stated are a worse camouflage. All that legislation is that the will of the executive is to be the law of the land, no more and no less than the sultanates of many States, many Eastern States where the British-loving public from time to time had considered them States, where life is no worth living, life is not worth a moment's purchase, life is not worth a minute's purchase. So it is not for those who are safe and immune from the disabilities of visits from the executive to really realise their implications and the main significance that underlies this power. Most of the legislation of these times has within it many words, but it is those words which are catchwords and it is for that reason that the House should realise what it is that we stand for, and not merely say that I am here to protect the communist because I am asking for the repeal of this law. What prevented the Government during the last 28 years' existence of this Act from saying: "We will repeal sub-section (b): we will repeal section 16, but we shall add a further category to sub-section (a) which encourages or aids persons to commit acts of violence or intimidation, etc., or who are members of any communist organisation"? But it does not suit them to have any definition or limitation, any precision over the powers that are asked. You begin first with a sort of thin end of the wedge: you persuade the too willing mind as if you are only dealing with persons who are encouraging or aiding persons to commit acts of violence or intimidation, and, under the guise of that, you come along with the next general section conferring upon the Local Government the power to declare *any* association unlawful which is inconvenient to them; and as if that was not sufficient, there is a pretence there which is recited in every single case that is given out for the purpose of notification under the Act. I, therefore, wish to call the attention of the House to the really wide—in fact very wide—scope of this piece of legislation that they should not remain under a misapprehension that anybody is going to examine the opinion of the Government, whether, whenever they declare a particular association to be unlawful, whether it was a proved case of interference with the administration of law or with the maintenance of law and order.

Sir, I will say a few words more about what fell from Sir Muhammad Yakub. It seems to me a surprise that a lawyer of his intelligence, always anxious not merely for the time being but for the future Governments which he hopes and trusts that the popular party in this land will come into possession of—that he and Sir Abdul Halim Ghuznavi seem to be the only unfortunate recipients of some red leaflets which are read out here; and during the course of reading, a false impression is created as if there is any vouching for either their source or their truth: for all I know or care, of the circumstances under which they have appeared on two occasions here, one may draw one's own inference as to where they emanated from. But forgetting the origin of it, it is easy to read out as if he had already vouched for the truth of it, as if he had already proved it to the satisfaction of the House that it was obtained from men whom he personally knew. A great deal is said as if it was the propaganda of a proved genuine source which was to be treated as a mischief to be dealt with by this Act. This kind of argument, I hope and trust, will

[Mr. Bhulabhai J. Desai.]

not go down with the House. The House is called upon to consider solemnly only one thing and that is whether or not the time has not come when such unchartered liberty is to be given to the executive whereby the life and property of individuals who dare stand for the freedom of their land is to be in their keeping or not. I, therefore, have the honour on behalf of those who believe that to be pro-Indian is not to be anti-British, and, therefore, standing as we do on that platform which every man of honour should respect, I ask that the motion which is before the House should be supported.

Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is:-

“That clause 2 stand part of the Bill.”

The Assembly divided:

AYES—66.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Badrul Hasan, Maulvi.
Banerjea, Dr. P. N.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra
Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Fuzlul Huq, Mr. A. K.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghanshiam Singh.
Hans Raj. Raizada.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jinnah, Mr. M. A.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Khare, Dr. N. B.
Lahiri Chaudhury, Mr. D. K.
Laljee, Mr. Husenbhai Abdullabhai.

Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi
Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghubir Narayan Singh, Chou-
dhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Sahib
Nawab.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar
Sri Prakasa, Mr.
Thein Maung, Dr.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

NOES—66.

Abdoolah Haroon, Seth Haji.
 Abdullah, Mr. H. M.
 Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Aminuddin, Mr. Saiyid.
 Ayyar, Diwan Bahadur R. V.
 Krishna.
 Ayyar, Rao Bahadur A. A.
 Venkatarama.
 Bajpai, Sir Girja Shankar.
 Bhagchand Soni, Rai Bahadur Seth.
 Bhutto, Mr. Nabi Bakhsh Illahi Bakhsh.
 Buss, Mr. L. C.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Das-Gupta, Mr. S. K.
 Dash, Mr. A. J.
 DeSouza, Dr. F. X.
 Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.
 Ghiasuddin, Mr. M.
 Ghuznavi, Sir Abdul Halim.
 Gidney, Lieut.-Colonel Sir Henry.
 Grigg, The Honourable Sir James.
 Grigson, Mr. W. V.
 Hands, Mr. A. S.
 Hidayatallah, Sir Ghulam Hussain.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 Hutton, Dr. J. H.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Jehangir, Sir Cowasji.
 Khurshaid Muhammad, Khan Bahadur
 Shaikh.
 Lal Chand, Captain Rao Bahadur
 Chaudhri.

Leach, Mr. F. B.
 Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.
 MacDougall, Mr. R. M.
 Mathai, Dr. J.
 Mehr Shah, Nawab Sahibzada Sir
 Sayad Muhammad.
 Metcalfe, Sir Aubrey.
 Milligan, Mr. J. A.
 Mody, Sir H. P.
 Morgan, Mr. G.
 Muhammad Ismail Khan, Haji
 Chaudhury.
 Muhammad Nauman, Mr.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Noyce, The Honourable Sir Frank.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rau, Mr. P. R.
 Sale, Mr. J. F.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain
 Sardar.
 Singh, Rai Bahadur Shyam Narayan.
 Sinha, Raja Bahadur Harihar Prasad
 Narayan.
 Sircar, The Honourable Sir
 Nripendra.
 Spence, Mr. G. H.
 Tottenham, Mr. G. R. F.
 Witherington, Mr. C. H.
 Yakub, Sir Muhammad.
 Yamin Khan, Sir Muhammad.
 Zafrullah Khan, The Honourable Sir
 Muhammad.
 Ziauddin Ahmad, Dr.

Mr. President (The Honourable Sir Abdur Rahim): The result of the Division is, there are "Ayes" 66 and "Noes" 66. Following the well established principle of *status quo*, in such cases, I vote with the "Noes". and I declare that the "Noes" have it.

The motion was, therefore, negatived.

Mr. President (The Honourable Sir Abdur Rahim): As regards clause 1 and the Preamble and Title, the Chair does not think it is necessary to put any question. Clause 2 was the only operative portion of the Bill. The Bill, therefore, drops.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 406.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 406*), as reported by the Select Committee, be taken into consideration."

[Sardar Sant Singh.]

Last time, when I moved that the Bill be referred to a Select Committee, I gave my detailed reasons as to why I want an amendment of section 406 of the Criminal Procedure Code. I need not repeat the arguments which I then gave and which were accepted by this Honourable House. The section which I want to amend lays down that in the case of appeals against orders for security demanded for keeping the peace or for good behaviour, the appeal, according to the main section, lies to the Sessions Judge. But a proviso was added to it by which Local Governments were empowered to change the course of appeal by issuing a notification in the Local Gazette that in particular districts the appeals would lie to the District Magistrate and not to the Sessions Judge. I explained then that such notifications have been issued by the Punjab Government, by the Government of the North-West Frontier Province, by the Government of Burma and by the Government of Bihar and Orissa. On behalf of the Government, the Honourable the Home Member laid great stress on the point that this demand for the repeal of the proviso had not come from Burma or the North-West Frontier Province or from Bihar and Orissa. My Honourable friend, U Ba Si, who represents Burma in this House, got up after the speech of the Honourable the Home Member and declared that Burma did want this reform. In the face of that declaration it cannot be said now that Burma does not want this reform. As a matter of fact, the reform is urgently called for so that appeals in security cases should be dealt with in a judicial manner by a judicially minded tribunal, that is, the Sessions Judge. The matter was then referred to a Select Committee and the Select Committee has by a majority decided in favour of the Bill.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Pandit Govind Ballabh Pant, one of the Panel of Chairmen.]

As no amendment has been tabled, I need not take the time of the House in discussing further the provisions of this simple Bill. It only wants, as I have stated before, the removal of this proviso and to retain the substance of the section as it was. Sir, I move.

Mr. Chairman (Pandit Govind Ballabh Pant): Motion moved:

“That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 406*), as reported by the Select Committee, be taken into consideration.”

The Honourable Sir Henry Craik (Home Member): It is true that as a member of the Select Committee I signed the Select Committee Report, but I do not think that that prevents me from expressing my dislike and my disapprobation of the Bill. I will not, however, detain the House at this stage with any reasoned opposition, but I do not want it to be taken that I acquiesce in the passage of the Bill. The Bill is not, in my opinion, wanted by the provinces to which it will apply. It will involve those provinces in unnecessary and avoidable expenditure, and I do not admit, nor do the provinces concerned, nor the High Courts concerned admit, that the present law leads to any abuse. Sir, I merely rose in order to indicate what my attitude to the Bill is, because I do not want it to be taken from the fact that I signed the Select Committee Report that I am in agreement with the principle of the Bill. I am, in fact, strongly opposed to it.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I support this Bill with a few remarks. Section 406, Criminal Procedure Code, which is sought to be amended has reference to Chapter VIII of the Criminal Procedure Code. It says that if any person has been ordered under section 118 to give security for keeping the peace or for good behaviour he may appeal against such order. Section 118 refers to taking security from a man for keeping the peace, and section 110 requires security to be taken from a person who is a bad character. Before section 406 was amended, in 1923, the appeals against orders under this Chapter used to go to the District Magistrate. It was brought to the notice of the Legislature and of the Government that the procedure which was adopted under Chapter VIII was already very much of an executive nature and their procedure which is even now in vogue was that a police officer, or for the matter of that, even a person who is a spy, could come before the sub-divisional magistrate and lay information before him confidentially and in secrecy with regard to a particular person being a bad character and the sub-divisional magistrate would issue an order to the person to come and show cause why he should not be bound down. When he came before such a Court, you can realise his position. The practice at present is that the sub-divisional officer goes on making secret enquiries and then takes action, but how are those enquiries made? If there are certain enemies of that man, they go and give information and other of them take a chance to go up to support. If more people go to the side of the enemies then the information given even by honest men on the other side is not considered. In that case the judgment is given and the man is bound over. Up to that stage the procedure is all executive. Subsequent to that the man is allowed to make an appeal and formerly the appeal came before the District Magistrate, his immediate executive officer who usually would support him. This was considered by the public not a safe procedure because at no stage it had a judicial consideration and, therefore, in 1923 the amendment was made and the appeals were made to lie to the Sessions Court. When it comes to the Sessions Court, it is at least presumed that judicial consideration would be given. Of course the materials before the Sessions Court are of such a nature that in my opinion full judicial consideration could not be given to it, because what the Sessions Judge would find would be simple hearsay evidence. So the materials before the Sessions Court are themselves of an executive nature. They are only suspicions and on those suspicions a man has to be bound down but still there is another provision in the Code which takes away even that least judicial consideration which the decisions of the Sessions Courts provide. The provision is made that the Local Government may by notification in the local official gazette direct that in any district specified in the notification appeals from such orders made by a magistrate other than a District Magistrate or a Presidency Magistrate shall lie to the District Magistrate and not to the Court of Session. The same story said again. If it comes to the Local Government to make a notification then at several places they can make the notification and destroy the effect of the amended law and in fact at present in several districts such notifications do exist. Therefore, it is that my Honourable friend did very well in bringing this Bill to get that discrimination removed and he should be congratulated for having brought this Bill and for having succeeded in the Select Committee to get that proviso eliminated. I, therefore, support this Bill.

Mr. M. S. Aney (Berar Representative): I wish to make a very few observations before recording my vote on the motion. What the object of the Bill is has been made sufficiently clear to the House by the Honourable the Mover of the Bill and my Honourable friend, Mr. Lalchand Navalrai. The point which I wish to bring prominently to the notice of the House is this. Here is a proviso by which the right of appeal is said to lie to the District Magistrate on a notification to that effect by the Local Government. Now, we have to understand what these security proceedings are. These are for keeping peace and security for good behaviour. These are the proceedings taken mainly in the interest of law and order by the sub-divisional magistrate at the instance of the police officers or certain informants. The orders in the first place are passed by the sub-divisional magistrates themselves. It is well-known to you that the District Magistrate is the person who is responsible for law and order in the district and the sub-divisional magistrates, who try these cases in the first instance, are directly subordinate to them. These proceedings are many times lodged with the consent of the District Magistrate and with previous consultation with him by the police officers. Those who have to deal with these cases in the criminal Courts very often find in the records of those cases that the police officers generally refer the matter to the district superintendent of police who in consultation with the District Magistrate order the police officers to lodge the complaint in the proper Court. It means that when the appeal against the orders passed by the sub-divisional magistrate in such cases has to go to the District Magistrate it is practically going to the officer who is more often than not already a party to the lodging of the proceedings themselves. The prosecutor becomes himself a Court of appeal to decide these matters. This is the worst feature of the existing practice. In many provinces the Local Governments do not issue notifications under this proviso and the appeals go to the Sessions Judge in the normal course. But in certain provinces there is a solicitude for maintaining the prestige of the sub-divisional magistrates and so on and the Local Governments, by issuing the notifications, empower the District Magistrate to entertain these appeals. The process of appeal to the Court of Session is barred on account of these notifications. My objection is this. By allowing the District Magistrates to be the Courts of Appeal virtually the chance of getting a fair judicial hearing is barred and the chance of getting justice is also very much minimised. Secondly, when these proceedings are taken we know how the evidence is recorded. Certain District Magistrates in deciding these appeals have laid down that the standard of weighing evidence in these security cases is different from the standard of weighing evidence in other cases. I have not got any judgments now with me but I know of several magistrates who follow this policy. Evidence of character is admitted on hearsay and no judicial mind is brought to bear upon sifting of evidence to find out whether a real case has been made out for demanding security from the accused. These are the difficulties which occur when the case is heard by the District Magistrate and, if our object is to give a fair facility to the accused in getting justice in appeals, then, it is better that appeals must go to the Sessions Judges who are by their training and by their profession capable of bringing a judicial mind to bear on the evidence which is before them. Therefore, I think the Bill which my friend, Sardar Sant Singh, has brought deserves to be favourably considered by this

House. It looks to be a small Bill. But in the interests of justice, it is an important improvement which is suggested and I hope the House will approve of that improvement and carry the Bill.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I rise not to discuss this Bill just now on its merits, but to ask for enlightenment on a question of procedure. I was rather surprised to hear the Honourable the Home Member oppose the Bill. That is what, I understand, he did; he opposed the Bill. Well, Sir, here is the Select Committee's Report. It is signed by the Law Member, the Home Member and the Secretary to the Legislative Department, Sir Lancelot Graham, and in addition to this, it is signed by five non-official Members. There is no minute of dissent; and from the Select Committee's report, on the face of it, it appears that it has the support and blessing of Government. Now it is the usual practice in all Houses of Legislature that when you do not agree with the majority, you write a dissenting minute. You may say that you do not agree in two or three words, or you may explain the reasons why you do not agree, in order to enlighten the House. Nothing has been done in this case. We have not been informed as to why Government do oppose this Bill. On the face of it, it appears as if they do not oppose it. I think, Sir, this is extraordinary

The Honourable Sir Henry Craik: May I rise to a point of personal explanation. I quite agree with my Honourable friend that it is rather an extraordinary piece of procedure and I did consider whether I should append a minute of dissent. I understand I am under an obligation as a Member of the Select Committee to sign the Select Committee's report, but I could have appended a minute of dissent. I did consider whether that was right or not and I confess that I was ignorant of the procedure of this Assembly in these matters and I came to the conclusion that as my objection to the Bill was fundamental, and not on any point of detail, it would be better not to append a minute of dissent but to merely explain, when the Bill came on for discussion, that my opposition is, as it always was—as I made it clear at the second reading—still there. I may have been wrong in that, but if so, I can only apologize. I had no intention of making my position obscure. I made my position perfectly clear on the debate on the second reading. I quite agree now that I should have appended a minute of dissent.

Sir Cowasji Jehangir: I do not want to be dogmatic about procedure, I can only go by the experience I had for many years in a Local Legislature and for six years in this Legislature, and all I can say is that this is a most extraordinary procedure that was followed: and if it had been followed by a non-official Member, we would take him severely to task. I remember an occasion in this House when a non-official Member signed the Select Committee's report and thus gave the impression that he agreed with the majority, but when it came to voting, he opposed it, and so we took him severely to task. Am I now to understand that the Honourable the Law Member and also the Secretary in the Legislative Department are in the same category as my Honourable friend, the Home Member?

The Honourable Sir Henry Craik: I do not know.

Sir Cowasji Jehangir: What is the position of Government in this matter? Here it is signed by the Honourable the Law Member and the Secretary of the Legislative Department: what is the position of Government now?

The Honourable Sir Henry Craik: We are not going to oppose the third reading.

Sir Cowasji Jehangir: Then it is a personal expression of opinion on the part of the Honourable the Home Member.

The Honourable Sir Henry Craik: I am sorry I did not make myself clearer. The principle of the Bill had been accepted by the House on the second reading. It was not altered in any respect by the Select Committee; and I do not intend to oppose the further stage, the third reading. I only want to make it clear that I dislike the Bill. I am not opposing it.

Sir Cowasji Jehangir: I would respectfully point out that that is an exceptional position to take up. I can understand his thinking it of not such great importance as to force Government to oppose it; I can understand that position, in which case the best thing would have been not to say a word but to be content with his expression of opinion on the second reading. He went to the Select Committee; he was a member of that Select Committee, he had all the opportunities he desired to express his opinion and, what is much more, being the Home Member in charge of the Department, he could have insisted upon opposing this Bill, but he did not do it.

The Honourable Sir Henry Craik: Where?

Sir Cowasji Jehangir: In the Select Committee. There the Honourable Member could have appended a minute that he did not agree with the principle of the Bill and that he was going to oppose the Bill, and he could have insisted on his other Colleagues doing the same. That was not done. I am only now speaking about the future. Mr. Chairman, I understand Government are not going to oppose this Bill, and there is nothing further to be said. It will be put to the vote, I understand, and carried through its usual stages; but, for our own information, I think matters ought to be made perfectly clear, that where an official or non-official Member signs the majority report without appending a minute or even stating in two or three words that he does not agree, he should not be allowed to change his mind afterwards

The Honourable Sir Henry Craik: I have not changed my mind.

Sir Cowasji Jehangir: unless circumstances have so changed as to justify a change of opinion. I think that is a wholesome practice which should be followed by all sides of this Honourable House.

Mr. Chairman (Pandit Govind Ballabh Pant): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 406*), as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sardar Sant Singh Sir, I move:

"That the Bill, as reported by the Select Committee, and as amended, be passed."

Mr. Chairman (Pandit Govind Ballabh Pant): The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 406*), as reported by the Select Committee, and as amended, be passed."

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 30, 34, 34A AND 35.)

Sardar Sant Singh (West Punjab: Sikh): Sir, I move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Sections 30, 34, 34A and 35*), be circulated for the purpose of eliciting opinion thereon."

My Bill proceeds to amend certain sections of the Criminal Procedure Code, the principal of which is section 30, while other sections, **4 P. M.** namely, sections 34, 34A and 35 are incidental amendments that have become necessary if the amendment to section 30 is carried. The operative clause of my Bill is clause 2 which says:

"Section 30 of the Code of Criminal Procedure, 1898, shall be repealed."

Section 30 of the Criminal Procedure Code reads thus:

"In the territories respectively administered by the Lieutenant Governors of the 'Punjab' and Burma and the Chief Commissioners of Oudh, the Central Provinces, Coorg and Assam, in Sind and in those parts of the other provinces in which there are Deputy Commissioners or Assistant Commissioners, the Local Government may notwithstanding anything contained in section 29, invest the District Magistrate or any Magistrate of the first class, with power to try as a Magistrate all offences not punishable with death."

Sir, according to the scheme of powers with which Magistrates are invested in all Provinces in India, the first class Magistrates have the powers to punish people to a term of two years' rigorous imprisonment and to a fine of one thousand rupees, while this section 30 gives power to the Magistrate by a notification issued by the Local Government to punish any offender to seven years' rigorous imprisonment on one count and to 14 years' rigorous imprisonment on two counts. Originally when this section, as worded, was confined to the Province of the Punjab, Burma, the Chief Commissioner of Oudh, the Central Provinces, Coorg and Assam, Sind,—these Provinces were non-regulation Provinces. Now, these Provinces are not non-regulation Provinces. As a matter of fact Burma will shortly be separated from India and constituted into a separate Province having no concern with India at all. The other Provinces have achieved the status of a Governor's Province. It is an anomaly why section 30 should find a place in the general criminal law of the land. What I demand is that the status of these Provinces should be raised to the same level as the other Provinces like Madras, Bombay, Bengal and the United Provinces. Therefore, my submission for the consideration of this House is, that all these Provinces should no longer be discriminated, but that they should stand on an equal footing, being units of the same Federation.

[Sardar Sant Singh.]

My second point is that the justice administered by section 30 Magistrates is not liked by those who seek justice. This argument may be taken to involve that I am casting unmerited reflection on the integrity of Magistrates in general, but it is not so. I will fully explain my position later on. But, at this stage, I want to emphasise the point that so long as the judicial and executive functions are combined in one and the same individual, it is absolutely essential that in the administration of serious cases, which involve punishment up to transportation for life, the justice administered should be such as should win the confidence of those who stand at the bar before the Magistrate. Apart from any question of questioning the impartiality or integrity of the Magistrates who are engaged in this work, the question of principle which is involved in this is of great importance to the House and I hope the House would be with me when I ask for the repeal of this section. Such powers should not be vested in the Magistrates. Serious cases are tried by the Assistant Session Judges and Sessions Judges in other Provinces. The advantage of trial before Assistant Sessions Judges and Sessions Judges is that assessors sit at the time when the trial is held. Certainly the opinion of the assessors goes a long way to influence the Judges. Last time, when I moved the amendment to this section, it was contended on behalf of the Government that the change involved the Government to some expenses. Secondly, it was contended that it cast aspersions upon the integrity and honesty of the Magistrates, rather it is a suspicion against the whole magistracy. As regards the question of cost, my submission is that no administration can pay too much for winning and maintaining the confidence of the public in the judges of the land. If the confidence of the public is shaken in the judges of the land, the administration suffers much more than it could suffer by any political issue. Nobody can doubt that the standard of administration of criminal justice has been raised to a very high level by the jurists in the West especially in England. The principle underlying the dictum of the British criminal jurisprudence that let 99 guilty escape rather than to punish one innocent has not been laid down in the spirit of vain glory. It helped England to establish an Empire. Its disregard in India or elsewhere will lead her Empire to sure disintegration. Empire's foundation can last on the solid rock of justice and not expediency. However, this is by the way. The natural corollary of the above principle is that the onus of bringing home the offence to the accused is on the prosecution. The British system, unlike the French system of jurisprudence, does not require the accused to plead before the prosecution is called upon to prove the case against him. There is a fundamental distinction between the two sets of jurisprudence. This is the distinction between the jurisprudence of the two neighbouring countries. I think there will be no Britisher present here who would not agree with me that the British jurisprudence stand on a much higher level in this respect than the French jurisprudence. In a case where the question of restricting the liberties of a subject is concerned, it is absolutely essential that the executive should know that no Court of Justice shall ever restrict the liberty of any individual so long as the executive is not able to prove to the hilt the guilt of the accused. Otherwise there may be dangers and those dangers will be highly prejudicial to the safety and the security of the person and

property of the subjects. It is with this view that these fundamental principles have been incorporated in the British jurisprudence. My submission is, that unfortunately in India, I do not know why the Britishers have not so far conceded the proposition which they have in their own land, that is that the executive and the judicial functions should be separated. I have had the privilege several times of tabling questions on the floor of the House asking the Honourable the Home Member to tell us whether there is any chance of the judicial and executive functions being separated in India. I have been told, that Government are considering the separation of judicial and executive functions. And how long have they been considering it? The House will be interested to know that the period of this consideration has well nigh come to a century now. In reply to a question, that was tabled the other day in the House of Commons, as to how long the Government of India have been considering this question of the separation of judicial and executive functions, the reply was that it has been for about a century. The Government of India have not yet made up their minds one way or the other in one century. In the new Government of India Act a section has been embodied by which again the magistracy have been made subject to the District Magistrate. Now a Magistrate knows that his wrong decision of a case will not penalise his prospects in service; even a breach of all the rules and laws would not penalise him in the eye of the District Magistrate. But a little displeasure of the District Magistrate will go to stop his increments. So he cares more for winning the good opinion of the District Magistrate than administering the law as it is laid down by the Legislature. That is one great defect. I think my Honourable friends who happen to be District Magistrates and Magistrates in the Punjab who are sitting in this House will bear me out when I say that in the Punjab at any rate the Magistrates consult the police after the arguments are over.

The Honourable Sir Henry Craik (Home Member): No. no.

Sardar Sant Singh: My Honourable friend, the Home Member, may say, "No" but I can challenge that if an inquiry were made into it, I can prove by documentary as well as by oral evidence that after the arguments in open Court and in the absence of the defence counsel, the Magistrates have sent for the police or the Public Prosecutor or the Court Inspector, and asked him what he had to say. Magistrates have heard arguments in the absence of the defence counsel and have written judgments with the help and approval of the prosecuting agency.

Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Did they not send for the counsel for the accused?

Sardar Sant Singh: No. If Chaudhri Lal Chand were free to speak out his mind here as a defence lawyer, he would agree with me that what I am saying is absolutely correct. The position is that a certain procedure is laid down. It is not followed by the Magistrates for the simple reason that they have to depend for their increments and for their prospects in service on the goodwill of the District Magistrate. If I am not embarrassing the Honourable the Commerce Member, who has had a long and very good practice at the Bar, he will bear me out that this is unfortunately the case. Not only has it been our experience, but certain Honourable

[Sardar Sant Singh.]

Judges of the High Court, in their annual inspection reports, have written that this practice should discontinue. Not only that; it has been a comment in the public press that this practice is one which is very abhorrent to the principles of administration of justice. When I put down the motion for circulation I had in mind the fact that the present Honourable the Chief Justice of the Punjab is seriously considering this question of the abolition of section 30 Magistrates in the Punjab and considering the question of recommending the appointment of Assistant Sessions Judges.

The Honourable Sir Henry Craik: What is your authority for that?

Sardar Sant Singh: My authority is my speech. If the Honourable the Home Member were to consult the Honourable the Chief Justice, he will surely find light from that quarter.

The Honourable Sir Henry Craik: He has given an opinion in writing in exactly the opposite sense.

Sardar Sant Singh: I do not know, I have no access to that opinion. But I know from his annual visits of the various districts and the talks he had with the members of the Bar who complained to him about the maladministration of justice by section 30 Magistrates, that he has sympathetically replied to those representations.

The Honourable Sir Henry Craik: The Judges of the High Court of the Punjab as a whole are against any change, and they have stated so in writing.

Sardar Sant Singh: I am under the disability of not having access to those papers which the Honourable Member has.

The Honourable Sir Henry Craik: Then, why make wild statements for which there is no authority?

Mr. Chairman (Pandit Govind Ballabh Pant): This dialogue cannot be allowed.

Sardar Sant Singh: Leaving this controversy as it is, what I am asking for is circulation of this motion, in which case the written opinion of the Judges and the members of the Bar will be available if the motion is carried. I proceed further. The other great disqualification which has been imposed upon the magistrates from above is that every magistrate is required to dispose of a certain number of cases in a month. Not only this; they are required to submit a diary to the District Magistrate showing how many witnesses they have examined during the course of the day. This diary is submitted through a petty official of the Court, and that is a sub-court-inspector, an ordinary sergeant present in the Court. If I am casting a bit of reflection upon the magistracy of my province, I am sorry; but I think the executive is casting a greater slur upon their magistracy when they require them to tell them how many cases they have disposed of in the course of a month and how many witnesses they have examined in the course of a day and at what time they attended

Court. My point is that all these restrictions make it impossible for the magistrates, even with the best of intentions, to carry on their duties in a judicial manner. If any Honourable Member ever chances to witness the trial of an under-trial charged with a serious crime like culpable homicide not amounting to murder, he will have an experience of his life. The magistrate says "carry on, carry on, look sharp, we must finish this case today; I have to show how many witnesses have been examined and I have to say how many cases I have disposed of this month". Can you, with these conditions prevailing in the Punjab, expect any magistrate to do his duty according to law? It is impossible. Every magistrate will try to show his good work: not only this, the minimum number of cases which magistrates have to dispose of is fixed. There is a race among the different magistrates. If one magistrate has disposed of 20 cases in a month, another says "I will try to dispose of 25 cases"; there is a real race, an unconscious race, with the result that cases of a serious nature are disposed of as if they were cases where no justice need be done; only, a person has either to be sent to jail or acquitted. This is a very serious state of affairs. Can my Honourable friend, the Home Member, deny that in the Punjab it is laid down that the magistrates should show a certain number of disposals? Can he deny that private circulars are not issued to magistrates to show how many witnesses are examined each day?

Captain Rao Bahadur Chaudhri Lal Chand: My Honourable friend is aware that a quota is fixed.

Sardar Sant Singh: I am glad that confirmation has come from an unexpected quarter. A quota is fixed. Two evils cannot make one good. No quota is fixed for the Honourable the Judges of the High Court; they dare not. In the Sessions Courts too, no doubt a quota is fixed, but it is no justification to say that because a quota is fixed for Sessions Judges, therefore a quota should be fixed for the lower magistracy too. My complaint is that in the trial of such cases where a quota has been fixed and where the advancement of the magistrate depends upon the goodwill of the District Magistrate, no justice with the best of intentions, is possible. Therefore, I say that this power of investing the magistrates of the Punjab should be dispensed with. I need not take more time of the House on this point, I have tried to establish the necessity for the change.

I will now briefly refer to the other sections:

Section 34 deals with the power that can be invested under section 30 of this Code. It reads:

"34. The Court of a Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or imprisonment for a term exceeding seven years."

As I explained to the House, this is only on one count. If the charge framed against the accused is under two counts, the Magistrate can pass double the punishment.

I want section 34A to be omitted; no other change.

In section 35(2) (b), there is a consequential amendment. I want the words "other than a Magistrate acting under section 34" to be omitted.

Sir, I move.

Mr. Chairman (Pandit Govind Ballabh Pant): Motion moved:

“That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Sections 30, 34, 34A and 35*), be circulated for the purpose of eliciting opinion thereon.”

Khan Bahadur Shaikh Khurshaid Muhammad (Punjab: Nominated Official): Sir, I rise to oppose this motion. The object of the Bill is to repeal certain provisions of law, under which selected Magistrates of the first class are invested with enhanced powers, to deal with certain offences which are in the ordinary course of things triable by a Sessions Court. The Punjab is the most important province in which these provisions of law have been in force for a long time past. I have some experience of the working of this system both as a first class Magistrate invested with these enhanced powers and as a District Magistrate, and I can confidently submit to this House that this provision of law has proved useful and beneficial.

An Honourable Member: to Whom? To the Magistrates?

The Honourable Sir Henry Craik: To the province.

Khan Bahadur Shaikh Khurshaid Muhammad: To all concerned. The Honourable the Mover of this Bill who comes from the Punjab wants these provisions of law to be repealed. I am sure that before this Honourable House would agree to take such a drastic step, it would like to be satisfied that the system which it is sought to be abolished, is (i) dilatory, (ii) inconvenient and troublesome to the public, (iii) more costly to the administration and to the persons concerned, and (iv) less efficient.

Sardar Sant Singh: But I only want circulation.

Khan Bahadur Shaikh Khurshaid Muhammad: I am coming to that. Taking the first point about the expeditiousness of the system allowed by section 30 of the Criminal Procedure Code, I think that everyone will agree that the trial of a case by a section 30 Magistrate takes very much less time than that by a Court of Sessions. In a trial by a section 30 Magistrate the preliminary enquiry and the long wait between the order of commitment and the trial by a Sessions Court are eliminated. Thus the time taken for the trial of a case by a section 30 Magistrate is almost one-third of that taken by a Sessions Court. Then take the second point of inconvenience and trouble to the public. In a case tried by a section 30 Magistrate, the accused and the witnesses are put in Court immediately after the police enquiry is finished and the Magistrate disposes of the case finally, as far as the Court of original jurisdiction is concerned. The prosecution and the witnesses are saved the trouble of a two-fold enquiry, one before the Magistrate and the other before the Court of Sessions. In addition to this, the witnesses escape the temptation of going back on their statements.

Mr. M. S. Aney (Berar Representative): Why not abolish the Sessions Courts altogether?

Khan Bahadur Shaikh Khurshaid Muhammad: The undertrial persons, on their side, are saved the torture of a long suspense while they are waiting for their trial. The trial by a section 30 Magistrate is thus more convenient from the point of view of all concerned.

The third test of the usefulness of the existing system is the cost, the cost to the Government and to the persons concerned. A first class magistrate invested with section 30 powers does not get any additional pay or extra allowance. In the Punjab there is at least one section 30 magistrate in each district, in addition to the District Magistrate who also exercises these powers; and in many districts like that from which my Honourable friend, the Mover, hails, there are more than one. These magistrates cost the Government much less than a Sessions Judge or an assistant Sessions Judge. If the work done by the section 30 magistrates were transferred to the Sessions Courts, the number of Sessions Judges in the province will have to be more than doubled, without making any reduction in the number of magistrates, as they will still be required to make the preliminary inquiry in Sessions case. The additional cost of the administration of justice to the local exchequer will be very heavy, which it is found it will not be able to bear in these times of dwindling finances.

I now come to the fourth and most important test, that of efficiency. I may state for the information of the House that only selected and senior magistrates of the first class are invested with the enhanced powers under section 30 of the Criminal Procedure Code. A list is maintained by the Local Government of all first class magistrates fit to be invested with higher powers. This list is revised annually on the recommendation of the Honourable the High Court at Lahore; and care is taken that only efficient magistrates are put on it. This is the class of magistrates from whom a selection will have to be made for assistant Sessions Judges if and when necessary.

Information was recently collected by the Government of India from the Punjab and other provinces where the system of section 30 magistrates is in force, regarding the quality of work of these magistrates, and it was found that the orders and judgments of this class of magistrate stood the test of appeal in the High Court, as well as, if not better than, those of the Sessions Courts.

The Honourable Sir Henry Craik: Better.

Khan Bahadur Shaikh Khurshaid Muhammad: Comparisons are odious; but perhaps this House will be interested to hear and consider some figures relating to the results of appeals. In the Punjab in the year 1930, the percentage of successful appeals from the orders of section 30 magistrates was 19, against 27 from those of Sessions Courts. In the year 1931, the proportion was equal. In the year 1932, the percentage of successful appeals from the orders of section 30 magistrates was 17, and from those of Sessions Judges 20; in 1933, the figures were 11 and 15 respectively; and in 1934, 13 and 18 respectively. Figures from other provinces and tracts are available for the year 1934 only, and they all show that the percentage of successful appeals from the orders of section 30 magistrates was lower than the appeals from the orders of Sessions Courts. If the results of appeals indicate anything, they go to show that this class of magistrates have administered criminal justice in cases coming before them as well as, if not better than, the higher Courts. Thus, judging from the point of view of promptness, of convenience to the public, of cost to the administration and to the persons concerned, and lastly, from that of efficiency, there appears to be no justification or need for the repeal of the provisions of law under which the system of section 30 magistrates is in force in certain provinces of British India.

[Khan Bahadur Shaikh Khurshaid Muhammad.]

We are on the eve of provincial autonomy. All the provinces in British India do not have section 30 magistrates. It is not, therefore, desirable for this House to interfere at this time with the working of this system. None of the provinces where the system is in force desire any change. The Government of India has already obtained the opinions of the Local Governments and the highest Judicial Tribunals of those provinces, and all of them agree that the system is useful and should not be abolished. . .

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): What about the public opinion in those districts?

Khan Bahadur Shaikh Khurshaid Muhammad: For the Punjab at least, I can say that public opinion has never expressed itself against the system of section 30 magistrates. Sir, a good deal of capital is sought to be made of certain diaries that magistrates submit to the District Magistrate. I am afraid my friend has not taken care to find out under what orders these diaries are submitted. These diaries, I may state for the information of the House and of my Honourable friend, are submitted under the orders of the High Court. The form of the diary is prescribed in the Rules and Orders of the High Court of Judicature at Lahore. The object of these diaries is to keep the District Magistrate informed of the amount of work pending in his district and the way in which it is being disposed of: he has to see that witnesses who attend Court on a certain date are examined that day and not sent away because the magistrate does not want to do his work on that day. I do not know how the submission of this diary can adversely affect the merits of the work of the magistrate.

As regards the remark made by the Honourable Member that the magistrates are under the thumb of the District Magistrate, I may inform the House that in the Punjab, the District Magistrate is not allowed to make any remarks regarding the criminal work of the first class Magistrates. The remarks about the merits of the work of first class Magistrates in the Punjab are made by the Session Judge and the High Court.

The Honourable the Mover of the Bill referred to the minimum number of cases that a magistrate had to decide in a year. I am afraid I do not know of any rules or orders under which this number is fixed. I have been working as a magistrate and also a District Magistrate, and I do not know of any such orders

Sardar Sant Singh: I do not want to interrupt my Honourable friend as this is his maiden speech, but I would certainly ask him to tell me whether there is not a practice prevalent of submitting monthly returns to the District Magistrate showing the number of cases disposed of.

Khan Bahadur Shaikh Khurshaid Muhammad: There is a statement prescribed by the High Court which is filled in and sent to the District Magistrate, and the District Magistrate examines to see how many cases are pending in the district and whether he wants any more magistrates, but there are no rules or orders under which a magistrate is expected to decide 10, 20 or 30 cases a month. It all depends on the nature of the cases; some magistrates decide 4 cases, some decide 50 cases in a month. With these remarks, Sir, I oppose the motion.

Mr. Sham Lal (Ambala Division: Non-Muhammadan): Sir, I support the motion for circulation. It is the extension of the same principle as was involved in the first Bill, that is to say, unless you separate the judiciary from the executive, you will have these anomalies. What is sought to be done in this case is this. In security cases the appeal should lie not to the District Magistrate, but to the Sessions Judge, and the same principle is being extended here, because where people are sentenced to seven years' rigorous imprisonment or to transportation for seven years, we want that their cases should not be tried by Magistrates subordinate to the District Magistrate.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

These cases should be tried by the Sessions Judges or the Assistant Sessions Judges who are not subordinate to a District Magistrate who is, after all, an executive officer. Leaving aside for the moment the question of merits, as to whether the Assistant Sessions Judges or the Magistrates are competent enough or not, I ask is it not a matter of principle that such serious cases should not be tried by Magistrates who are subordinate to the District Magistrate who, in all the districts, is really the prosecutor? In all these cases it is the District Magistrate who appoints the Public Prosecutor where one is to be appointed. If any instructions are to be given to the Public Prosecutor, it is the District Magistrate who does it, because he is responsible for the administration of the District and his advice is generally taken, and that fact cannot be denied. Well, it may be that with regard to judicial work, it is the Sessions Judges who have to write their annual remarks, but the career and the prospects of all the Magistrates are left to the sweet will of the District Magistrate. I know, Sir, of one case in which a section 30 Magistrate acquitted a Congress worker of sedition, and held that the evidence had been tampered with, that the police had committed forgery. That was the finding of a section 30 Magistrate. He had convicted all the other Congress workers, but in the case which I am citing, he found that the evidence had been fabricated. And what was the result? The District Magistrate reported against him and his promotion was stopped. What is intended is that in such cases the trying Magistrates should not be under the executive. That is the first principle which has been accepted under the previous Bill and it should be accepted now also.

Now, Sir, much is being made of the fact that Magistrates who are entrusted with section 30 powers are competent enough to discharge their responsibilities, and that a list is kept of these Magistrates. I remember the case of a Magistrate who happened to be a first class Magistrate in the time of Khan Bahadur Shaikh Khurshaid Muhammad when he was Sub-Judge at Rohtak, and he will probably remember how these Magistrates acted under section 30 powers. They did not know English, but a section 30 Magistrate has to record evidence in English, I see my friend, Chaudhri Lal Chand, is laughing, because he knows the case, and it was a common topic in those days. Now, how did this Magistrate record the evidence? He did not know English

Khan Bahadur Shaikh Khurshaid Muhammad: Sir, I may tell my friend that one of the minimum qualifications for selection as a section 30 Magistrate is that the Magistrate should be able to prepare his file in English.

Mr. Sham Lal: I would request my friend, Chaudhri Lal Chand, whatever way he may vote on this motion, to say whether what I say is correct or not. In 1929 we had the privilege or opportunity of appearing each against the other, and there was a Barrister Magistrate, and what was the work what we did? We examined the witnesses and did the translation also for him. My friend dictated the examination in chief, and I dictated the cross-examination. But I am referring to that Magistrate who did not know English except the bare alphabets of the English language. One day the Court Inspector told me: 'Here is a Magistrate who is taking the work of a teacher. I will dictate wrong and bad English. You need not laugh, you only sit down. I shall take the whole responsibility'.

Captain Rao Bahadur Chaudhri Lal Chand: I do not recollect the name of the Magistrate. Will the Honourable Member please give his name?

Mr. Sham Lal: Yes, I can name the Magistrate. The Magistrate was Sayyad Walli Shah

Captain Rao Bahadur Chaudhri Lal Chand: But he was not a Barrister.

Mr. Sham Lal: If you want the name of the Barrister Magistrate in whose Court

Mr. President (The Honourable Sir Abdur Rahim): It is not perhaps necessary to mention names.

Mr. Sham Lal: If my friend wants to know the names of these Magistrates, I can mention them. Well, Sir, the Court Inspector said: 'this gentleman is taking the work of a teacher from me, I will dictate bad English, wrong English and ridiculous English, you need not laugh, I will dictate I'tism, and U'tism, and the Magistrate will not understand all that'. Of course the whole Bar laughed

Khan Bahadur Shaikh Khurshaid Muhammad: Sayyad Walli Shah was a Sub-Judge.

Mr. Sham Lal: But he was exercising the powers of a first class Magistrate and was trying to be a Sessions Judge.

Captain Rao Bahadur Chaudhri Lal Chand: He wanted to be a Sessions Judge.

Mr. Sham Lal: Sir, one day the wife of a Deputy Commissioner happened to be a witness, and this Magistrate had to write down her statement. She spoke in English, he could write her statement, but he did not know the spelling of some words. After the statement had been finished, that lady was asked to sign the statement which was recorded by the Magistrate in English, and she asked: 'What am I to sign, what is all this'

The Honourable Sir Henry Craik: This was not a section 30 Magistrate.

Mr. Sham Lal: He was trying to be a section 30 Magistrate, and in the words of my friend, Chaudhri Lal Chand, he was trying to be a Sessions Judge.

The Honourable Sir Henry Craik: But he did not succeed in either.

Mr. Sham Lal: Now, this Magistrate

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better not name anybody.

Mr. Sham Lal: No, Sir, I am not naming anybody.

It is wrong to say that only efficient magistrates or efficient men are given section 30 powers. It is all a question of other considerations. There are other qualifications, no promotion without conviction is the principle observed here. As pointed out by my Honourable friend, Khan Bahadur Shaikh Khurshaid Muhammad, of course, we are on the eve of provincial autonomy. But what would be this provincial autonomy if the executive is not separated from the judicial? We ought to have a separation of these two functions so that nothing may be said against the magistrates or Sessions Judges. My Honourable friend has quoted certain figures to show that a less number of appeals have succeeded against the orders of the magistrates, while more appeals have succeeded against those of the Sessions Judges. But he will realise that the Sessions Judges have to try cases of murder, dacoity, and so on, very serious cases, and the High Court have to give more time and more attention to murder cases, and you will find generally that appeals in murder cases succeed more than in ordinary cases tried by section 30 magistrates. Does my Honourable friend, the Khan Bahadur, want to lay down the principle that these section 30 magistrates are more competent than the Sessions Judges? In that case we should appeal to the Government to recruit better Sessions Judges. I, therefore, submit, that the question is not one of efficiency. You will find efficient section 30 magistrates. Of course, I had occasion to argue before the Khan Bahadur's Court. If there were Sessions Judges and magistrates like him, it would be a great pleasure, and there would be nothing to complain against. But the question is, is there a sufficient number of good section 30 magistrates, and are they not under the thumb of the District Magistrates? Are they free agents, or are they considered to be free agents? Does not the principle hold good, no promotion without conviction, and are not magistrates taken to task if they pass light sentences or if there are too many acquittals? It is a matter of common experience, it is an open secret, but no officer would confess it, nobody would confess it who has to support the Government, but if you go to any Bar, if you ask any lawyer, whether he is co-operating with Government or non-co-operating with Government,—on this point there would be only one opinion. The Chief Justice of the Punjab High Court came to the Bar Room and every member of the Bar had to say: "You are for stopping corruption. We know that you are, but can you put down this corruption?" That is the whole thing. What is wanted is that the trial judges, especially in such cases, should be above the executive, and should not be subordinate to the District Magistrates. Therefore, I support this motion.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): What is the opinion of the Judges of the High Court about the working of these magistrates?

Mr. Sham Lal: If you are in the confidence of the Judges, you can ask them. I am not in the confidence of the Judges, and that is why we want this Bill to be circulated for opinion, and let the Judges give their opinion.

Dr. F. X. DeSouza (Nominated Non-Official): I rise to support this motion for circulation. The Honourable Member, a District Magistrate from the Punjab who spoke on behalf of the Government, dwelt, and I think very properly, on the merits of disposals under section 30, which he said consisted in quickness, convenience of the parties, comparative cheapness to the administration and general efficiency. But he failed to dwell upon one aspect of judicial administration which, in my humble opinion, is more important for the reputation and stability of the Government than any other, namely, the confidence of the public in the integrity of judicial administration. The merit, the supreme merit of the British rule in this country is the integrity of the administration of justice.

An Honourable Member: Question.

Dr. F. X. DeSouza: You may question it.

An Honourable Member: We have suffered.

Dr. F. X. DeSouza: Anyhow, the integrity of the administration of justice depends not only upon absolute freedom from corruption of the magistracy or of bias of the magistrates or judges, but upon public opinion regarding the impartiality of the magistracy and the judiciary. As I said before, speaking on the first reading of Sardar Sant Singh's Bill which has just been passed, magistrates and judges in this country should be like Caesar's wife, above suspicion. If, therefore, there is a general feeling in the country, and I personally think that there is an appreciable amount of feeling, that cases tried before the magistracy, however high the reputation of the magistrate may be, still lie under the imputation of a possibility of bias, unconscious perhaps, towards the executive authorities, and when that is the general impression, I think it is better that public opinion is consulted before a measure of this kind is finally disposed of. I am of that opinion, all the more firmly, because I understand that section 30 magistrates only exist in a very limited number of provinces, the Punjab, Burma, Coorg, and I do not think there is any other province.

Mr. Lalchand Navalrai: Don't forget that such magistrates are also in Sind.

Dr. F. X. DeSouza: Now, Sir, under the Federation all these provinces, except, of course, the Excluded Areas, are going to be assimilated so far as judicial administration is concerned.

Mr. R. M. MacDougall (Burma: Nominated Official): Not Burma.

Dr. F. X. DeSouza: They are all going to be Governors' Provinces. You have a Governor already.

Mr. E. M. MacDougall: We are going to be separate.

Dr. F. X. DeSouza: They are all going to be Governors' Provinces, they will have High Courts to supervise the administration of justice. If so, personally, I see no reason why there should be any discrimination against provinces like the Punjab and the North-West Frontier Province. (Interruption.) The general feeling is—I do not know, it may be right or it may be wrong, personally, I think it is wrong,—that the magistracy is amenable to executive influence. When I was a magistrate I certainly attempted to administer justice according to the best of my lights without any interference from anybody, and I think most of the magistrates who are now sitting in this House can say the same, but still there is a general feeling that somehow justice administered in the Courts of Sessions Judges, where there are lawyers on both sides watching the proceedings of the case, is justice administered *coram populo*, while justice administered before a magistrate is justice administered *in camera*. I say the feeling is not right, I know the Honourable the Home Member says it is not true, and I quite agree with him that it is not true, but there is the general feeling in the country. This is, therefore, a matter on which there should be circulation not only to the executive officers and judicial officers, but the opinion of the public at large should be called for. I, therefore, support this motion for circulation.

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th February, 1936.