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THE
LEGISLATIVE ASSEMBLY DEBATES

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(9th April to 23rd April 1936)

THIRD SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,
1936



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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Friday, 17th April 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. Charles Kenneth Rhodes, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

SCHOOLS FOR TRAINING TELEGRAPH SIGNALLERS MAINTAINED BY THE POSTS AND TELEGRAPHS DEPARTMENT.

1668. *Mr. C. N. Muthuranga Mudaliar: (a) Will Government be pleased to state whether the Posts and Telegraphs Department maintains a number of schools for training telegraph signallers for the Telegraph Department?

(b) If the answer to part (a) be in the affirmative, how many and in which places are such schools maintained?

(c) What is the total number of apprentices trained each year?

(d) What is the cost of maintaining such schools every year?

(e) Do the Railway Department maintain such schools for recruitment of railway signallers? If not, how do the Railway Department recruit their signallers?

(f) If the Railway Department do not maintain such schools for recruitment of their signallers, do Government propose to consider the advisability of adopting the same procedure with regard to Telegraph signallers also?

The Honourable Sir Frank Noyce: (a) No. I may, however, explain, that telegraph training classes are opened as and when necessary at suitable centres for training candidates selected for recruitment to the cadre of telegraphists.

(b) to (d). Do not arise.

(e) and (f). Information has been called for and a reply will be placed on the table of the House in due course.

APPOINTMENT OF AN INDIAN WITH JUDICIAL EXPERIENCE AS CHAIRMAN OF THE PUBLIC SERVICE COMMISSION.

1669. *Mr. C. N. Muthuranga Mudaliar: Will Government be pleased to state:

(a) whether the Public Service Commission consisted mainly of executive officials of Government ever since its formation;

- (b) whether the present Chairman of the Public Service Commission is a European official;
- (c) whether it is a fact that when the present Chairman retires in October next, it is proposed to appoint a European executive officer from the Central Provinces as Chairman of the Commission;
- (d) whether it is a fact that no Indian ever held the post of Chairman so far;
- (e) whether they propose to consider the advisability of taking steps to appoint an Indian with judicial experience to the Chairmanship in October next?

The Honourable Sir Henry Craik: (a) to (d). Yes.

(e) As announced in the Home Department Press Communiqué, dated the 19th March, 1936, the Secretary of State for India in Council has already selected the Honourable Mr. Eyre Gordon to succeed the present Chairman.

DIFFERENCE IN SCALE BETWEEN REVENUE DUTIES ON PETROLEUM PRODUCTS IMPORTED INTO INDIA BY THE BURMA OIL COMPANY AND THE INDIAN COMPANIES IN BOMBAY AND OTHER PLACES.

1670. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will Government be pleased to state the difference in scale between revenue duties on petroleum products imported into India by (i) the Burma Oil Company, and (ii) the Indian companies in Bombay and other places?

(b) Is it a fact that this difference in duty involves a loss of nearly rupees seventy-five lakhs to the Government of India?

(c) What is the reason for showing this preference to the Burma Oil Company?

(d) Do Government propose to consider the advisability of equalising the rates owing to the fact that Burma is going to be separated?

(e) Are Government prepared to take steps to fix the minimum price of kerosene and liquid fuel so that the poorer classes of people and the agriculturists may get their supplies at pre-war prices?

The Honourable Sir James Grigg: (a), (b) (c) and (d). I would refer the Honourable Member to the reply which I gave to question No. 277 and supplementary questions asked by Mr. Lalchand Navalrai on the 11th of February, 1936.

(e) I presume the Honourable Member has in mind the fixing of maximum not minimum prices. The answer is that Government do not consider that the circumstances are such as to justify action of the nature suggested.

ABOLITION OF IMPORT DUTY ON "MIMOSA EXTRACT".

1671. ***Mr. C. N. Muthuranga Mudaliar:** (a) Is it a fact that Government some years back abolished the import duty on wattle bark with a view to helping the indigenous tanning industry in Madras?

(b) Are Government aware that recently extract of wattle bark under the trade name of "Mimosa extract" has begun to come into the market?

(c) Are Government aware that this "Mimosa extract" contains greater tanning contents than wattle bark and as such it is more useful for the indigenous tanning industry?

(d) Are Government prepared to consider the advisability of extending the concession of free import to 'Mimosa extract' just as for wattle bark?

(e) Have Government received a communication from the South Indian Skin and Hides Merchants Association, Madras, requesting the abolition of import duty on 'Mimosa extract'. If so, what action do Government propose to take on that communication?

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

(c) Government have received representations to this effect.

(d) and (e). A communication has been received from the Southern India Skin and Hide Merchants Association, and the matter is under consideration.

REPORT OF THE SPECIAL TEXTILE TARIFF BOARD ENQUIRY.

1672. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they have received the report of the Special Textile Tariff Board enquiry;
- (b) whether the report is unanimous;
- (c) what the recommendations of the report are;
- (d) whether they will place a copy of the report on the table of this House;
- (e) whether, before passing orders thereon, they propose to take the opinion of the House; and
- (f) if not, why not?

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

(b), (c), (d), (e) and (f). Government are not prepared to disclose the contents of the Report or their intentions regarding it before they have considered the Report and formed their conclusions thereon.

Mr. S. Satyamurti: Can Government give any indication, approximately, of the time about which they expect to pass final orders on this Report?

The Honourable Sir Muhammad Zafrullah Khan: Government do not intend to take longer over it than is absolutely necessary, but I am afraid that at this stage Government are not able to indicate any precise date by which they will have formed their conclusions.

Mr. S. Satyamurti: Are Government considering the results, direct or indirect, of the vote of this House about the Ottawa Agreement, in connection with their consideration of the Report of the Special Textile Tariff Board enquiry?

The Honourable Sir Muhammad Zafrullah Khan: When Government come to consider what their own conclusions on the Report shall be, no relevant considerations will be excluded.

Mr. T. S. Avinashilingam Chettiar: Do they expect to place it before the House in Simla?

The Honourable Sir Muhammad Zafrullah Khan: That is entirely hypothetical.

Mr. S. Satyamurti: Do Government decline to answer part (b) of the question?

The Honourable Sir Muhammad Zafrullah Khan: Whether the report is unanimous?

Mr. S. Satyamurti: Yes.

The Honourable Sir Muhammad Zafrullah Khan: Is it not included in (b), (c), (d), (e) and (f), a reply to which I have already given?

INDIAN LABOUR IN CEYLON.

1673. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- (a) whether they are aware of the interview given by Mr. Natesa Aiyar, Member of the Ceylon State Council, regarding Indian labour in Ceylon, published on page 6 of the *Hindu*, dated the 25th March, 1936; and
- (b) whether in view of the facts contained in it they propose to consider the advisability of arranging an enquiry into the labour conditions in Ceylon?

Sir Girja Shankar Bajpai: (a) Government have seen a report of the interview.

(b) Government do not consider any special enquiry necessary at this stage. The position is being closely watched.

Mr. T. S. Avinashilingam Chettiar: By whom, Sir.

Sir Girja Shankar Bajpai: By the Government of India.

Mr. S. Satyamurti: When was the last enquiry made into the conditions of Indian labourers in Ceylon?

Sir Girja Shankar Bajpai: The Agent furnishes a six-monthly report, and it includes the conditions under which our labourers work and live in Ceylon.

Mr. S. Satyamurti: When was the last six-monthly report received?

Sir Girja Shankar Bajpai: It was for the period ending 31st December, 1935.

Mr. S. Satyamurti: Did or did not that report disclose any conditions justifying a further enquiry?

Sir Girja Shankar Bajpai: No, Sir, not any special enquiry, beyond what I have already said, namely, watching the position.

Mr. S. Satyamurti: Have they examined the report, in the light of the observations made by Mr. Natesa Aiyar, Member of the Ceylon State Council, in the letter referred to in part (a) of the question?

Sir Girja Shankar Bajpai: Mr. Natesa Aiyar refers first to what he considers the degree of unemployment in Ceylon: our Agent thinks that it is not of such dimensions as to justify or necessitate any special action.

Mr. S. Satyamurti: He has also commented upon what he considers the victimisation of labourers, because they exercise their franchise freely?

Sir Girja Shankar Bajpai: I am having that point investigated.

INDIAN LABOUR IN MALAYA.

1674. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- (a) whether they propose to send a commission to enquire into the conditions of Indian labour in Malaya;
- (b) if so, when they propose to appoint that commission and what will be its terms of enquiry; and
- (c) whether they propose to consider the advisability of empowering the same commission to enquire into the conditions of Indian labour in Ceylon also?

Sir Girja Shankar Bajpai: (a) and (b). A suggestion to send a deputation to Malaya is under consideration.

(c) Government doubt whether this will be practicable.

REPORT OF THE WHEELER COMMITTEE.

1675. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- (a) whether they have considered the report of the Wheeler Committee;
- (b) if so, what are the conclusions they have arrived at; and
- (c) whether the report of the Committee will be published?

The Honourable Sir Henry Craik: (a), (b) and (c). The Government have not yet taken the Report formally into consideration, or decided whether it shall be published.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that this Report has been submitted some time back, will Government enlighten us as to when they expect to finish its consideration?

The Honourable Sir Henry Craik: When they have time.

**CLOSE OBSERVATION BY THE POSTAL AND POLICE AUTHORITIES IN CALCUTTA
ON THE SUBSCRIBERS OF THE RAILWAY LABOUR,**

1676. ***Pandit Lakshmi Kanta Maitra:** (a) Are Government aware that there is a journal called *The Railway Labour*, published by the Eastern Bengal Railway Employees' Association, Calcutta?

(b) Is it a fact that the subscribers of this *Labour Journal* have been the objects of very close observation by the Postal and Police authorities in Calcutta?

(c) Have Government banned this journal? If not, will Government be pleased to state why its subscribers are haunted by the above classes of persons?

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

DEVELOPMENT OF INDIAN SHIPPING.

1677. ***Seth Govind Das:** (a) With reference to the Honourable the Commerce Member's reply to my starred question No. 1220 of the 16th March, will Government be pleased to state whether it is not a fact that the good offices of Sir Joseph Bhore, the late Commerce Member of the Government of India, were utilised in concluding a Tripartite Agreement between the British India Steam Navigation Company, the Scindia Steam Navigation Company, and the Asiatic Steam Navigation Company, plying the coastal trade of India?

(b) Will Government be pleased to state whether it is not a fact that the British shipping interests demanded that the Scindia Steam Navigation Company should not run any steamers on those routes in overseas trade where the Peninsular and Oriental and the British India have been plying, before these interests consented to enter into an agreement about the coastal trade?

(c) Will Government be pleased to state whether they are aware that when representatives of Indian shipping interests interviewed leading British shipowners in London last year about a proposal to inaugurate an Indian overseas passenger service, British shipping interests refused to offer any co-operation to such a scheme?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are aware that Sir Joseph Bhore used his influence to promote an agreement between the parties.

(b) Government understand that an undertaking by the Scindia Company to respect the overseas routes of the Peninsular and Oriental and British India Companies formed part of the consideration in return for which the Scindia Company were given an increased share in the coastal trade.

(c) No.

DEVELOPMENT OF INDIAN SHIPPING.

1678. ***Seth Govind Das:** (a) With reference to the Honourable the Commerce Member's reply to sub-clause (b) of starred question No. 1220

that "Government are always ready to investigate the merits of any particular application made to them", will Government be pleased to state whether any application was submitted last year by some Indian businessmen for an overseas passenger service and whether this scheme was not turned down by the Government of India?

(b) If so, will Government be pleased to state what were the reasons for which Government rejected that scheme?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The only communication received on the subject was the one referred to in the reply given by me to the Honourable Member's starred question No. 1042 on the 10th March, 1936, to which his attention is invited.

CONTRACT FOR POSTAL TREASURY WORK AT CHITTAGONG.

1679. ***Seth Haji Abdoola Haroon:** (a) Is it a fact that the work of carrying on the Postal Treasury of Chittagong has been given to a private contractor?

(b) Is it a fact that when tenders for the above work were called for, the intending contractors were also furnished with a copy of the agreement which they had to enter into with Government if their tenders were accepted?

(c) Is it a fact that one of the conditions in that agreement was that the contractor would be responsible for every sort of loss and all risks?

(d) Is it a fact that this condition has been waived in the case of the contractor who has been given the above work?

(e) If the reply to part (d) be in the affirmative, will Government please state reasons for relaxing the advertised conditions? If so, why?

(f) Do Government propose to take steps to stop its recurrence?

The Honourable Sir Frank Noyce: (a) to (c). Yes.

(d) The condition referred to in part (c) of the question was not waived, but the relative clause of the agreement was amended under legal advice so as to exclude any loss and damage that may be caused by the act of God or the King's enemies.

(e) None of the advertised conditions were relaxed except as explained in reply to part (d) above. The decision arrived at under legal advice was a general one and applied to all agreements of the same kind.

(f) Government do not consider that any action is called for.

APPEALS RECEIVED IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1680. ***Seth Haji Abdoola Haroon:** Will Government please state the total number of appeals received in (i) the Posts and Telegraphs Directorate and (ii) Circle office in the Posts and Telegraphs Department during the last two years and the cost borne by the Department for their disposal?

The Honourable Sir Frank Noyce: The details asked for are not readily available. Government regret that they are unable to supply the information as its collection would involve an undue expenditure of time and labour.

NON-OBSERVANCE OF RULES OF RECRUITMENT AND INSTRUCTIONS RELATING THERETO IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1681. *Seth Haji Abdoola Haroon: (a) Are Government aware that their rules of recruitment and instructions relating thereto have not faithfully been observed in the Posts and Telegraphs Department by the subordinate recruiting officers, entailing much expense to the State on appeals and correspondence?

(b) Is it a fact that, in the Punjab Postal Circle, fictitious and forged certificates for the purposes of recruitment, as also cases of temporary change of religion and caste from Hindu into Sikh were discovered at Rawalpindi, Lahore and Delhi, and if so, with what result?

The Honourable Sir Frank Noyce: (a) Government have no reason to believe that the facts are as stated by the Honourable Member.

(b) Government have no information and do not propose to call for it as the matter is within the competence of the Postmaster-General, Punjab and North-West Frontier Circle, to whom a copy of the question and this reply is being sent for such action as he may consider suitable.

ALLEGED MISAPPROPRIATION OF GOVERNMENT MONEY BY THE SUPERINTENDENT, LAHORE GOVERNMENT TELEGRAPH OFFICE.

1682. *Seth Haji Abdoola Haroon: (a) Is it a fact that a report was made by a member of public to the Director General, Posts and Telegraphs, and the Postmaster General, Punjab, stating that Government money was misappropriated by the Superintendent in charge of the Lahore Government Telegraph Office?

(b) Is it a fact that the said officer, when called upon to explain the misappropriation, admitted in a statement that on more than one occasion he had temporarily misappropriated Government money for a short period?

(c) Will Government please state what action was taken for the criminal breach of trust on the part of the Superintendent, Lahore Government Telegraph Office?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The facts are not as stated by the Honourable Member.

(c) No criminal breach of trust was established.

APPOINTMENT OF TOWN INSPECTORS OF POSTS OFFICES IN LAHORE AND DELHI.

1683. *Seth Haji Abdoola Haroon: (a) Is it a fact that the appointments of Town Inspectors of Post Offices are made under certain rules and regulations made by the Department and one of the conditions laid down by the Head of the Circle is that the official appointed must have worked as a Sub-Postmaster?

(b) If the reply to part (a) above be in the affirmative, are Government aware that all the officials in the Lahore and Delhi Head Office, appointed as Town Inspectors, do not comply with the conditions and have never worked as Sub-Postmasters?

(c) If the reply to part (b) above be in the affirmative, will Government investigate the case?

The Honourable Sir Frank Noyce: (a) The reply to the first part of the question is in the affirmative and to the second part in the negative.

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

MUSLIM MESSENGERS AND BOY PEONS IN THE LAHORE GENERAL TELEGRAPH OFFICE.

1684. ***Seth Haji Abdoola Haroon:** (a) Are Government aware of the fact that in the Lahore General Telegraph Office, nearly all the task of messenger and boy peons belong to one community? If so, will Government please place on the table a list of the officials of each community in these cadres?

(b) Is it a fact that the Muslim community was entitled to get a share of due appointments in these cadres under the reservation rules? If so, will Government please place on the table a list showing the names and dates of the Muslims appointed in this cadre since the third vacancy or reservation rules came into force?

(c) Is it a fact that the Director of Telegraphs, at the time of inspection of the office, remarked about the absence of Muslims in the cadre of task work messengers and had ordered that applications might be invited from Muslims for future vacancies? If so, what action has been taken in this direction?

(d) Is it a fact that recruitment to the cadre of task work messengers is made both by direct recruitment and by promotion from among the boy peons? If so, what precautions were taken to see that Muslims were not ignored to get the benefit of the reservation rules during the last ten years? If no precautions were taken, are Government prepared to make up the deficit now? If not, why not?

The Honourable Sir Frank Noyce: (a) Government are aware that nearly all the task work messengers now in service in the Government Telegraph Office at Lahore belong to one community but among the boy peons there are members of several communities. A nominal list of these messengers and peons is not readily available but a numerical statement giving their distribution by communities is placed on the table.

(b) As regards the first part of the question, the fact is that since 1931 when the principle of reserving for members of minority communities the third vacancies out of the vacancies open to direct recruitment was made applicable to the cadres of inferior servants in the Punjab and North-West Frontier Circle, the Muslim community became entitled to a share of such third vacancies occurring in the cadres of boy peons and task work messengers when direct recruits were taken. As regards the second part, Government do not consider that any useful purpose would be served by stating the names of the Muslim officials and the dates of their appointment, but I may inform the Honourable Member that since 1931 no direct recruitment has been made to the cadre of task work messengers. To the cadre of boy peons, 12 Muslims have been appointed of whom 8 are now in service.

(c) As regards the first part of the question, the Honourable Member is referred to the reply given to part (b) of his own starred question No. 1154 in this House on the 12th March, 1936. As regards the second part, two Muslim recruits have since been appointed to the cadre of boy peons to which direct recruitment is made.

(d) As regards the first part of the question, the Honourable Member is referred to the reply given to part (c) of his own starred question No. 1154 on the 12th March last. As regards the second part orders were issued to all recruiting authorities to apply the third vacancy rule when making direct recruitment to the cadres of inferior servants which includes task work messengers. These were superseded by the Home Department orders of 4th July, 1984, which have now been made applicable as a special case to recruitment to the inferior servants' cadres in the Posts and Telegraphs Department.

The last two parts of the question do not arise.

Statement.

	Hindus.	Muslims.	Indian Christian.	Sikh.	Total.
Task work messengers	35	Nil	Nil	1	36
Boy Peons	13	8	1	2	24

RECRUITMENT OF CLERKS, POSTMEN AND INFERIOR SERVANTS IN THE PUNJAB POSTAL SERVICE.

1685. *Seth Haji Abdoola Haroon: (a) Will Government please place on the table of this House a statement showing the number of various communities recruited in third vacancies during the calendar year 1984 in each of the cadres of (i) clerks, (ii) postmen, and (iii) inferior servants, in the Punjab Postal Circle?

(b) Is it a fact that several reserved posts were filled by majority community? If so, what is the number of such posts?

(c) If the reply to part (b) above be in the affirmative, what steps do Government propose to take to rectify the wrong done to the Muslim community, and what action do they propose to take against the recruiting officers concerned?

(d) Will Government please state what action was taken by the Director General, Posts and Telegraphs, while reviewing the annual communal statements in this connection?

The Honourable Sir Frank Noyce: (a) A statement giving the required information is laid on the table.

(b) The number of posts so filled is only three.

(c) and (d). The facts are, that in view of the inadequate representation of Hindus in the inferior servants cadres in the Kashmir Postal Division and in the Delhi Engineering Division, the 18 vacancies, which occurred during 1984 in those two divisions, were filled by nine Muslims and nine Hindus (including the three mentioned in reply to part (b) of the question). No action was called for by the Director General as 50 per cent. of the vacancies had been filled by Muslims. It will be obvious to the Honourable Member that the interests of the Muslim community were not prejudiced in any way and Government do not, therefore, propose to take any action.

Statement.

	Number of third vacancies filled by—					Other Communi- ties.
	Hindus.	Muslims.	Anglo- Indians.	Sikhs.	Indian Christians.	
(i) Clerk	4	4	8	8	..
(ii) Postmen			3	2	..
(iii) Inferior Ser- vices	3	5	..	8	7	..

DIFFERENTIAL TREATMENT METED OUT TO THE MUSLIM EMPLOYEES IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1686. *Seth Haji Abdoola Haroon: (a) Are Government aware of the fact that of late several articles have been published in the Muslim papers and interpellations put on the floor of this House about the differential treatment meted out to the Muslim employees in the Posts and Telegraphs Department specially in the Punjab Postal Circle during the past one and a half years under the present Director General, Posts and Telegraphs?

(b) If the reply to part (a) above be in the affirmative, what steps have Government taken to investigate the root cause of this general discontentment among the Muslim employees of this Department? If no enquiries have so far been made, are Government prepared to do so now? If not why not?

(c) Is it a fact that some non-Muslim officials have been able to approach the Director General, Posts and Telegraphs through the Members of this House, whereas such concessions are not available to the Muslims?

The Honourable Sir Frank Noyce: (a) I have seen no such article which deserved any consideration: interpellations of the character in question have, I think, been made by the Honourable Member and one other Member.

(b) I am unable to accept the assumption underlying this part of the question that the questions afford evidence of any general discontent. The latter part does not arise.

(c) No differential treatment is shown.

CLERKS IN THE LYALLPUR POSTAL DIVISIONAL OFFICE.

1687. *Seth Haji Abdoola Haroon: Is it a fact that all the clerks in the Lyallpur Postal Divisional Office are non-Muslims and some of them are working as such for more than five years, or are allowed to rotate between the Head Office and the Divisional Office in the same Station for a very long time?

The Honourable Sir Frank Noyce: Government have no information and do not propose to call for it. The matter is within the competence of the Postmaster-General to whom a copy of the question is being sent for such action as he may consider suitable.

PREPONDERANCE OF NON-MUSLIMS IN THE LAHORE HEAD POST OFFICE DIVISION.

1688. ***Geth Haji Abdoola Haroon:** (a) Is it a fact that in the Lahore Head Office Division, several important posts are occupied by non-Muslims for the last 25 years such as Sub-Postmaster, Charing Cross Accountant, staff clerk, stock clerk, etc. ?

(b) Is it also a fact that out of 25 time-scale sub-offices only five are held by Muslims and the rest by non-Muslims ?

(c) Is it also a fact that out of the five Town Inspectors, there is only one Muslim and the rest non-Muslims ?

(d) If the reply to parts (a), (b) and (c) be in the affirmative, are Government prepared to break the preponderance of one community ? If not, why not ?

The Honourable Sir Frank Noyce: (a) to (d). Government have no information and do not propose to call for it. I may, however, inform the Honourable Member that the posting of officials to the various posts mentioned by him are made on administrative and not on communal grounds.

SALE OF PIG IRON.

1689. ***Pandit Nilakantha Das:** (a) Are Government aware that pig iron is cheapest in India ?

(b) Are Government aware that at least 40,000 tons per month of pig iron are exported from India at about Rs. 20 per ton to the United Kingdom under agreement, as well as to other countries ?

(c) Are Government aware that pig iron is not available to Indian manufacturers at less than Rs. 50 per ton ?

(d) Are Government aware that only three firms, Tata Iron & Steel Company at Jamshedpur, Indian Iron Company and Bengal Iron Company are the only pig iron manufacturing firms in India besides Mysore, which makes a little special grade pig iron ?

(e) Are Government aware that the Bengal Iron Company is a firm with English capital and English management, and that they are debenture holders of Indian Iron Co. ?

(f) Are Government aware that the Bengal Iron makes cast iron articles, like pipes ?

(g) Are Government aware that Tata Iron and Steel Company have entered into a combine with the Bengal Iron Company, including their debtors, Indian Iron Company, not to sell pig iron in their country cheaper than foreign pig iron ?

(h) Are Government aware that on account of this arrangement all steel and cast iron manufacturing is being monopolised and no other firms can rise up or maintain themselves for want of raw material at a competitive price ?

(i) Are Government aware that iron founders and consumer's representatives complained bitterly on this subject to the last Mathai Tariff Board on steel ?

(j) Are Government aware that that Tariff Board in its report discussed the subject and made recommendations to the effect that pig iron should be sold to the Indian consumers at Rs. 80 per ton, i.e., practically the rate of fair selling price here plus the shipping both ways to and from foreign countries?

(k) Have Government taken any steps to give effect to the recommendation or anything on the lines of that recommendation?

(l) At what rate have Government been purchasing pig iron in India from year to year for the last five years for their own work?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government understand that the cost of production of pig iron is lower in India than in any other country.

(b) Government have no information regarding any agreement, but according to the latest available figures the monthly average of pig iron exports from India to all countries is 39,550 tons at an average price of Rs. 22-9 per ton.

(c), (g) and (h). Government are not so aware.

(d), (f) and (i). Yes.

(e) From the information available it would appear that the Bengal Iron Company has a British directorate and has guaranteed the debenture issues of the Indian Iron and Steel Company. Government have no information as to the nationality of the shareholders of the Bengal Iron Company.

(j) The attention of the Honourable Member is invited to paragraph 245 of the 1934 Report of the Indian Tariff Board on the Iron and Steel Industry.

(k) The matter is receiving the attention of the Government of India.

(l) I lay on the table a statement giving the information.

Statement showing Rate paid for Pig Iron from time to time during the last five years (1931-32 to 1935-36).

GRADE NO. 1.

Rate per ton.			Destination.	Rate per ton.			Destination.
Rs.	As.	P.	f. o. r.	Rs.	As.	P.	f. o. r.
71	0	0	C. I. F. Rangoon.	59	13	1	Jamalpur.
63	0	0	Rajahmundry.	54	0	0	Alipore.
58	1	0	Burn Co. Siding.	59	0	0	Jamalpur.
62	0	0	Jamalpur.	55	0	0	Parel.
86	0	0	Amritsar.	65	8	0	Storespura.
50	0	0	Bhadravati.	55	0	0	Bombay.
65	8	0	Parel, Bombay.	70	0	0	Calcutta.
74	0	0	Amritsar.	56	0	0	Sealdah.
57	0	0	Storespura.	61	0	0	Jamalpur.
54	0	0	Sealdah.	76	0	0	Amritsar.
42	8	0	Bhadravati.	56	0	0	Calcutta.
59	0	0	Storespura.				

GRADE NO. 2.

67	0	0	Alipore.	51	0	0	Sealdah.
69	0	0	Alipore.	72	0	0	Calcutta.

GRADE NO. 3.

Rate per ton.			Destination.			Rate per ton.			Destination.		
Rs.	As.	P.	f. o. r.			Rs.	As.	P.	f. o. r.		
58	0	0	Burn Co. Siding			33	0	0	Jamalpur.		
65	0	0	C. I. F. Rangoon.			48	0	0	Sealdah.		
65	0	0	Alipore.			58	0	0	Parel.		
60	0	0	Jamalpur.			59	8	0	Storespura.		
54	1	0	Burn Co. Siding.			64	0	0	Calcutta.		
63	8	0	Bombay.			50	0	0	Sealdah.		
67	0	0	C. I. F. Rangoon.			55	0	0	Jamalpur.		
50	0	0	Parel, Bombay.			51	0	0	Calcutta.		
55	0	0	Storespura.			52	0	0	Calcutta.		
39	8	0	Bhadravati.			64	0	0	Storespura.		
50	0	0	Alipore.								

GRADE NO. 4.

48	0	0	Jamalpur.			111	8	0	Parel.		
66	0	0	Parel, Bombay.			59	8	0	Calcutta.		
118	8	0	Parel, Bombay.			98	10	8	Bombay.		
106	6	9	Parel, Bombay.			46	0	0	Jamalpur.		
43	0	0	Howrah.			59	8	0	Storespura.		
53	0	0	Jamalpur.			50	8	0	Storespura.		

MISCELLANEOUS SPECIFICATIONS.

Grade.	Rate per ton.			Destination.
	Rs.	As.	P.	
High Silicon	41	0	0	Bhadravati.
Scotch grade $\frac{1}{4}$	117	0	0	Amritsar.
Machine cast	60	0	0	Jamalpur.
Machine cast	53	8	10	Burn Co. Siding.
High Silicon	50	0	0	Bhadravati.
Burn machine cast	75	0	0	Storespura.
High Silicon	110	0	0	Amritsar.
Burn machine cast	74	0	0	Amritsar.
High Silicon	95	0	0	Amritsar.
Charcoal quality	75	0	0	Storespura.
High Silicon	95	0	0	Amritsar.

CO-ORDINATION OF THE POLICY OF PROVINCIAL GOVERNMENTS IN THE MATTER OF EXCISABLE ARTICLES.

1690. *Qari Muhammad Ahmad Karmi: (a) Will Government be pleased to state whether the import of all excisable articles by private persons is prohibited from the Punjab into the United Provinces?

(b) Are Government aware that a large number of persons, using opium-*charas* and other excisable articles carry these things in legally permissible quantities for their use on the way, and that all such persons on reaching the United Provinces stations are arrested and prosecuted for importing excisable articles?

(c) Are Government aware that this practice causes great inconvenience to the travelling innocent public, and a considerable amount of waste of time and money of the courts of law?

(d) Are Government aware that one of the chief reasons for this prohibition of inter-provincial import of excisable articles is the difference in duty on the excisable articles between different provinces?

(e) Have Government considered the advisability of persuading the various Provincial Governments to co-ordinate their policy in the matter of excisable articles and thus save the innocent public from this great inconvenience and waste of time and money? If not, why not?

Mr. A. H. Lloyd: (a) According to the latest information in the possession of the Government of India, the import of *charas* into the United Provinces by private persons from the Punjab is entirely prohibited. The Government have no information in regard to the import of other excisable articles.

(b), (c) and (d). The Government have no information.

(e) I would refer the Honourable Member to the replies given to parts (d) and (f) of question No. 1612 and to part (d) of question No. 1613 on the 14th April, 1936.

†1691*.

SUBMISSION OF MEMORIALS OF RAILWAY SERVANTS TO THE GOVERNOR GENERAL.

1692. ***Mr. Satya Narayan Sinha:** (a) Is it a fact that the Governor General in Council made revised rules, regulating discipline and rights of appeal of non-gazetted railway servants, which were promulgated under the Railway Board's letter No. E.-34-R. G.-6 of the 22nd June, 1935?

(b) Is it a fact that under clause 27 of the rules, the railway servants have been given the right of submitting memorials to the Governor General in Council under Home Department Notification No. 6/7/33-II, dated the 19th June, 1933?

(c) Is it a fact that these rules were published in the *East Indian Railway Gazette*, dated the 18th September, 1935, for general information and guidance?

(d) Is it a fact that the Divisional Superintendents of Dinapore and Asansol have refused to forward the memorials of several discharged employees addressed to His Excellency the Viceroy and Governor General of India with the remarks that "no appeal lies beyond the Divisional Superintendents"? If so, will Government be pleased to state what action they propose to take against these two officers for not acting in accordance with the rules made by the Governor General in Council?

(e) Is it a fact that under instruction 9 of the memorial rules, the Railway administration are required to submit a quarterly return to the Governor General in Council, specifying all petitions withheld with reasons for withholding them? Has the Agent, East Indian Railway, submitted such a return since the promulgation of the new rules? If not, what action do Government propose to take in the matter?

(f) Is it a fact that the General Secretary, East Indian Railway Union, Dinapore, brought the matter to the notice of the Railway Board, asking for an investigation? Did the Railway Board take any action on that letter? If not, why not?

†This question was withdrawn by the questioner.

(g) Will Government be pleased to state what remedy the Railway servants have if their memorials are wrongly withheld?

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

SELECTION AND PROMOTION OF GUARDS IN THE DINAPORE DIVISION OF THE EAST INDIAN RAILWAY.

1698. ***Mr. Satya Narayan Sinha:** (a) Is it a fact that the Railway Board has issued circulars which were circulated under Agent, East Indian Railway's letter No. Es. 119/1 of the 27th February, 1926, for promoting "B" grade guards to "A" grade, after completing the maximum pay of Rs. 100 on seniority?

(b) Is it a fact that the above rules are still in force? If so, will Government be pleased to state the reason for selection at present by the Divisional Officers?

(c) Is it a fact that juniors have been selected as "A" grade guards whereas many seniors have not even been promoted in the Dinapore Division?

(d) Will Government be pleased to state how many "B" grade guards have been promoted to "A" grade since 1935, and have not been confirmed, even though they have completed one year in Dinapore Division? What is the reason for their non-confirmation?

(e) Will Government be pleased to state whether and if so, why an outsider has been appointed while there are many retrenched guards who are still to be absorbed, and whether they are prepared to remove him from the temporary post? If not, why not?

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

TENDERS INVITED FOR THE SUPPLY OF CONSERVANCY PLANTS IN NEW DELHI.

1694. ***Mr. Ram Narayan Singh:** (a) Is it a fact that the Health Officer, New Delhi Municipal Committee, recently invited tenders for the supply of conservancy plants D. C. for use in Health Department, New Delhi, for the year 1936-37, and if so, what are the names and standing of the persons, firms, or companies from whom these tenders were invited?

(b) Are the tenders opened in the presence of all those who tender and if not, why not?

(c) What are the rules regarding the procedure followed in connection with the opening of the tenders?

(d) Is it a fact that tenders are not opened on the date fixed for the purpose?

(e) Is it a fact that there is no tender box for tenders to be put in and that tenders are handed personally into the hands of the Head Clerk?

(f) Are Government aware that the tenders are initialled only at the bottom of tender forms by the Health Officer and not against each and every item, leaving thereby loopholes for terms being surreptitiously altered or modified?

Sir Girja Shankar Bajpai: The information has been called for and will be furnished to the House as soon as possible.

POLICY REGARDING ALTERATION OF THE AGE OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

1695. ***Pandit Krishna Kant Malaviya:** (a) Is it a fact that the policy of Government in the matter of changing of the official record of age of Railway employees, on production of substantive authoritative proof, was indicated by the Chief Commissioner, Railways on the 26th of April, 1934 in his reply to the question of Honourable Mr. Hasan Imam (on behalf of Honourable Mr. Mahmood Suhrawardy) in the Council of State (question No. 155, dated the 26th of April, 1934)?

(b) If the answer to part (a) be in the affirmative, will Government please state if that policy was pursued by the Agent, North Western Railway, in the representations made to him by Railway employees in service at the time of declaration of the said policy? If not, why not?

(c) Are Government aware that in view of the procedure followed on the North Western Railway not being strictly in accordance with the above declared policy, the Agent, North Western Railway, was instructed by Government to admit of such cases being dealt with on merits in accordance with the said policy?

(d) Are Government prepared to consider the cases of Railway employees serving at the time of the declaration of the said policy on the 26th April, 1934 and who made representations to the Agent, North Western Railway and the Railway Board after the said declaration, which representations were not disposed of by the Agent in accordance with the said policy? If not, why not?

(e) Are Government prepared to give retrospective effect to the rule contained in notification No. 105, appearing in the *North Western Railway Gazette*, dated the 15th November, 1935, in order to include representations of literate staff made on or after the date of the declaration of the policy, i.e., 26th April 1934, and definitely embodied in the said rule so as to apply the words "still in service" to employees in service at the time of the declaration of the policy?

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

(b) to (e). I am collecting information and will lay a reply on the table of the House, in due course.

PURCHASE OF RAILS, SLEEPERS AND CHAIRS.

1696. ***Pandit Nilakantha Das:** (a) What is the quantity and value of purchases of different articles noted below, year after year, beginning with 1934, under the heads foreign and Indian manufacture;

(1) Rails, (2) steel sleepers, (3) cast iron sleepers, (4) wooden sleepers, (5) concrete sleepers and (6) chairs?

(b) What is a concrete sleeper? Is it made in India?

(c) Can rails and sleepers and chairs all be formed in India? If so, why are they imported?

(d) Why and from where are wooden sleepers imported?

The Honourable Sir Muhammad Zafrullah Khan: (a) In regard to 1934-35, I would refer the Honourable Member to paragraphs 56 and 58 of Volume I and item 4 of Appendix A of Volume II of the Report by the Railway Board on Indian Railways for that year. This contains particulars about value. Information regarding quantities is not readily available. Similar information for 1935-36 is not yet available.

(b) A concrete sleeper is a sleeper made of reinforced concrete. It is made in India.

(c) Yes. Purchases from abroad are confined to special types not at present manufactured in India. Also in cases where the difference in price between the indigenous and imported article is excessive.

(d) Wooden sleepers are not imported.

FIRMS MANUFACTURING PIG IRON IN INDIA.

1697. ***Pandit Nilakantha Das:** (a) How many firms produce pig iron in India?

(b) How many firms, beside those producing pig iron, manufacture articles of iron and steel in India?

(c) How many of them according to Government information have Indian capital and are under Indian management? How many of them, and of which class, have been set up after protection was given to steel?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I shall reply to questions Nos. 1697 and 1698 together.

The information asked for is being collected as far as possible and will be placed on the table of the House in due course.

ENGINEERING FIRMS FABRICATING AND ASSEMBLING STEEL PRODUCTS IN INDIA.

1698. ***Pandit Nilakantha Das:** (a) How many firms in India are engineering firms, fabricating and assembling steel products?

(b) How many of them according to Government information have Indian capital and have Indian management?

(c) Which of them in each case have been set up after protection was given to steel in this country?

RATE AT WHICH STEEL IS EXPORTED TO CERTAIN FOREIGN COUNTRIES.

1699. ***Pandit Nilakantha Das:** What is the rate at which steel is exported from India, to (1) England, (2) Japan, (3) United States of America, (4) Hong Kong, (5) to other parts of the world?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the Annual Statements of the Sea-borne Trade of British India, copies of which are in the Library of the Legislature.

†For answer to this question, see answer to question No. 1697.

QUANTITY AND PRICE OF PIG IRON EXPORTED FROM INDIA.

1700. ***Pandit Nilakantha Das:** (a) What is the rate at which pig iron is purchased in this country?

(b) What is the quantity of steel purchased in India, month after month for the last fifteen months?

(c) How much of it is Indian and how much foreign?

(d) What is the quantity and price of pig iron exported from India, month after month, during the last 15 months?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). The Government of India are not in a position to give details in respect of purely commercial transactions.

(d) The Honourable Member is referred to the Monthly Accounts relating to the Sea-borne Trade and Navigation of British India, copies of which are available in the Library of the Legislature.

CREATION OF A FEW POSTS OF UPPER DIVISION CLERKS IN THE DEPARTMENT OF INDUSTRIES AND LABOUR.

1701. ***Khan Sahib Nawab Siddique Ali Khan:** (a) Is it a fact that a few posts of Upper Division clerks have been created in the Department of Industries and Labour?

(b) Is it a fact that under the rules half the number of those posts should be filled by departmental promotion of senior Second Division clerks?

(c) Is it a fact that most of the Second Division clerks have worked or are doing the work of Upper Division clerks?

(d) Is it a fact that most of the Second Division clerks are well reported on and that there is nothing against them as regards their efficiency of work?

(e) Is it a fact that the Second Division clerks in the Department of Industries and Labour are now asked to submit their cases direct to the officers for some days, after which they will be called upon to appear at a general test?

(f) Is it a fact that such a procedure has never been adopted in the Department of Industries and Labour, or in any other Department of the Government of India, and is not given in the rules of departmental promotions?

(g) If the reply to part (f) above be in the affirmative, will Government be pleased to state the reasons for this differential treatment to the Second Division clerks of the Department of Industries and Labour?

The Honourable Sir Frank Noyce: (a) There is no such designation as Upper Division clerk, but certain additional posts of Assistants have been sanctioned.

(b) No: one half of the vacancies are normally filled by the promotion from the Lower Division, if suitable candidates are available, but such promotion is strictly by selection and not by seniority.

(c) No.

(d) I am not prepared to express an opinion which would have to be based on confidential reports.

(e) Some clerks have been required to submit their cases directly; I understand that it is unlikely that a test will be required.

(f) Clerks have previously been required to submit cases directly when necessary. There are no rules prescribing the manner in which the fitness of clerks for promotion should be judged.

(g) Does not arise.

INTRODUCTION OF NEW PASS RULES ON STATE RAILWAYS.

1702. *Mr. Muhammad Ashar Ali: With reference to the reply to unstarred question No. 281 (d), given on the 9th March, 1966, will Government be pleased to state:

- (a) whether old employees are given the option to retain the old privileges, if not, why not;
- (b) whether there exists uniformity in respect of rates of pay, allowances, leave rules, etc., on all State Railways; if not, why this uniformity is thought necessary in respect of passes alone; and
- (c) whether Government propose to see that uniformity is maintained in respect of interchange of passes between various State Railways, foreign to each other, and in respect of home lines, the employees are given the option to continue under the same rules under which they were appointed; if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. Government see no reason why any option should be allowed.

(b) Complete uniformity does not exist on State-managed Railways in respect of the matters specified. In the case of passes, uniformity is practicable and there is little, if any, justification for varying scales of passes.

(c) Government see no reason to modify the orders already issued for the grant of passes.

APPLICATION OF THE PUNJAB EXCISE ACT AND EXCISE RULES TO THE DELHI PROVINCE.

1703. *Mr. Muhammad Ashar Ali: (a) With reference to the information given on the 25th March, 1966, in reply to starred question No. 1025, asked in this House on the 9th March, 1966, regarding the applicability of the Punjab Excise Act and Excise Rules to the Delhi Province, will Government please state the material differences in regard to local circumstances of the Punjab and Delhi, specially of the adjoining districts?

(b) Will Government please state whether in Delhi, L-2 shops compete with country spirit shops by selling cheap brands of foreign liquors?

*Mr. A. H. Lloyd: With your permission, Sir, I propose to answer questions Nos. 1703, 1704, 1705, 1706 and 1707 together.

The information is being obtained and will be laid on the table in due course.

GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

†1704. *Mr. Muhammad Azhar Ali: With reference to the information given on the 25th March, 1936, in reply to starred question No. 1026, asked in this House on the 9th March, 1936, regarding grant of licences for vending foreign liquor in Delhi, will Government please state:

- (a) the date and factum on which the matter has been thoroughly gone into;
- (b) the material differences in the conditions under which various classes of licences are governed;
- (c) whether L-2 shops are permitted to sell the brands of foreign liquors for which L-10 licences are sold by public auction; and if so, what is the difference between the two forms of licence; and
- (d) the rate of Excise Duty per gallon paid by the two forms of licences for the retail vend of foreign liquor in a bazar to the general public which do not come under the category of "foreign liquor of a superior quality" during 1934-35 and 1935-36?

GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

†1705. *Mr. Muhammad Azhar Ali: (a) With reference to the information given on the 25th March, 1936, in reply to starred question No. 1027, asked in this House on the 9th March, 1936, regarding grant of licences for vending foreign liquor in Delhi, will Government please state the rule under which L-2 shop at Mori Gate is permitted to hold licences in Forms L-4 and L-17 conjunctionally?

(b) What are the brands of a superior quality foreign liquor as are required to be sold by L-2 shops?

(c) Are L-2 shops selling cheap brands or inferior quality of foreign liquor? If so, why and what action has been taken against them? If none, why not?

(d) Is general public transacting their business at Mori Gate? If not, will Government please lay a statement showing the description of each individual shop at Mori Gate?

(e) What justification has the authority not to auction the shops at Mori Gate? Is it not a loss to revenue?

(f) Will Government please state the notification under which different localities are declared for different licences?

(g) What protection had L-10 shops against L-2 shops, when country spirit shops are protected against L-2 shops. If none, why not?

†For answer to this question, see answer to question No. 1703.

GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

†1706. ***Mr. Muhammad Azhar Ali**: With reference to the information given to this House on the 25th March, 1936, in reply to parts (e) (vi) and (vii) of starred question No. 1027, asked on the 9th March, 1936, regarding grant of licences for vending foreign liquors in Delhi, will Government please state:

- (a) whether rule 17 requires an application for L-1 or L-2 licence;
- (b) the brands of medicated wines;
- (c) the licence, i.e., L-1 or L-2 to which the word "this" as used in rule 17 refers;
- (d) whether L-2 shops within municipal boundaries sell liquors of inferior quality; if so, why these shops are not auctioned;
- (e) whether people of upper class are not residing at or nearby Gandhi Gah (Fatehpuri Road), and Chauri Bazar;
- (f) what facilities are provided for upper class consumers residing at other places than Mori Gate;
- (g) whether they are aware of the difficulty of a consumer residing at Chandni Chowk and belonging to upper class; and
- (h) who are consumers belonging to upper class, and what is meant by upper class?

GRANT OF LICENCES FOR VENDING FOREIGN LIQUOR IN DELHI.

†1707. ***Mr. Muhammad Azhar Ali**: (a) With reference to the information given on the 25th March, 1936, in reply to starred question No. 1027 (f) asked in this House on the 9th March, 1936, will Government please state whether the Chief Commissioner, Delhi, has ever surveyed the hardship to L-10 shops against L-2 shops, who are selling cheap imported foreign liquor, as referred to by the Financial Commissioner, Punjab, in his No. 1919-E.S., dated the 29th March, 1930? If so, when and with what result? If not, why not?

(b) Is not such permission to L-2 shops causing heavy loss to excise revenue? If not, will Government lay a statement of revenue from each form of licence during the preceding five years, or for the years 1934-35 and 1935-36, whichever is convenient to them?

PERIOD WITHIN WHICH A CASE AFTER ENQUIRY CAN BE RE-OPENED TO PASS ADVERSE REMARKS ON NON-GAZETTED STAFF ON STATE RAILWAYS.

1708. ***Mr. Muhammad Azhar Ali**: Will Government please state the period within which an administrative officer on State Railways is privileged to re-open a case after enquiry and finding on non-gazetted staff and to pass adverse remarks thereon? If so, under what rule made under section 96-B of the Government of India Act?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will quote a specific instance I shall endeavour to reply.

†For answer to this question, see answer to question No. 1703.

OFFICER NEXT IN AUTHORITY TO A DIVISIONAL SUPERINTENDENT ON STATE RAILWAYS.

1709. ***Mr. Muhammad Ashar Ali:** With reference to the reply given in this House to unstarred question No. 47, asked on the 4th February, 1936, will the Honourable Member of the Government for Commerce and Railways please state who is the officer next in authority to a Divisional Superintendent on State Railways in general, and on the East Indian Railway in particular, in respect of personnel matters?

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

ESTABLISHMENT BRANCHES UNDER CERTAIN OFFICERS ON THE EAST INDIAN RAILWAY.

1710. ***Mr. Muhammad Ashar Ali:** With reference to the reply to unstarred question No. 49, asked in this House on the 4th February, 1936, will the Honourable Member of the Government for Commerce and Railways please state how the amount under the head "Establishment" on the East Indian Railway is budgeted for the year 1936-37, when Government have no information of separate establishment branches?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to Mr. P. R. Rau's reply given to Dr. N. B. Khare's unstarred question No. 324 on the 13th March, 1936.

SETTLEMENT OF DUES OF STAFF ON THE EAST INDIAN RAILWAY AFTER DISCHARGE.

1711. ***Mr. Muhammad Ashar Ali:** With reference to the reply to unstarred question No. 49, asked in this House on the 4th February, 1936, will the Honourable Member of the Government for Commerce and Railways please state whether the dues of the staff are settled before the date when their services are terminated or afterwards?

The Honourable Sir Muhammad Zafrullah Khan: The staff are generally paid their dues as soon as possible after termination of their services.

DIFFERENCES BETWEEN AN APPEAL, A PETITION AND A MEMORIAL ON STATE RAILWAYS.

1712. ***Mr. Muhammad Ashar Ali:** With reference to the reply to unstarred question No. 65, asked in this House on the 4th February, 1936, will the Honourable Member of the Government for Commerce and Railways please state the material differences between an appeal, a petition and a memorial; and if there is none, the reasons for using these terms on State Railways?

The Honourable Sir Muhammad Zafrullah Khan: I would invite the Honourable Member's attention to the 'Rules regulating discipline and rights of appeal of non-gazetted Railway Servants' and to the Home Department's notifications Nos. F. 6/7/33-II and F. 6/7/33-I-Public, dated the 19th June, 1933, copies of which are in the Library of the House.

PROCEDURE FOR OBTAINING INFORMATION ON MATTERS OF INTERNAL ADMINISTRATION LEFT TO THE AGENTS OF RAILWAYS TO DECIDE.

1713. ***Mr. Muhammad Azhar Ali:** With reference to the reply to unstarred question No. 81, asked in this House on the 4th February, 1936, will the Honourable Member of the Government for Commerce and Railways please state the procedure through which the information on matters of internal administration which have been left to the Agents of Railways to decide is obtainable?

The Honourable Sir Muhammad Zafrullah Khan: Information regarding the matters referred to by the Honourable Member can only be obtained through Government who decide on the merits of each case whether information, referring to matters in which powers have been delegated to Railway Administrations, should be obtained from the Administrations concerned.

EXAMINATION FOR RECRUITMENT OF TYPISTS AND ROUTINE GRADE CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

1714. ***Mr. Muhammad Azhar Ali:** (a) Will Government please state the number of candidates who have reached the qualifying standard of the Government of India Ministerial Service (Typists and Routine Grade) competitive examination held by the Public Service Commission in December 1935?

(b) What is the number of permanent vacancies expected during 1936-37, assuming that it will be the same as during 1935-36?

(c) Is it a fact that the examination was held to select candidates for all the vacancies that may occur during the year and that the candidates applied for the examination on this understanding on the basis of the past practice?

(d) Do Government propose either to fill the vacancies during the year that may be in excess of the number of "qualified" candidates from other candidates in the list in order of merit, or to supply the demand by holding the next examination earlier than December 1936?

The Honourable Sir Henry Crank: (a) The examination was competitive and not qualifying. The number of persons who are available for employment on the results of the examination is 91.

(b) In 1935-36 the number of vacancies filled on a permanent basis was 159. This number is much above the average, 60 or 70 in a year being a more normal figure. I cannot say how many vacancies will occur in 1936-37, but I have no reason to expect that number to be so large as last year.

(c) Yes; but no candidate can expect to be appointed unless he secures enough marks to satisfy the Public Service Commission.

(d) If, during the course of the year, it appears likely that the number of candidates available will be insufficient, means of supplying the deficiency will be considered.

Mr. Muhammad Azhar Ali: If Government think that the number will be insufficient, what procedure will Government adopt?

The Honourable Sir Henry Craik: Means of supplying the deficiency will be considered. I presume another examination will be held.

EXAMINATION FOR RECRUITMENT OF TYPISTS AND ROUTINE GRADE CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

1715. ***Mr. Muhammad Azhar Ali:** Is it a fact that more than 53 per cent. of the candidates for typists and routine grade examination held in December 1935, have failed in the handwriting paper, while less than 7 per cent. failed in this paper in the 1934 examination?

The Honourable Sir Henry Craik: Yes.

Prof. N. G. Ranga: Why is it that Government have imposed this new condition of handwriting to be satisfied by these candidates who have qualified themselves as typists?

The Honourable Sir Henry Craik: I do not think it is a new condition: I think it has always been a condition.

Prof. N. G. Ranga: Is it not a fact that three years ago there was no such condition, that candidates who appeared for the examination and qualified themselves as typists were never expected to pass in handwriting also?

The Honourable Sir Henry Craik: I do not know.

Prof. N. G. Ranga: Will Government at least ascertain whether it is or is not a fact that they were not required to pass this examination in handwriting before?

The Honourable Sir Henry Craik: No: I do not see any reason to make an inquiry. I think it is most necessary that they should qualify themselves in handwriting.

Prof. N. G. Ranga: In what way is it necessary that a typist should pass an examination in handwriting, especially when typists were not expected to pass that examination three years ago?

The Honourable Sir Henry Craik: They have often to write in manuscript.

**EXAMINATION FOR RECRUITMENT OF TYPISTS AND ROUTINE GRADE CLERKS
IN THE GOVERNMENT OF INDIA OFFICES.**

1716. ***Mr. Muhammad Azhar Ali:** (a) Will Government please state the length in words of the piece for the handwriting examination in the typists and routine grade examination held in December, 1935, and also in the same examination held in the previous three years?

(b) Is it a fact that the 1935 piece contained about 20 per cent more words than the 1934 piece?

(c) Will Government please state whether the time allowed for the 1935 paper was 20 per cent. more than that allowed for the 1934 paper?

(d) If the reply to part (b) be in the affirmative, and to part (c) in the negative, do Government propose *either* to allow 20 per cent. or the maximum marks in the handwriting paper of 1935 as "moderation" marks, or to declare the candidates that have qualified otherwise but have failed only in handwriting as qualified for the posts of typists (not for routine grade clerks)? If not, why not?

The Honourable Sir Henry Craik: (a) The number of words in each of the papers was as stated below:

Year.	Number of words
1932	303
1933	334
1934	295
1935	341

(b) No.

(c) No.

(d) Government cannot interfere with the conduct of examinations by the Public Service Commission.

Prof. N. G. Ranga: Why is it that this examination in handwriting has been made progressively more difficult, and more and more people are being ploughed on that score?

The Honourable Sir Henry Craik: I do not think it is correct to say that it is becoming progressively more and more difficult. It seems to have been slightly more difficult than last year.

Prof. N. G. Ranga: Will Government consider the advisability of making it only as difficult as it was two years ago and not as difficult as it was last year?

(No answer.)

(Certain Honourable Members whose questions were on the list not being present to put their questions when their names were called.)

Sir H. P. Mody: Mr. President, I just want to raise a point. You have called on a number of Members to put their questions and they are not in their places. These questions are printed at some expenditure of public money and these Members are not even in their places to put them.

Mr. President (The Honourable Sir Abdur Rahim): The Chair must observe, now that this question has been raised, that it is a sheer waste of public time and money: the Assembly Department and all Departments of Government have to go through these questions, examine them, and then they are all printed, and it does appear that, latterly at any rate, a very large percentage of these questions are not to be answered because Honourable Members who put down these questions are not in their places and apparently do not take sufficient interest to be in their places to ask these questions.

Pandit Nilakantha Das: There is provision for unstarred questions and these may be taken as unstarred questions.

Mr. President (The Honourable Sir Abdur Rahim): If Honourable Members take any interest in these questions and in asking the Departments of Government and also the Assembly Department to devote their time to these, they ought to be in their places. These are all questions for oral answer.

Prof. N. G. Ranga: On a point of information, when an Honourable Member, who has given notice of a starred question, does not happen to be here, is it not a fact that that question comes to be considered as an unstarred question and the answer is anyhow printed in the proceedings of the House?

Mr. President (The Honourable Sir Abdur Rahim): Yes, that is so. But, then, in that case, the Honourable Member should not put it down as a starred question: all this time is wasted: there is another procedure for unstarred questions, so that information can be supplied.

Mr. Sri Prakasa: On a point of information, I should like to know whether you would permit a Member, who accidentally happens to be a minute or two late, to ask his questions later?

Mr. President (The Honourable Sir Abdur Rahim): It is the practice not to allow any question to be answered when Honourable Members are not present when called: it is open to a Member, when he expects to be late, to authorise another Member to put his questions. The House must have some rule for the purpose.

Mr. T. S. Avinashilingam Chettiar: Just one doubt, Sir. Would you kindly authorise the Secretary of the Party to put questions on behalf of Members of the party?

Mr. President (The Honourable Sir Abdur Rahim): No: the Chair cannot do that.

COLONY BUILT IN TANDO ALLAHYON TALUKA IN CONNECTION WITH THE LLOYD BARRAGE IN SIND.

1717. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if a new colony on modern lines has been built in connection with the Lloyd Barrage in Sind in Tando Allahyon Taluka, two miles away from Bulghai station on the Jodhpur Railway?

(b) Is there any post office in that colony? If not, is there any suitable arrangement for its post?

(c) Do Government propose to provide a post office for the convenience of the colonists? If not, why not?

The Honourable Sir Frank Woyce: (a) Yes.

(b) The reply to the first part is in the negative. As regards the second part, the colony is served weekly by the village postman of Tando Alahyar.

(c) The matter is within the competence of the Head of the Circle to whom a copy of the question is being sent for such action as he may consider suitable.

REVISION OF FREIGHT RATES ON THE NORTH WESTERN RAILWAY.

1718. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if their attention has been drawn to an article published in the *Sind Observer*, dated the 28th March, 1936, under the caption "Resentment against Rating Policy of the North Western Railway—Ruin of Port of Karachi"?

(b) Have Government considered the facts and figures shown therein for revision of the freight on wheat?

(c) Will Government be pleased to place on the table the proceedings of the conference of Railway and Port authorities, shipping interests and representative mercantile associations, which was held in December 1935?

(d) Are Government prepared to reconsider the situation and revise the freight rate in consultation with the new Government of the Province? If not, why not?

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

(b) and (d). The matter is being examined.

(c) As the Conference was intended to be informal Government do not propose to publish the proceedings.

APPOINTMENT OF NON-OFFICIAL VISITORS TO CELLULAR JAIL AND CONVICT SETTLEMENT IN ANDAMANS.

1719. ***Mr. Mohan Lal Saksena:** Will Government be pleased to state what has so far been done regarding the appointment of non-official visitors to Cellular jail and convict settlement in Andamans?

The Honourable Sir Henry Craik: The matter was discussed with the Chief Commissioner, Andamans, during his visit to Delhi, in December last but no final decision has yet been reached.

SUPPLY OF BOOKS TO THE PRISONERS IN THE CELLULAR JAIL.

1720. ***Mr. Mohan Lal Saksena:** (a) Will Government be pleased to state if any additional facilities have been given regarding the supply of books by their friends and relations to the prisoners in the Cellular jail?

(b) Will Government be pleased to state how many books were purchased last year and how much money they propose to spend on purchasing books during the ensuing year?

The Honourable Sir Henry Craik: (a) The question is not clear as to what is meant by "additional facilities", but I presume that Honourable Member has in mind his question No. 567 which I answered on the 23rd September last.

The rule is that each B class prisoner is allowed five books at a time, and a C class prisoner two books. These can be obtained either from the Jail library or from friends and relations but if obtained from friends and relations they are, of course, liable to censorship.

(b) In addition to the books bought by the prisoners at their own cost, twenty books from the lists submitted by the prisoners were purchased from Government funds during the last financial year. Six of these books have been made over to the prisoners and the remainder are expected shortly from the booksellers. The amount allotted by the Government of Bengal for the purchase of books during the current year is not yet known, the grant made last year was Rs. 100.

EXCISE ON KHANDSARI SUGAR.

1721. ***Mr. J. Ramsay Scott:** (a) Is it a fact that the excise on khandsari sugar for 1934-35 amounted to Rs. 77,000?

(b) Is it a fact that the excise on khandsari sugar for 1935-36 was estimated to produce Rs. 15 lakhs?

(c) Is it a fact that excise on khandsari sugar for 11 months of 1935-36 has produced only Rs. 49,000? Have Government any later figures?

(d) Can Government give any reasons for the large difference between estimates and actuals?

Mr. A. H. Lloyd: (a) and (b): Yes.

(c) Yes. The figure for March, 1936, is Rs. 9,000.

(d) The estimate was purely conjectural as no information relating to the production of dutiable Khandsari sugar in factories as defined by the Act was available at the time of framing the budget. It is also probable that one result of the Act has been that Khandsari production is now carried on almost entirely in establishments which do not fall within the statutory definition.

Mr. J. Ramsay Scott: Are Government satisfied that the collection of excise is being carried on on efficient lines?

Mr. A. H. Lloyd: Yes, Sir.

KHANDSARI SUGAR PRODUCED IN INDIA.

1722. ***Mr. J. Ramsay Scott:** (a) Will Government please state the amount of khandsari sugar produced in factories for the year 1935-36?

(b) Will Government please give an estimate of khandsari sugar for the year 1935-36, other than that produced in factories?

Sir Girja Shankar Bajpai: (a) 1,674 tons in the first nine months. Figures for the last three months are not yet available.

(b) Approximately 123,000 tons.

COST OF COLLECTION OF EXCISE ON KHANDSARI SUGAR.

1723. ***Mr. J. Ramsay Scott:** (a) Will Government please state the cost of the collection of the excise on khandsari sugar?

(b) Will Government please state the budget estimate for excise on khandsari sugar for 1936-37?

Mr. A. H. Lloyd: (a) No separate account of expenditure in respect of collection of excise on Khandsari sugar is maintained. The information is, therefore, not available.

(b) Rs. 1 lakh.

TONNAGE OF BRITISH AND INDIAN STEAMERS PLYING ON THE INDIAN COAST.

1724. ***Mr. M. Ananthasayanam Ayyangar:** (a) With reference to Government's reply to my starred question No. 1237, dated the 16th March, 1936, will they be pleased to state the respective total gross tonnage of the 87 British steamers and of 63 Indian steamers plying on the Indian coast?

(b) Will Government be pleased to lay on the table a statement showing separately the number of British and Indian steamers under 500 tons gross, between 501 and 1,000 tons gross, between 1,001 and 1,500 tons gross, between 1,501 and 2,500 tons gross, between 2,501 and 4,000 tons gross and steamers above 4,000 tons gross?

The Honourable Sir Muhammad Zafrullah Khan: (a) The gross tonnage of 87 British steamers is approximately 4,14,000 tons while that of 63 Indian steamers is 1,36,000 tons.

(b) The statement below gives the desired information:

	British.	Indian.
(i) Steamers under 500 tons gross	7	13
(ii) between 501 and 1,000 tons gross	2	14
(iii) between 1,001 and 1,500 tons gross	1	7
(iv) between 1,501 and 2,500 tons gross	3	5
(v) between 2,501 and 4,000 tons gross	7	8
(vi) above 4,000 tons gross	67	16
	87	63

Mr. M. Ananthasayanam Ayyangar: In view of the gross disparity in the tonnage of steamers above 4,000 tons, do Government propose to give encouragement to the production or manufacture of ships of a higher tonnage, so that the coastal trade may be better carried on?

The Honourable Sir Muhammad Zafrullah Khan: I have answered several questions on the floor of the House on this matter, and there is one more in the name of Mr. S. Satyamurti today.

Mr. Satya Narayan Sinha: Sir, when my question was called, I was only a minute late: may I put my questions now?

Mr. President (The Honourable Sir Abdur Rahim): That makes no difference. The Chair cannot be expected to be on the look out when an Honourable Member comes in.

REVIEW OF TRADE AGREEMENTS.

1725. ***Mr. Satya Narayan Sinha:** Is it a fact that the trade agreements with other Dominions are coming up for review next year? If so, do Government propose to ask this House in the next Simla Session to continue the present preferences on the understanding that a fresh treaty will be negotiated at the 1937 Imperial Conference?

The Honourable Sir Muhammad Zafrullah Khan: The answer to the first part of the question is in the affirmative. As regards the second part, Government have no such present intention.

Mr. S. Satyamurti: Have they considered this matter, after the vote of the House on the Ottawa Agreement? I am asking about the second part of the question.

The Honourable Sir Muhammad Zafrullah Khan: I have given a reply to the question which is based upon a consideration of the matter since the vote of this House.

COUNTERFEIT COINS MENACE IN DELHI.

1726. ***Mr. Satya Narayan Sinha:** (a) Has the attention of Government been drawn to an editorial note in the *Hindustan Times*, dated the 2nd April, 1936, under the caption "Spurious coins menace"?

(b) Are Government aware that two out of every five rupees one receives in exchange for a currency note in the Delhi City, are base coins?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state what steps they have taken, or are going to take, to combat the alarmingly increasing crime?

The Honourable Sir James Grigg: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the replies given in the Assembly on the 2nd September 1935 to parts (b) and (f) and (h) of Mr. Lalchand Navalrai's starred question No 29. There has been a general fall in the number of counterfeit rupees, the decrease being particularly apparent in the Punjab due to a great extent to the activities of the special C.I.D. staff employed there to deal with counterfeit coining. There is no reason to believe that coins are counterfeited to any serious extent in Delhi though the Province has probably suffered from being close to areas where coining was formerly rife. The latest returns, however, show a big decrease in the number reported from Delhi.

Prof. N. G. Ranga: Are Government aware of the fact that there are very many half rupee coins in circulation in this city? They are all copper coins.

The Honourable Sir James Grigg: That is a question, which, I have answered.

Prof. N. G. Ranga: The Honourable Member has answered only the question referring to spurious rupees, and not about half rupee coins.

The Honourable Sir James Grigg: What I have said about the rupees applies to other coins also.

Prof. N. G. Ranga: By what time do Government think that this menace will be minimised?

The Honourable Sir James Grigg: When the world is completely honest.

ADMISSION OF INDIAN STUDENTS IN GERMAN FACTORIES.

1727. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the fact that the representative of the Federation of Chambers of Indian Commerce in Germany found after some enquiries that the German Government would be agreeable to admit Indian students to German factories in proportion to, or even more than, the extent of orders placed by India in Germany for German goods;
- (b) whether they propose to investigate the matter; and
- (c) whether they propose to take steps to see that Indian students are admitted in an increasing scale?

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

(b) Does not arise.

(c) Every possible effort is already being made by the High Commissioner for India to secure facilities for practical training of Indians in foreign countries.

Mr. S. Satyamurti: With reference to clause (a) of the question, may I know whether the answer means the fact is not that, or that their attention is not drawn to that fact?

The Honourable Sir Muhammad Zafrullah Khan: Their attention has not been drawn to that fact.

Mr. S. Satyamurti: Will they make inquiries as to whether the representative of the Federation of Chambers of Indian Commerce in Germany found out, what I allege, in that clause of the question?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will supply me with the information upon which his own question is based, and I find that the matter requires being pursued, I shall certainly take up the matter.

Mr. S. Satyamurti: With reference to clause (c) of the question, may I know whether Government are taking this particular line, namely, of getting increased facilities for Indian students being admitted in German factories, in proportion to the extent of the orders placed by India in Germany?

The Honourable Sir Muhammad Zafrullah Khan: With regard to that, I have already explained that it would be impracticable.

Mr. T. S. Avinashlingam Chettiar: In view of the importance of the question, will Government themselves address the authorities concerned?

The Honourable Sir Muhammad Zafrullah Khan: I have already replied to that question.

Mr. T. S. Avinashlingam Chettiar: What is the reply?

The Honourable Sir Muhammad Zafrullah Khan: I said that if the Honourable Member, who put the question, will supply me with the information on which his own question is based and that indicates that the matter is worth pursuing, I shall certainly take up the matter.

NOTE ENTITLED "TORPEDOING CHEAP MONEY POLICY" PUBLISHED IN THE
HINDUSTAN TIMES.

1728. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the note entitled "Torpedoing cheap money policy" from the Bombay Correspondent to the *Hindustan Times* published on the 1st March, 1936;
- (b) whether they are aware that local Exchange Banks and Joint Stock Banks have decided not to lend money below the official Bank rate;
- (c) whether they are aware that the merchants are agitated over the action taken by bankers;
- (d) whether the Indian Merchants Chamber has appealed to the Governor of the Reserve Bank to intervene in the matter; and
- (e) whether they propose to take any action?

The Honourable Sir James Grigg: (a) Yes.

(b) and (e). This is not a matter in which Government has any power to interfere. In any case, I notice from the Press cutting referred to by the Honourable Member, that the Imperial Bank did not join the other Banks so that the agreement is not likely to be effective if indeed it has not already fallen through.

(c) and (d). Government have no information.

Mr. S. Satyamurti: Apart from any Statutory power, I take it that is what the Honourable the Finance Member meant, that the Government have no power. If that is so, will Government consider, using such influence that they may have, in order to see that the state of affairs as revealed in clause (b) of the question is remedied?

The Honourable Sir James Grigg: I have said that the agreement was not particularly effective, because the most important Bank stood out, and I doubt if the agreement has ever been put into operation. In any case, any sort of hints or influence to be applied to the market should come from the Reserve Bank, and not from the Government, and even there the Reserve Bank have only the power of persuasion.

Mr. S. Satyamurti: Will Government bring it to the notice of the Reserve Bank?

The Honourable Sir James Grigg: I am a great believer in the policy laid down by the Legislature in this matter that Government should not interfere with the Reserve Bank.

Prof. N. G. Ranga: Was this bank rate higher than the market rate? Is it not a fact that usually the bank rate fixed by the Reserve Bank or the Government Bank whatever it is in any country is often lower than the market rate?

The Honourable Sir James Grigg: As a matter of fact, I do not know of any country in the world where the bank rate is not higher than the market rate. After all, people do not go to the Central Bank except when they cannot get money from the market.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member aware that, in the Report of the Controller of Currency for 1934-35, he has shown that whereas the bank rate is only $3\frac{1}{2}$ per cent, the market rate is 6 per cent. and 7 per cent.?

The Honourable Sir James Grigg: It seems to me very unlikely.

Mr. M. Ananthasayanam Ayyangar: I am referring to the official Report.

Prof. N. G. Ranga: Are any steps being taken to make the bank rate effective?

The Honourable Sir James Grigg: Does the Honourable Member want me to take steps to raise the market rate of interest,—No.

Prof. N. G. Ranga: It must be lower than the market rate.

INSISTENCE BY THE RAILWAY DEPARTMENT TO PURCHASE A PARTICULAR BRAND AND TRADE MARK OF ARTICLES.

1729. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether it is a fact that the Railway Department in purchasing articles sometimes insist on a particular brand and trade mark of article, for which only certain European firm enjoys the sole monopoly;
- (b) whether it is a fact that Asbestos Cement Limited are the sole agents for Bigsix and Everst Brands of cement sheets, etc.;
- (c) whether the Railway Department insist on having only this brand being supplied;

- (d) whether the Railway Department insist sometimes on Rubber Linoleum being supplied by the Dunlop Rubber Company, Ltd., who are the sole agents;
- (e) whether the Railway Department insist on purchasing Stiple Glaze sheets, of the make and brand of only the Asbestos Cement, Ltd., and
- (f) whether they propose to direct the Railways to refrain from insisting on a certain particular brand, but merely selecting the best in the market?

The Honourable Sir Muhammad Zafrullah Khan: (a) It is a fact that, where circumstances warrant it, Railways in purchasing articles, do occasionally specify particular brands. Such instances, however, are extremely rare. The firms that specialise in such articles are not always European.

(b) Messrs. Asbestos Cement Limited are manufacturers and not agents of "Everest" and "Bigsix" asbestos cement sheets, etc., which are manufactured by them in India.

(c) No.

(d) No.

(e) Information is being obtained and will be laid on the table of the House in due course.

(f) Instructions to the effect that all tenders should be called for and considered on the basis of specification or samples and that the names of particular manufacturers of the material required should not be mentioned in the notices of tenders or in the instructions to tenderers were issued in 1932.

Mr. S. Satyamurti: With reference to the answer to clause (f) of the question, are Government satisfied by inquiries that these instructions issued in 1932 are being faithfully carried out by all Railways, both State and Company-managed?

The Honourable Sir Muhammad Zafrullah Khan: Government are satisfied to that effect, but if any instances have come to the notice of the Honourable Member where there has been a breach, and if he will pass on the information to me, I shall look into the matter.

Mr. S. Satyamurti: With reference to clause (a) of the question, what are the circumstances,—I see the Honourable the Commerce Member said rare occasions,—what are the circumstances, Sir, of a general nature when Railways are permitted to insist on particular brands or trade marks of articles?

The Honourable Sir Muhammad Zafrullah Khan: I should imagine that where experience has shown that only a particular brand of article is suitable they insist on it.

Pandit Nilakantha Das: Have any brands or patents been standardised by the Standardisation Department of the Railways?

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

Mr. S. Satyamurti: Can Government give any indication as to what are the kinds of articles today, which Railways buy, in respect of which particular brands or trade marks are being insisted on?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will put down a question to that effect, I shall endeavour to answer it.

SITE FOR THE RE-BUILDING OF QUETTA.

1730. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether and how they have satisfied themselves that the site on which they propose to rebuild Quetta is likely to be free from earthquake shocks;
- (b) the military and political reasons why they have decided to rebuild Quetta on the same site; and
- (c) whether they considered any alternative site; if so, what it was and why they rejected it?

Sir Aubrey Metcalfe: (a), (b) and (c). The Honourable Member's attention is invited to the Government of India's Press Communiqué, dated the 23rd December, 1935, a copy of which has been placed on the table, and to the replies given in this House on the 6th February, 1936, to the supplementary questions that followed the reply to starred question No. 91.

23-12-35.

Communiqué.

The following statement of the views of the Government of India regarding the future of Quetta is issued after consultation with the non-official Committee the constitution of which was announced by Government in their Press Communiqué of the 14th October 1935.

There are two aspects of the very difficult problem that has been created by the disastrous Earthquake at Quetta. The first is the official aspect. Do the requirements of Government, military and civil, render it necessary to retain in Quetta (or in any other place in Baluchistan) the same, or approximately the same, official organisation as existed before the Earthquake?

The second, and perhaps more difficult, is the non-official aspect. Is it necessary or desirable to impose any restrictions on the return to Quetta (or other place in Baluchistan) of a civil population comparable in size to that which suffered so severely at the end of last May?

2. The answer to the second question depends largely on the answer to the first; and therefore it was the obvious duty of the Government to make up their minds first of all about their own requirements. They have now completed this task, after consulting all the experts and all the official interests concerned, and their broad conclusion is that official Quetta should be rebuilt, so far as possible, on the existing site, and that earthquake-resisting buildings should be provided for all permanent employees of Government who may be required to live and work there in future.

3. The steps that have led to this conclusion may be described as follows:—

In the first place, Quetta is one of the two great spear-heads of the defence of India. The garrison there is in the best position to act in defence of Western India from external aggression and to control the tribes and maintain peace and order in the Southern portion of the 600 miles of the North-Western Frontier of India. It has the further advantage that its climate permits troops to remain there and conduct their training throughout the year; and incidentally it possesses the only practicable site for an Aerodrome anywhere on the line from Sibi to the frontier. Military stores of all kinds have to be held in bulk in Quetta owing to the liability of the railway further back to interruption by flood or earthquake.

It is therefore necessary for the military garrison to remain in Quetta in much the same strength as at present.

4. In the second place, it follows that, if the troops must remain in Quetta, it is highly desirable, if not essential, that headquarters of the civil administration should be located in the same place.

5. Thirdly, it is obvious, provided that reasonable security can be ensured, that there are great practical advantages in having an existing framework, however, distorted it may be, on which to base reconstruction. An entirely new water-supply system, for instance, even if it were possible, would add very greatly to the cost; and any new alignment of the Railway or alteration in the position of the station at Quetta would be extremely expensive in any case, and even more so owing to the great engineering difficulties involved.

6. There remains, therefore, the safety aspect to be considered; for whatever may be the strategic importance of Quetta or its advantages from other points of view, Government could never deliberately ask their servants to return to it, if they were to be exposed to the risk of a repetition of the recent disaster. This aspect of the matter has accordingly been the subject of the most anxious and careful examination by experts.

7. The view of the Director of the Geological Survey of India, reinforced by that of experienced engineers, is that earthquake-proof construction will be a necessary precaution anywhere in Baluchistan; and that, if this precaution is adopted, reconstruction in Quetta itself is likely to be just as safe as, if not safer than, building anywhere else in Baluchistan. The whole of Baluchistan must be regarded as an earthquake area in which further shocks may be expected to occur from time to time but earthquake shocks in Baluchistan are not due to volcanic activity and therefore they are unlikely to recur in the same regions. They are the result of a condition of special strain in the rock formation of the area; the sudden movement of the rocks under enormous pressure causes the earthquake; but the movement itself relieves the stresses to which they have been subjected in the past and therefore reduces the likelihood of future earthquakes in the same place. Past experience shows that the focus of earthquake activity in Baluchistan has gradually been moving in a north-westerly direction and the probability therefore is that, if further serious shocks do occur, their epicentres will not be on the same line as the earthquake of May 31st.

The numerous tremors and after-shocks that have occurred in Quetta since May 31st are the normal accompaniment of every severe earthquake; and so far from their being regarded as the precursors of another severe shock; there is good reason to believe that Quetta is a safer area to build on than any area to the north or north-west.

8. Apart from this generalisation as to the probabilities of the future, regarding which of course there can be no absolute certainty, there are the following most important facts:—

- (1) The intensity of the earthquake in Quetta over a limited area was extremely high—higher than that of the Bihar earthquake—and yet such earthquake-proof buildings as there were in that area withstood the shock, while even ordinary buildings solidly constructed with good mortar were not seriously damaged. It was the extremely poor quality of the building in Quetta City that contributed more than anything else to the magnitude of the disaster.
- (2) There is no place in Baluchistan within a radius of 150 miles from Mastung where it would be legitimate to build in future without taking special precautions against earthquakes, and the standard of these precautions would probably have to be the same everywhere in this area.
- (3) The extra cost of earthquake-proof construction, as compared with a normal standard of good building, is not great for small houses of not more than a single storey. It is in the building of a second storey, and, even more, of a third, that heavy additional expenditure becomes necessary.

9. The only other point that perhaps deserves mention is the fact that there are certain areas in Quetta which are liable to malaria and also certain areas which would probably feel the effects of any future earthquakes rather more severely than the rest. These areas roughly coincide, and are situated in the low-lying and water-bearing tract which runs along the western side of the city—where the civil lines are now located—through the railway area and thence northwards past the R. A. F. lines. Non-water bearing soil, such as the rising ground towards the Staff College, transmits shocks with

less severity. Even in these areas, however, buildings of a proper type of construction would be safe and, if they must be built upon, they can be protected by special anti-malarial measures. On the other hand, according to a recent expert investigation of the malarial problem in Quetta, the site of the old city itself is as healthy as, and possibly healthier than, most others in the surrounding valley, and much can be done to make it healthier still by utilising the debris on the site to fill up depressions which now collect water and provide breeding places for mosquitoes.

10. The actual requirements of the civil administration in Quetta, e.g., in the matter of police, hospitals, schools, etc.—will of course depend largely on the extent to which a city of the pre-earthquake dimensions springs up again in the vicinity of the cantonment. It is necessary therefore to turn to the second broad aspect of the whole problem—the non-official aspect, or, in other words, the rebuilding of the city.

11. The two possible alternatives may be set side by side as follows :

- | | |
|---|--|
| I | II |
| A cantonment containing all the essentials for the civil and military sides of the Government with a bazaar and shopping centre commensurate with official needs. | A military cantonment, as at present, with some small regimental bazaars and its own municipal services. |
| <i>and</i> | <i>and</i> |
| A city at some distance from the cantonment, on an entirely new site, to serve the needs of trade and a health resort in the hot weather. | A Municipality adjoining the cantonment, containing Civil Lines and a city, with a separate set of municipal services and shops, serving both the needs of the official population (civil and military) and also the requirements of trade and a health resort during the hot weather. |

12. From the purely official point of view, the first alternative is to be preferred. The presence of a large city in the close vicinity of a cantonment is never desirable. It was undoubtedly the presence of the troops that led to the growth of the city that has just been destroyed. It was not necessarily for trade purposes before the cantonment was built, and even though it did become a centre of traffic for certain forms of merchandise between Afghanistan and India before the earthquake this traffic must necessarily be diverted into other channels for the next few years and may be slow to return. On the other hand, memories are short. The recent catastrophe may produce a deterrent effect for some time, but a period of immunity from shocks will soon lead to forgetfulness of the past and the natural tendency will be for traders and others to settle in the vicinity of the troops and gradually rebuild a city of, or approaching, the old dimensions. Nor is it easy to see how any positive check can be applied. An alternative site, whatever its natural advantages, would never become popular if it was far removed from the protection that the troops afford and the money that the troops have to spend. Moreover, it is an undoubted fact that, without a city of the pre-earthquake character, the cantonment would have to be provided with a Sadar bazaar and a shopping centre of a very considerable size, and experience in other places has shown that the methods of cantonment administration are not particularly well adapted to the running of extensive bazaar areas.

13. Then again there is the question of private rights in the land that now lies buried under the ruins of Quetta City. Some of this land may never be claimed; the owners of other portions of it may never wish to return; but if the old City is to be replanned on broader and safer lines, some dislocation of existing rights will be inevitable. The settlement of these and similar problems will be difficult enough, but a decision to prohibit rebuilding on the existing site would involve the extinction of private rights altogether and would give rise to an even more serious set of problems. Moreover, there is no other site on which the city could be rebuilt in the immediate vicinity of the cantonment and within reasonable distance of the Railway station; nor, even if such a site were available, would the cost of building be lower or the risk of inhabiting it any less.

14. On the other hand, the salvage operations now in progress will eventually clear the existing site, leaving a framework of roads, drains and electric and water mains on which the plan of a new and better city can be laid out. The width of many roads will

have to be increased; stringent building regulations will have to be laid down and rigorously enforced; and, if the population ever reaches pre-earthquake dimensions, a considerable expansion of the superficial area will become necessary. With these developments in view, Government have engaged the services of a town-planner to secure the lay-out of the new city on modern scientific lines and with, so far as possible, protection against future disaster, disease and epidemic. To provide for the anticipated expansion, they have under consideration the acquisition of certain land to the south and south-east of the present city and are issuing at once a notification under Section 4 of the Land Acquisition Act in respect of it. For the new lay-out, certain land within the existing municipal area east of the Lytton Road will also be required, e.g., for the widening of roads. The particular portions required cannot be known until the site has been cleared and a decision arrived at on the expert advice regarding the new lay-out. It is possible that as a result of Government's own operations on site clearance or of speculative sales effected before Government's requirements in this area are finally known, the price of land might be unduly inflated. To obviate this possibility, while having no intention of acquiring the whole municipal area east of the Lytton Road, Government have decided to issue a notification under Section 4 of the Land Acquisition Act in respect of it also. It is doubtful if salvage and site clearance operations in the city can be completed before late in the summer of 1936 and bearing in mind cold weather conditions in Quetta it appears most unlikely that non-official reconstruction on any large scale could commence before April 1937.

15. These facts and difficulties must all be faced; but the conclusion to which they point and which the Government themselves feel compelled to adopt is that, if the civil population desire to return to the vicinity of Quetta, they must be prepared to reoccupy the site of the old city and to accept, as a condition of their return and in their own interests, the need for a better, and therefore a more expensive, standard of building than was permitted in the past.

16. In order to mitigate the hardship caused to property owners in Quetta City by the earthquake, the Government have decided to clear and level the old site at Government expense. They have also adopted the following measures to secure the expedition of salvage and site clearance. A senior officer of the Political Department has been recalled from leave and posted to Quetta with instructions to organise these operations in such a manner as he considers necessary for more rapid and efficient progress. In consultation with the non-official Committee the constitution of which was announced by Government in their press communiqué of the 14th October 1935, the strength of the labour forces has already been increased by half, and the number of officers from two to seven. By the middle of January it is anticipated that two full battalions will be employed with eight officers in all. The number of assistants to the Claims Commissioner was raised some time ago from two to three and as soon as the increase in the strength of the labour force renders it necessary, two more will be appointed. In certain limited areas of the city where conditions permit, facilities have been afforded, as an experiment, to private individuals under the supervision of local gentlemen, to salvage their possessions. This is, however, impracticable in the more congested wards where in the interest of expedition and of the protection of property rigid official control is required. Further the structural material of collapsed buildings cannot be extracted or identified without causing the progress of all salvage and clearance operations to be seriously retarded. Delivery of such material to individual owners is therefore impracticable and much of it would be valueless because its use will not be permitted for purposes of reconstruction. In view of these considerations and also of the fact that Government are undertaking an expenditure on site clearance which would otherwise fall on property owners, they have decided to take all such material into their custody and to dispose of it at their discretion. In the event of its sale the proceeds will be credited to His Excellency the Viceroy's Relief Fund and will be earmarked, so far as may prove practicable, for the relief of owners of real property in Quetta City who suffered loss in the earthquake.

Mr. S. Satyamurti: May I ask the Honourable Member whether the attention of Government has been drawn to the earthquake shocks which still occasionally appear in and around Quetta?

Sir Aubrey Metcalfe: They certainly receive information which is available to everybody else when such shocks take place.

Mr. S. Satyamurti: Have Government considered their decision, in view of the continuance of these shocks, and has it made no case for even a re-examination of the question?

Sir Aubrey Metcalfe: I think not. I understand that the experts say that such shocks are an invariable consequence of a large earthquake, and that no specific attention need be paid to it. The fact that slight shocks would occur was taken into consideration when the decision was made, and for that reason, as the Honourable Member would know if he had read this communiqué, it is proposed to make the buildings proof against earthquake so far as that can be done.

Mr. T. S. Avinashilingam Chettiar: May I know the answer to part (c) of the question, whether they have considered any alternative site?

Sir Aubrey Metcalfe: I would refer the Honourable Member to the communiqué. The whole matter is fully set out therein.

Mr. Lalchand Navalrai: May I know if the communiqué says who the expert is that recommended the same site, and what were his reasons?

Sir Aubrey Metcalfe: If the Honourable Member will read the communiqué, he will find the answer to his question.

Mr. President (The Honourable Sir Abdur Rahim): There was a very full communiqué.

Mr. Lalchand Navalrai: With regard to the question of the site itself, the reasons are not fully set out.

Sir Aubrey Metcalfe: The whole question is dealt with in the communiqué, a copy of which I have here.

Mr. Lalchand Navalrai: Will the Honourable Member tell me one reason at least, for sticking to the same site?

Sir Aubrey Metcalfe: Does the Honourable Member wish me to read the communiqué? I have it here.

Mr. President (The Honourable Sir Abdur Rahim): No, no. Certainly not.

COSTS OF RE-BUILDING THE MILITARY AND CIVIL STATIONS OF QUETTA.

1731. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) what are the respective costs of rebuilding the military and civil stations of Quetta;
- (b) why the cost of rebuilding the civil station of Quetta is also proposed to be debited to the Government of India; and
- (c) the total cost, including all incidental costs, of rebuilding Quetta Civil and Military Stations?

Sir Aubrey Metcalfe: (a) The estimates of cost are for Civil re-building (including Railway) 150 lakhs. Military 710 lakhs. These figures are approximate and include the cost of services and establishment as well as site clearance. They also include the cost of re-building at places in Baluchistan other than Quetta where earthquake-proof buildings are also considered necessary.

(b) If the Honourable Member is referring to un-official building, the cost of such works is not being debited to the Government of India.

(c) The Honourable Member's attention is invited to the reply given by me on 6th March, 1936, to part (a) of his question No. 964.

Mr. S. Satyamurti: What are the other places, besides Quetta, for which provision is made in the estimates which the Honourable Secretary read out, for erecting earthquake proof buildings?

Sir Aubrey Metcalfe: No final decision has been taken yet, but Chaman is a place where it is expected that future earthquakes will occur, and the question is therefore being considered whether the existing Government buildings should not be replaced by earthquake proof buildings, but no final decision has yet been come to on that point.

Mr. S. Satyamurti: What is the total amount of this estimate which is set apart for buildings outside Quetta?

Sir Aubrey Metcalfe: No final estimate has yet been made. The whole question is under consideration and no estimate will be made until the question of principle has been decided.

Mr. S. Satyamurti: With reference to the answer to clause (b) of the question, may I know, apart from the un-official buildings,—that is the phrase I think the Honourable Member used,—what is the total cost of re-building the civil station of Quetta, as apart from the military station of Quetta?

Sir Aubrey Metcalfe: I have already stated in my reply that the estimate of cost for civil re-building which includes the railway, is Rs. 150 lakhs. I cannot give separate figures for civil as opposed to railway, but Rs. 150 lakhs is expected to cover the whole of the civil re-building including the railway.

Mr. S. Satyamurti: May I ask the reasons why the cost of re-building the civil station of Quetta, apart from railways and apart from military, is being debited to the Government of India?

Sir Aubrey Metcalfe: Because the charges on Baluchistan fall on the Central revenues.

Mr. Lalchand Navalrai: May I know from the Honourable Member if private houses are being allowed to be re-built there, or whether any other plan will be called for from them?

Sir Aubrey Metcalfe: That, again, is dealt with in the communique, but I hardly think that it arises out of this question, as put down on the paper.

Prof. N. G. Ranga: Will Government take care to see that these estimates are not doubled or trebled, as was the case in the building of New Delhi?

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

PLANS AND TENDERS FOR THE RE-BUILDING OF QUETTA.

1732. ***Mr. S. Satyamurti**: Will Government be pleased to state:

- (a) whether it is a fact that for rebuilding Quetta they will not draw plans and invite tenders, but will invite the contractors to submit plans;
- (b) whether they are prepared to adopt the system of drawing up plans and then inviting tenders; and
- (c) if not, why not?

Sir Aubrey Metcalfe: (a) No, but contractors have been given the option of submitting alternative designs.

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

Mr. S. Satyamurti: May I take it that, in every case where tenders are invited, Government will publish their own designs, and merely give freedom to tenderers, if they so choose, to submit tenders for the Government designs or alternative tenders for alternative designs submitted by them?

Sir Aubrey Metcalfe: This is a matter of detail, but the present position is, I understand, that the contractors are given designs and are asked to tender for that, but, as is usually done, they are given the option of submitting an alternative design which Government may reject or accept.

Mr. S. Satyamurti: Is it so in every case? I am merely asking, because of the allegations made in the press and elsewhere, that contractors are asked to give designs as they choose,—whether the Honourable the Secretary has satisfied himself by enquiry that, in every case, Government submit designs, while, of course, giving freedom to the contractor to submit alternative designs.

Sir Aubrey Metcalfe: I made enquiries and that is the information that I am given by the engineers who are responsible for preparing the designs themselves.

FOREIGN EXPERT TO ADVISE ON THE RE-BUILDING OF QUETTA.

1733. ***Mr. S. Satyamurti**: Will Government be pleased to state:

- (a) the names and the status of those who constituted the committee which recommended the importation of a foreign expert to advise on the rebuilding of Quetta;
- (b) the cost of importing a foreign adviser; and
- (c) whether they made any enquiries about any competent Indian architect, whose advice could have been sought and about the cost of employing an Indian expert?

Sir Aubrey Metcalfe: (a) and (c). In answering the supplementary questions arising out of the Honourable Member's question No. 964 I stated that the architect was appointed on the recommendations of a Committee. On looking up the papers I find that this was not correct. The Military Engineering Service, which is the department that is carrying out the official reconstruction of Quetta, originally had an architect of their own, but the appointment was retrenched some years ago. It was at first hoped that such architectural assistance as might be required in re-building Quetta could be obtained from the Government Architect serving in the Central Public Works Department, but subsequently it was found that he had too much other work to do and it was also thought that special knowledge of earthquake-proof designing would be most valuable. Government finally decided therefore to ask the Secretary of State to recruit a suitable man. The matter was by that time one of considerable urgency, but I may point out that as the appointment constituted an addition to the office establishment of the Military Engineering Service, it had in any case to be made by the Secretary of State. Before asking the Secretary of State to recruit a man, such enquiries as were possible were made by approaching recognised consulting architects in India to ascertain whether there was any likelihood of securing an architect with suitable special qualifications in this country. The result was as stated in my reply to the original question, but I may add that Government did not ask the Secretary of State to recruit a British or foreign architect. They left the selection entirely to him.

(b) The cost is the pay of the officer which is Rs. 1,300 per mensem plus overseas pay and a passage to and from India.

Mr. S. Satyamurti: For how long, and from how many sources, did Government make enquiries, as to the availability of a competent Indian architect?

Sir Aubrey Metcalfe: They made enquiries for as long as possible considering the urgency of appointing a man.

Mr. S. Satyamurti: I want to know for how many weeks and from how many sources, and in what manner, the enquiries were made.

Sir Aubrey Metcalfe: I have already stated that enquiries were made. I do not know whether the Honourable Member means to doubt the accuracy of my statement.

Mr. S. Satyamurti: I want to know the nature of the enquiry, in order to satisfy myself, and, if the Honourable the Secretary so chooses, to satisfy the House, that enquiries were made on such a scale as was adequate, and whether the Government found that there was no Indian expert, which I can hardly believe. That is why I am asking about the nature of the enquiry, in order to satisfy myself that the Government did make an attempt to get an Indian expert but failed.

Sir Aubrey Metcalfe: The Honourable Member may find it hard to believe, but I am merely stating the fact and I leave it to him to believe it or not.

Mr. S. Satyamurti: May I know what are the materials on which Government came to the conclusion that no Indian expert was available?

Sir Aubrey Metcalfe: Enquiries which they made. I cannot put it clearer than that.

Mr. T. S. Avinashilingam Chettiar: May I know the nature of the enquiries

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already answered.

Mr. T. S. Avinashilingam Chettiar: He said, as far as possible, within the limited time. I want to know what is the nature of the enquiries.

Mr. President (The Honourable Sir Abdur Rahim): He has already answered.

Mr. N. M. Joshi: May I know why the High Commissioner was not asked to select the man, instead of the Secretary of State?

Sir Aubrey Metcalfe: I have already explained that. The appointment required the sanction of the Secretary of State, and it was for that reason that an application was made to him.

Mr. S. Satyamurti: Was the appointment already in the sanctioned cadre, or was it a new appointment?

Sir Aubrey Metcalfe: It is a new appointment, and for that reason the Secretary of State's sanction was required. As I have explained, there was an appointment of architect previously, but it was retrenched some years ago, for reasons of economy.

Mr. S. Satyamurti: Was it not open to the Government of India themselves to create the appointment, without having to ask the Secretary of State to make the appointment?

Sir Aubrey Metcalfe: No.

Mr. S. Satyamurti: Under what rule?

Sir Aubrey Metcalfe: I cannot give the exact rule, but it was not open to them to do so.

Mr. M. Ananthasayanam Ayyangar: May I know if the expert who has been imported has given advice on any other earthquake ridden area before this?

Sir Aubrey Metcalfe: Not so far as I am aware, but I should like to have notice of that question.

Mr. T. S. Avinashilingam Chettiar: Then, what is his expert knowledge?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants time to get the information, and what is the good of putting further questions?

Mr. M. Ananthasayanam Ayyangar: Without considering that, how was he appointed I want to know.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair has given its ruling.

Mr. M. Ananthasayanam Ayyangar: On a point of order, Sir

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member was asked what were the qualifications, whether the new man appointed had experience of building of any other place which had suffered from earthquake. The Honourable Member for Government says that he wants notice of that question. Then the Honourable Member went on to ask on what material he has come to that conclusion. The Honourable Member is making an assumption.

Mr. S. Satyamurti: What are the qualifications of this foreign architect? I am not asking about earthquakes.

Sir Aubrey Metcalfe: I think that question has been answered already. I am informed that the architect who has been appointed by the Secretary of State has considerable experience of earthquake proof buildings in America.

Mr. T. S. Avinashilingam Chettiar: What is the sort of inquiry they made in India to get an engineer like this?

Mr. President (The Honourable Sir Abdur Rahim): That has been already answered.

Mr. T. S. Avinashilingam Chettiar: That has not been answered.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member must accept the Chair's statement. Next question.

Mr. T. S. Avinashilingam Chettiar: I am not questioning your statement. I would like to say, Sir, that we feel we are being treated like school boys here.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is out of order. The Chair is entitled to say that.

Mr. T. S. Avinashilingam Chettiar: I am not questioning your ruling, but I question the tone in which that ruling was given.

Mr. President (The Honourable Sir Abdur Rahim): The Chair told the Honourable Member that this question has been answered.

Mr. S. Satyamurti: We feel hurt about the tone of your remarks. We are not school boys. We are your colleagues here.

(Cries of "Order, order" from Official Benches.)

Mr. President (The Honourable Sir Abdur Rahim): The Chair tried to be as polite in tone as possible, but when its orders are being repeatedly defied, the Chair cannot help expressing its annoyance at that. Next question.

USE OF INDIAN CEMENT AND OTHER ARTICLES FOR RE-BUILDING OF QUETTA.

1734. ***Mr. S. Satyamurti**: Will Government be pleased to state:

- (a) whether it is a fact that they have made up their minds to use Indian cement and Indian articles for rebuilding Quetta;
- (b) whether they propose to import articles and materials from outside India for this purpose, and if so, why?

Sir Aubrey Metcalfe: (a) and (b). The Honourable Member's attention is invited to the reply given on the 7th April, 1936, to part (a) of starred question No. 1476.

Mr. S. Satyamurti: Speaking from memory—I hope the Honourable Member will correct me if I am wrong—I think in reply to the last question the Honourable Member said that wherever possible, they will use Indian articles. May I take it that that is the position today.

Sir Aubrey Metcalfe: It is only a week ago that that question was answered. No particular progress has been made since then. The position remains exactly the same.

Pandit Nilakantha Das: May I know if the materials will be purchased through the Stores Department or what proportion of the materials will be purchased through the Stores Department?

Sir Aubrey Metcalfe: I cannot answer that question without notice. It is not a thing with which I deal. I shall have to ascertain it from the people who are actually engaged in purchasing the things.

RE-EXAMINATION OF THE QUESTION OF RE-BUILDING OF QUETTA.

1735. ***Mr. S. Satyamurti**: Will Government be pleased to state whether they propose to re-examine the whole question of rebuilding Quetta with the assistance of experts in India, under the following heads:

1. The site on which Quetta is to be rebuilt,
2. the agencies to advise on the rebuilding of Quetta.
3. the system of contracts and tenders,
4. the time to be taken for rebuilding Quetta,
5. the financing of the whole scheme either from current revenue or from Central Exchequer or from Provincial Exchequer,
6. the question of requesting His Majesty's Government to pay contributions to the rebuilding of Quetta, and
7. the question of using Indian materials alone for the rebuilding of Quetta? If not, why not?

Sir Aubrey Metcalfe: No. The Honourable Member's attention is invited to the Foreign and Political Department Resolution No. D-557-Eq./35, dated the 24th December, 1935, which has dealt with points 1 and 2 raised by him; to the Honourable the Finance Member's Budget Speech which has dealt with points 4 and 5; and to my replies to the Honourable Member's own questions Nos. 1782 and 1784 regarding points 3 and 7. It will be observed that the decisions on the various matters were taken after the most careful consideration; and a further examination in consultation with more experts will only result in a waste of time and public money. As for (6) the Government of India do not propose to make any such request as they can see no grounds upon which they could justify it.

Mr. S. Satyamurti: I will ask one question with regard to clause (6) of my question. May I know whether the decision to re-build Quetta on the same site is or is not based on certain overpowering military and strategic considerations?

Sir Aubrey Metcalfe: Military considerations were certainly one of the reasons, as the Honourable Member will note from reading the communiqué.

Mr. S. Satyamurti: In view of that, therefore, may I know whether, considering Indian defence as part of Imperial defence, the Government will consider the question of requesting His Majesty's Government, to pay a suitable contribution for the re-building of Quetta?

Mr. G. R. F. Tottenham: I may be allowed to answer that question. The existence of a Garrison at Quetta is necessary for the defence of India and not for Imperial reasons. There is no justification therefore for approaching His Majesty's Government on the subject.

Mr. S. Satyamurti: In view of the findings of the Capitation Tribunal, that to a certain extent His Majesty's Government should make a contribution towards Indian defence, will Government consider this question of approaching His Majesty's Government for a contribution towards the re-building of Quetta?

Mr. G. R. F. Tottenham: His Majesty's Government have already made a very considerable contribution of one and a half million pounds towards Indian defence and we cannot at this stage see any justification for re-opening that question.

Sardar Sant Singh: With reference to part 3 of the question—the system of contracts and tenders—may I ask if some of the contractors who have suffered immensely by the earthquake have put in tenders for the work and how their tenders have been received?

Sir Aubrey Metcalfe: I submit that that hardly arises out of this. If the Honourable Member wants that information, he should put down a question.

Prof. N. G. Ranga: In view of the fact that the capitation charges were paid by the British Government in respect of their other responsibilities as far as our defence forces are concerned, will Government at least consider the advisability of placing this suggestion expressed by several Honourable Members of this House before His Majesty's Government and ask them whether they would be willing to share this burden of re-building Quetta?

Sir Aubrey Metcalfe: That has been answered already three times in the negative.

Dr. N. B. Khare: Is defence of India not an Imperial concern?

Mr. T. S. Avinashlingam Ohttiar: What is the answer to part 7?

Sir Aubrey Metcalfe: That has been answered. The question has been very carefully considered.

Prof. N. G. Ranga: Why is it that the Government of India refuse to bring to the notice of His Majesty's Government the views of many Honourable Members of this House that they should bear a portion of the expenses of re-building Quetta?

Sir Aubrey Metcalfe: His Majesty's Government will no doubt see the questions put in this debate, for it is very nearly one, in this House.

Sardar Sant Singh: When dealing with the tenders for re-building of Quetta, may I know if Government will consider the desirability of granting first refusal to the contractors of Quetta who have suffered in the Quetta earthquake?

Sir Aubrey Metcalfe: No. I think not.

CANCELLATION OF THE GUN LICENCE OF MR. F. A. SHERWANI BY THE DISTRICT MAGISTRATE, ETAH.

1736. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether it is a fact that the District Magistrate, Etah, cancelled the licences to keep a gun granted to Mr. F. A. Shervani, Managing Agent, Neoli Sugar Factory in Etah District, and his brother on the ground that they were present on the occasion of the celebration of the Jubilee of the Indian National Congress on the 28th December, 1935; and
- (b) whether they propose to make enquiries into the matter in view of their declared policy not to interfere with such actions?

The Honourable Sir Henry Orsk: (a) I have no information.

(b) No.

Mr. S. Satyamurti: Will Government call for information?

The Honourable Sir Henry Orsk: This is a matter for the Local Government.

Mr. S. Satyamurti: Considering that Government stated in this House in answer to a question that Government did not interfere with the celebration of the Silver Jubilee of the Indian National Congress, will Government make an enquiry into this matter of the definite allegation I make in my question?

The Honourable Sir Henry Craik: I think it is for the Local Government to make inquiries. I am prepared to send a copy of the Honourable Member's question to the Local Government.

DEPRIVATION OF THE CONTRACT OF A MAIL CONTRACTOR AT ETAH.

1737. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether it is a fact that the District Magistrate, Etah, threatened a mail contractor of the Post Office to see that his contract was not renewed, unless he gave an understanding that he will not take any part in the elections of the Council and Local bodies on behalf of the Congress;
- (b) whether on his refusal to do so, he was deprived of that contract; and
- (c) whether they are prepared to inquire into the matter?

Mr. G. V. Bewoor: (a) The Honourable Member has not specified the name of the contractor but I have no information of any such threat having been made by the District Magistrate.

(b) I am informed that no contractor in the Etah District has been deprived of his contract for the reason stated by the Honourable Member.

(c) Does not arise.

Mr. S. Satyamurti: May I know if these answers are based on any inquiries made, after receipt of this question by the Government? I am asking whether the answer to clause (b) is based on any inquiries made by Government.

Mr. G. V. Bewoor: Yes, Sir.

Mr. S. Satyamurti: May I know whether Government specifically asked the District Magistrate, Etah, whether he did threaten or did not threaten the mail contractor of the Post Office, saying that his contract would not be renewed, unless he gave an undertaking that he would not take any part in elections to the Council and Local Bodies, on behalf of the Congress?

Mr. G. V. Bewoor: No, Sir. It is not a matter for Government to inquire, it is for the contractor to represent that he was threatened.

Mr. S. Satyamurti: I am asking whether Government are not interested in seeing that Government patronage is not distributed on political considerations, but on purely financial considerations and considerations of efficiency.

Mr. G. V. Bewoor: Government have no reason to believe that such an incident happened; a person who has suffered, as implied in the question, would naturally have made a representation in the matter.

RESTRICTION ON THE ADMISSION OF INDIANS TO A WORLD MUSEUM IN JAPAN.

1738. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether it is a fact that there is a world museum in Tokyo, Japan, restricting admission to Indians, and that there is a notice board hanging that "dogs and Indians are not allowed";
- (b) whether they are prepared to make enquiries into the matter; and
- (c) whether they are prepared to take necessary and immediate steps in the matter?

Sir Aubrey Metcalfe: The Government of India have no information but enquiries are being made.

Mr. S. Satyamurti: When the inquiries are finished, will the Honourable the Foreign Secretary be good enough to supply the information to this House?

Sir Aubrey Metcalfe: Certainly. I hope to get an answer very soon; I have sent an expensive telegram to Tokyo.

LOW QUOTA OF CARGO ALLOWED BETWEEN KARACHI OR BOMBAY TO TUTICORIN FOR THE SMALL STEAMSHIP COMPANIES.

1739. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether they have received a letter from the Indian Chamber of Commerce, Tuticorin addressed to the Secretary, Government of India, Commerce Department;
- (b) whether they have examined their allegation that the yearly quota of 11,500 tons of cargo (allowed between Karachi or Bombay to Tuticorin) for the Small Steamship Companies as per clause 3 (d) of the Delhi Award—January, 1935, is low compared with the volume of Tuticorin's imports from the above ports;
- (c) whether they propose to take any steps to remove the above restrictions or adequately enhance the same; and
- (d) if not, why not?

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

(b), (c) and (d). The quota was fixed with reference to other considerations than the total volume of Tuticorin's imports, and the question of the revision of the Award with reference only to that consideration does not therefore arise.

Mr. S. Satyamurti: Will Government consider the desirability, in view of the strong feeling in the matter and of various subsequent events, of re-examining the whole question of this fixing of the quota with a view to an equitable settlement?

The Honourable Sir Muhammad Zafrullah Khan: Inasmuch as the quota was fixed by an Award, I do not see in what manner Government can re-examine the question with a view to the settlement of the matter judicially.

Mr. S. Satyamurti: Government can approach the parties concerned, stating these facts and try to bring them together in order to see if the Award cannot be amended with the consent of the parties concerned.

The Honourable Sir Muhammad Zafrullah Khan: I understand that at the time when this quota was fixed with regard to Tuticorin, there was no discontent about it. The parties knew what was being done and there was no feeling that what was being done was unfair.

Mr. S. Satyamurti: In view of the later developments, cannot Government try and ascertain, if there is any grievance on either side, and try to bring about a better and more satisfactory solution?

The Honourable Sir Muhammad Zafrullah Khan: If there is a serious grievance, it is for the parties to bring that to the notice of Government and it is not for Government to inquire whether there is a grievance.

Mr. T. S. Avinashilingam Chettiar: Is there not a period of time after which the Award is liable to be revised?

The Honourable Sir Muhammad Zafrullah Khan: The Award is co-terminous with the Tripartite Agreement between the conference lines.

TRADE NEGOTIATIONS BETWEEN GREAT BRITAIN AND DENMARK.

1740. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the statement of Mr. Malcolm MacDonald, Dominions Secretary, in the House of Commons on the 18th February, 1936, to the effect that the United Kingdom Government had informed the Dominions Governments of their intentions to conduct trade negotiations with Denmark so as to give those Governments an opportunity of expressing their views, if they thought their interests were affected, and that the same procedure would be followed in connection with any negotiations which might take place for the revision of similar commercial agreements with other foreign countries;
- (b) whether they are also given an opportunity of expressing their views, and if not, whether they will press the point; and
- (c) if not, why not?

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

(b) Yes.

(c) Does not arise.

Mr. S. Satyamurti: When were Government asked for their views?

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

Mr. S. Satyamurti: Have they expressed their views?

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

Mr. S. Satyamurti: Will they place their views before the House?

The Honourable Sir Muhammad Zafrullah Khan: No. It would not be necessary to do that. I doubt—of course, as I have said, I would require notice, with regard to the previous supplementary question—but I doubt whether India was in any manner affected by these negotiations and therefore it would probably not have been necessary to put forward any views.

Mr. S. Satyamurti: May I take it that the Government of India have come to the conclusion that they have no interest in this matter?

The Honourable Sir Muhammad Zafrullah Khan: No. I said that the specific matter referred to in part (a) did not affect India's interests.

INTRODUCTION OF SUBSIDY IN AID OF TRAMP SHIPPING BY THE BRITISH GOVERNMENT.

1741. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to the action of the British Government in introducing a Bill to continue the subsidy in aid of tramp shipping amounting to two million pounds on grounds that every effort must be made to preserve efficiency in tramp shipping, which was one of the most valuable elements in British Mercantile Marine;
- (b) whether they are aware that the Bill was sought to be justified by the necessity of meeting subsidised foreign competition, which had been driving British ships off seas; and
- (c) whether they propose to take similar action here?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are aware that His Majesty's Government in the United Kingdom have undertaken legislation for the continuance of the British Shipping (Assistance Act, 1935, for another year.

(b) I would refer the Honourable Member to the provisions of the relevant Acts and to the speeches made by Government spokesmen in Parliament in connection therewith.

(c) The circumstances of Indian shipping are entirely dissimilar, so the question of taking similar action does not arise.

Mr. S. Satyamurti: May I ask whether, in view of the dissimilar circumstances, the Government of India will consider the desirability of taking "dissimilar" but equally effective action to protect Indian shipping?

The Honourable Sir Muhammad Zafrullah Khan: This is a matter on which I have given very long replies already, to which I might invite the attention of the Honourable Member; as a matter of fact, I am inviting his attention to them in reply to question No. 1744.

DISCRIMINATION AGAINST INDIANS IN FIJI.

1742. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to a letter entitled "Racial Discrimination" published in the *Hindustan Times*, dated the 22nd February, 1936, regarding discrimination against Indians in Fiji;
- (b) whether the facts stated therein are correct; and
- (c) if so, what steps they have taken or propose to take to prevent such racial discriminations?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The instance of racial discrimination quoted in the letter is the recommendation of a Committee to reserve an area at Tavua for European residential sites. In this connection the attention of the Honourable Member is invited to the reply given by me to starred question No. 1480 on the 8th April last, and to the supplementaries arising out of it.

INTRODUCTION OF PROVINCIAL AUTONOMY.

1743. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to a statement by the Under Secretary of State for India in the House of Commons on the 7th February, 1936, about the introduction of Provincial autonomy, especially to his statement "providing Sir Otto Neimeyer's report shows there is no financial obstacle";
- (b) whether they have been consulted on this matter; and
- (c) whether they have advised or propose to advise the Secretary of State on the matter?

The Honourable Sir James Grigg: (a) Yes.

(b) The Government of India were not consulted on the precise terms of that statement; but as regards its mention of the bearing upon the introduction of Provincial Autonomy of the results of Sir Otto Neimeyer's enquiry, reference is invited to the recommendation in paragraph 273 of the Report of the Joint Select Committee.

(c) I cannot at present add anything to what I said in reply to the Honourable Member's question No. 1629 and supplementary questions.

Mr. S. Satyamurti: May I ask—if my Honourable friend can help me in this matter—what he understands by the phrase "no financial obstacle"? I am talking of the Under Secretary of State for India's speech in the House of Commons, referred to in clause (a) of my question.

The Honourable Sir James Grigg: I assume that "no financial obstacle" means that there is—to put it in the reverse way—a prospect of the Central Budget still being balanced when the necessary initial subventions and the cost of the separation of Burma are taken into account.

Mr. S. Satyamurti: May I take it that it means that the Central as well as the Provincial Budgets of the eleven Provinces should be balanced, before Provincial Autonomy is instituted?

The Honourable Sir James Grigg: No, I did not say that. I think that there is a prospect of that being achieved. I think that is not an unfair way of putting it.

Mr. S. Satyamurti: "Prospect", immediately, or within a few years.

The Honourable Sir James Grigg: Within a very short time.

Mr. S. Satyamurti: About three years?

The Honourable Sir James Grigg: I am not prepared to be as specific as that.

Sir Cowasji Jehangir: Sir, the Honourable Member asked whether the "prospects" mean that each Province would be certain of balancing its budget. I do not think the Honourable the Finance Member meant that?

The Honourable Sir James Grigg: I did not say that. "Whether there is a fair prospect of their being able to achieve that"—I do not think that *that* is an unfair statement.

ARTICLE ENTITLED "OVERSEAS PASSENGER TRAFFIC" PUBLISHED IN THE
HINDUSTAN TIMES.

1744. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether their attention has been drawn to a leading article entitled "Overseas Passenger Traffic" in the *Hindustan Times* of the 22nd February, 1936; and
- (b) whether they propose to consider the whole question of assistance to Indian efforts towards participation in the overseas trade and establishment of an Indian-owned and Indian-managed passenger service; if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have seen the article referred to.

(b) Government's attitude in the matter has been explained on more occasions than one; attention is in particular invited to the replies given by me to starred questions Nos. 754, 1057, 1220 and 1505 asked during the current Session.

Mr. S. Satyamurti: May I ask Government just one supplementary question on this matter? When will Government consider the extremely urgent need for doing something to assist Indian shipping and taking some bold, courageous step, and that very quickly?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid that also has been answered in the very large number of supplementary questions put on previous occasions.

Mr. S. Satyamurti: In short, is anything going to be done?

The Honourable Sir Muhammad Zafrullah Khan: I have explained that also in detail.

Prof. N. G. Ranga: Will Government examine the question of starting a State-aided passenger shipping service?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir. Government have no such scheme under contemplation.

Prof. N. G. Ranga: Will Government consider the question?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir. Government are not prepared even to consider the question because, I am quite sure, consideration would show that it would not be a wise thing to do.

Prof. N. G. Ranga: Why is it that Government do not even wish to examine it?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given his reasons.

Prof. N. G. Ranga: These simply assume, Sir, that it would not be profitable—even before examining the question.

Mr. President (The Honourable Sir Abdur Rahim): That is his reason; he has given it.

Prof. N. G. Ranga: But the Honourable Member simply assumes...

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member has given his reasons—the Chair said: he must take the Chair's ruling.

RESUMPTION OF THE WORK OF THE CHAMAN COMMISSION.

1745. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) whether the work of the Chaman Commission is proposed to be resumed in the middle of April;
- (b) what the scope of the work of the Commission is; and
- (c) whether the report of this Commission will be placed before the House for its opinion before Government take final action in the matter?

Sir Aubrey Metcalfe: (a) Yes.

(b) The Commission has been appointed for the settlement of all outstanding criminal disputes between the inhabitants of the Quetta-Pishin Agency in Baluchistan and those of the Kandahar Province in Afghanistan, from the date of accession of His late Majesty King Nadir Shah till the present date at a jirga to assemble on the international frontier between Chaman and Killa Jadid.

(c) No.

Mr. S. Satyamurti: Will the report of this Commission require any action to be taken by this Government?

Sir Aubrey Metcalfe: Probably not. The report will merely consist of a series of decisions reached on small criminal cases.

Mr. S. Satyamurti: Will Government action be called for, to any extent or to any degree, for giving effect to the findings in these criminal disputes by this Commission?

Sir Aubrey Metcalfe: Yes, possibly some action may be called for in collecting fines and so on, but that will be all.

Mr. S. Satyamurti: May I take it that there will be no financial obligation placed on this Government, as a result of the findings of this Commission?

Sir Aubrey Metcalfe: I could not guarantee that completely. The idea is to collect fines from the parties and hand them to the other parties.

SINO-BURMESE COMMISSION.

1746. ***Mr. S. Satyamurti:** Will Government be pleased to state:

- (a) what the latest position is with regard to the progress of the Sino-Burmese Commission;
- (b) whether the report of the Commission will be placed before the House; and
- (c) whether any increase of financial liabilities between the Government of India and the Government of Burma, is the result of the work of this Commission?

Sir Aubrey Metcalfe: (a) The Honourable Member's attention is invited to the press communiqué issued on the 3rd April. Further developments however indicate that it is improbable that the Commission's work will be finished during the present open season.

(b) The House will certainly be informed of the results of the Boundary Commission's work and of the negotiations between His Majesty's Government and the Chinese Government which will follow the completion of that work. It is not possible at present to state whether or when the Report of the Boundary Commission will be available to this House.

(c) No.

Mr. S. Satyamurti: May I take it that the answer, "no" to part (c) means, there is no increase in financial liabilities between the Government of India and the Government of Burma?

Sir Aubrey Metcalfe: That is what my answer says, but I am not quite sure what my Honourable friend means by this question.

Mr. S. Satyamurti: What I want to know is this, whether, as a result of the findings of this Commission, any extra liability is likely to be placed on the Government of India as opposed to the Government of Burma when separation takes place.

Sir Aubrey Metcalfe: I can answer that in the negative with confidence.

UNSTARRED QUESTIONS AND ANSWERS.

CONTINUANCE OF THE CUT ON ALLOWANCES OF THE RAILWAY STAFF AT CALCUTTA AND HOWRAH.

605. Mr. Amarendra Nath Chattopadhyaya: (a) With reference to the reply given in this House to unstarred question No. 158 on the 18th February, 1936, that the cut in pay or special pay has been discontinued from April, 1935, is it a fact that the East Indian Railway Administration has not stopped the cut in the cases of the compensatory allowance to the staff employed in their offices at Calcutta and Howrah and the local allowance (now termed special pay) granted to the staff at Howrah station?

(b) Do Government propose to discontinue the cut on the allowances referred to in part (a) and to refund the amount deducted? If not, what are the reasons for inflicting this cut on the allowances of a limited number of the staff?

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

ACCEPTANCE OF BAPTISM AND UNIVERSITY CERTIFICATES IN SUPPORT OF APPLICATIONS FOR CHANGES IN AGES OF THE EAST INDIAN RAILWAY STAFF.

606. Mr. Amarendra Nath Chattopadhyaya: (a) With reference to the reply given in this House to the first part of part (b) of unstarred question No. 238 on the 26th February, 1936, that it is the policy of Government to have, as far as possible, a uniform system on State-managed Railways, will Government please state whether:

(i) it has been stated in the other House in reply to question No. 155 (c) on the 26th April, 1934, that if an employee on the North Western Railway can prove that he is younger than shown in his service sheet, he automatically gets an extension of service;

(ii) the privilege referred to in part (i) also applies on the East Indian Railway; if not, why a distinction has been made;

- (iii) the Registration of Births and Deaths Act VI was passed in 1886 and became operative in 1888;
- (iv) the East Indian Railway require the production of a birth certificate even for those who were born before the Births and Deaths Act VI came into force; if so, why;
- (v) the names of the parents and the sex of the child are only recorded; if so, how can this establish the age of a particular person; and
- (vi) in such cases baptism and university certificates will be accepted?

(b) Is it a fact that the non-gazetted staff have no means of ascertaining if wrong ages have been recorded in their service records? If not, what facilities have been provided?

(c) Who prepares the service record, the employee or a clerk of the office?

(d) Is it a fact that the services of every employee of the East Indian Railway Company were terminated on the 31st December, 1924, and service under Government was started from the 1st January, 1925? If so, was each employee required to execute a fresh agreement and were new service records prepared?

(e) If the answers to both parts of part (d) be in the affirmative, will Government please state whether any provision has been made in the agreement to show the date of birth of the employee and whether the particulars are filled in by the employee or by a clerk of the office?

(f) Do Government propose to issue the necessary instructions to the Agent of the East Indian Railway to accept baptism and university certificates in support of applications for changes in ages?

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

(ii) The reply to the first part of the question is in the affirmative; the latter part does not arise.

(iii) Yes.

(iv) and (v). Government have no information, but I am sending a copy of these questions to the Agent, East Indian Railway, for such action as he may consider necessary.

(vi) and (f). I have nothing further to add to my reply to part (a) of unstarred question No. 288 referred to by the Honourable Member.

(b) to (e). I am collecting certain information and will lay a reply on the table of the House in due course.

EXTRA PAY GRANTED TO THE RUNNING STAFF REQUIRED TO WORK ON THE SILVER JUBILEE HOLIDAYS ON THE EASTERN BENGAL RAILWAY.

607. **Mr. Amarendra Nath Chatteropadhyaya:** (a) Is it a fact that the Agent, Eastern Bengal Railway, in his case No. 270-E./O. P. II, has decided that running staff, such as guards and drivers who were required to work on the Silver Jubilee holidays were given extra pay (half-a-day's pay to Traffic running staff and one day's pay to Loco. running staff) and other staff who could not be spared on the days were granted two days' special leave?

(b) Is this differential treatment in the matter of extra pay in accordance with the policy of Government? If not, what action do Government propose to take?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information. These are matters of detailed administration entirely within the competence of the Agent to decide and Government are not prepared to interfere.

***GRANT OF FREE PASSES TO RAILWAY INSTITUTE TEAMS PARTICIPATING IN TOURNAMENTS.**

608. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that, with a view to encouraging outdoor sports on the East Indian Railway, free railway passes are issued to the Institutes teams to enable them to participate in tournaments held at outstations?

(b) Is it further a fact that only players who are railway employees are permitted to travel on such free passes?

(c) Are the penalties prescribed in the Agent's Circular No. 525-A.G.-47-II of 12th January, 1931, applicable to the free passes issued to Institute teams in cases of breaches of rules by them?

(d) Is it a fact that the privilege of taking teams on free passes has been withdrawn? If so, why?

(e) Do Government propose to restore the privilege of free passes and to maintain a stricter check on the misuse of them?

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

(d) and (e). The privilege has not been withdrawn, but steps have been taken to prevent abuses arising.

MADRAS MILITARY ASSISTANT SURGEONS' FUND.

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

(i) no new members have been admitted to the Madras Military Assistant Surgeons' Fund for many years past; and

(ii) all monies of this fund have been subscribed by the members?

(b) Are there any conditions in the rules of this Fund which provide for the distribution of the money amongst the beneficiaries either in the shape of bonus or increased pensions? If not, how will the remaining money be disposed of?

(c) Do Government propose to distribute the amount now in hand among the widows and children of members who have built up this Fund entirely with their subscriptions?

Mr. G. E. F. Tottenham: (a), (i). The Madras Military Assistant Surgeons' Fund is administered locally by the Trustees of the Fund under the supervision of the Government of Madras. The Government of India have no information regarding the admission of new members.

(ii). No.

(b) No. The disposal of the remaining money will depend on actual investigation of the Fund.

(c) An increase in the rate of pensions to widows by 25 per cent. of the rate then in force was sanctioned in 1930. A similar course will doubtless be followed if circumstances justify it.

WANT OF A MUSLIM REFRESHMENT ROOM AT THE GAYA STATION.

610. **Maulvi Badrul Hasan:** (a) Are Government aware that there is no Muhammadan Refreshment Room at the Gaya station on the East Indian Railway to the great inconvenience of the Muhammadan passengers?

(b) Do Government intend to remove the grievance?

The Honourable Sir Muhammad Zafrullah Khan: (a) There is no Muhammadan refreshment room at Gaya Station.

(b) The point is one for consideration by the Railway Administration. I am sending a copy of the Honourable Member's question and of my reply to the Agent of the East Indian Railway for such action as he may consider necessary.

FRAUD CASES OCCURRED IN THE PUNJAB POSTAL CIRCLE.

611. **Bhai Parma Nand:** (a) Will Government state the number of cases of fraud and loss which occurred in the Punjab Postal Circle during the incumbency of the present Postmaster-General?

(b) In how many of these cases did the Deputy Postmaster-General make personal enquiries of his own accord or at the instance of the Postmaster-General?

The Honourable Sir Frank Hoyce: Government have no information and do not propose to call for it as the Head of the Circle has full discretion to depute officers for enquiry whenever he considers such a course of action necessary. Deputy Postmasters-General are at liberty to undertake inquiries personally if they consider it necessary to do so.

STRICTURES PASSED BY THE ALLAHABAD HIGH COURT ON THE CONDUCT OF THE MANAGING DIRECTORS OF THE BRITISH INDIA CORPORATION, LIMITED.

612. **Sardar Sant Singh:** (a) Has the attention of Government been drawn to the judgment of the Allahabad High Court, published in the *Pioneer* in its issue, dated the 17th March, 1936, passing severe strictures on the conduct of the Managing Directors of the British India Corporation Limited, wherein their Lordships have used expressions like "tissues of lies; scandalous; and dishonest", regarding the administration of the Corporation?

(b) What provision is there to control such Managing Directors under the existing companies law?

(c) Has any provision been introduced in the Bill which has been introduced in the Assembly? If not, what steps do Government propose to introduce the necessary legislation?

The Honourable Sir Nripendra Sircar: (a) Government have seen the report in question but it does not appear to them that the strictures of their Lordships refer to the administration of the British India Corporation Limited.

(b) and (c). In view of the fact revealed by the judgment in question, namely, that the rights of the shareholders to obtain a copy of the register of members is clearly established and is enforceable under penalty for disobedience the need for special provision in the Act does not arise.

ARREST OF ONE TEJA SINGH OF AKALGARH, DISTRICT GURDASPUR.

613. **Sardar Sant Singh:** (a) Is it a fact that one Teja Singh of Akalgarh, district Gurdaspur, was arrested after his arrival from abroad? If so, under what Act did this arrest take place?

(b) From what country did he come and at what port or place did this arrest take place?

(c) How long has he been absent from India?

(d) Where was he kept after his arrest?

(e) Has any allowance been given to him?

(f) If he is arrested under Regulation III of 1818, what is the date of the warrant issued under the same Regulation?

(g) What are the reasons which led Government to order his arrest?

The Honourable Sir Henry Craik: (a) to (d) and (f) and (g). Teja Singh Azad, who returned to India about December, 1934, after an absence of about 12 years, was first arrested in Bombay on the 10th January, 1936, in connection with a case registered under section 18 of the Indian Press (Emergency Powers) Act, 1931, and section 17 (2) of the Indian Criminal Law Amendment Act, 1906. There was insufficient evidence to place him on trial in this case, but he was detained in view of his dangerous Communist activities both in and out of India under section 2 of the Punjab Criminal Law (Amendment) Act, 1935. Subsequently, it was decided, after further examination of his case, to detain him as a State Prisoner under Regulation III of 1818. The necessary warrant was issued on the 17th March, 1936, for his detention in the Campbellpore Central Jail.

(e) Under Regulation III the provision of a suitable allowance to a State Prisoner is obligatory. The amount of the allowance to be given is under consideration.

EXTENSIONS OF SERVICE GRANTED TO THE STAFF OF THE INCOME-TAX DEPARTMENT AT CALCUTTA.

614. **Mr. Amarendra Nath Chattopadhyaya:** (a) Is it a fact that extensions of service have been granted to the staff of the Income-tax Department at Calcutta? If so, will Government please state:

(i) how many men have been granted extensions of service;

(ii) whether there are staff with sufficient experience who could fill those posts to which the men holding them have been granted extensions of service;

- (iii) whether a large number of the staff have recently been discharged owing to the abolition of taxation on incomes less than Rs. 2,000;
 - (iv) whether some of those men could have been absorbed in the lower ratings, if the men had not been granted extensions; if so, whether this would have led to a saving in expenditure; and
 - (v) whether they propose to explore this avenue of economy?
- (b) Do Government propose to take action in the matter? If not, why not?

Mr. A. H. Lloyd: The information is being obtained and will be laid on the table in due course.

ENQUIRY OFFICE AT HOWRAH RAILWAY STATION.

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

- (i) that the East Indian Railway has an Enquiry Office at Howrah station;
- (ii) that this office only deals with the reservation of berths after 17 hours and the timings and platforms regarding the arrival and departure of trains;
- (iii) that enquiries regarding freight and arrival of goods are not dealt with by the Enquiry Office and the public is referred to the Goods Accountant;
- (iv) that enquiries in connection with the despatch of goods are referred to the Goods Supervisor;
- (v) that enquiries regarding luggage and parcels are referred to the Head Parcels Clerk; and
- (vi) that enquiries in connection with the receipt or despatch of motor cars by passenger trains are referred to the Luggage and Parcel Supervisor?

(b) Are Government aware that the public are put to considerable inconvenience, annoyance and telephonic expense (on account of the call system) due to the incompleteness of the scope of the Enquiry Office?

(c) Do Government propose to alter the title of the Enquiry Office to something that will not mislead the public into making unnecessary telephonic enquiries? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to paragraph 3 on page 137 of the East Indian Railway's time table in force from 1st April, 1936.

(b) and (c). No. I am sending a copy of the Honourable Member's question to the Agent, East Indian Railway, for such action as he may consider necessary.

JOB ANALYSIS WORK ON THE EASTERN BENGAL RAILWAY.

616. **Mr. Amarendra Nath Chattopadhyaya:** (a) Is it a fact that job analysis is being carried on the Eastern Bengal Railway with the object of keeping down working expenses? If so, has the work at Sealdah station been investigated?

(b) Do Government propose to have this avenue of economy explored? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The reply to the first part of the question is in the affirmative. As regards the latter part, Government have no information.

(b) I have forwarded a copy of this question to the Agent, Eastern Bengal Railway, to consider the suggestion made by the Honourable Member.

DEATH OF MR. SIDDHESWAR PRASAD SINHA.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, before the resumption of discussion on the 12 Noon Bill, I rise to perform a melancholy duty which has become somewhat too often. I wish to call attention to the death of Babu Siddheswar Prasad Sinha who was a Member of this House between 1927—1929. He was a member of the then Congress Party, an energetic and popular figure in this House. Outside the House he performed frequently and to the best of his abilities much humanitarian work and duties, particularly those connected with the floods in his Province. I ask, Sir, that you be pleased to convey to the members of the family of the deceased the regretful expression and the sense of loss of this House by reason of the death of one of its Members.

The Honourable Sir Nripendra Sircar (Leader of the House): I associate myself with what has been said by the Honourable the Leader of the Opposition with regard to the deceased.

Mr. President (The Honourable Sir Abdur Rahim): I associate myself with what has been said by the Leader of the Opposition, and it shall be my duty to communicate the condolence of this House to the members of the bereaved family.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Standing Finance Committee for the financial year 1936-37, namely:

- (1) Major Nawab Ahmad Nawaz Khan,
- (2) Mr. G. Morgan,
- (3) Mr. H. A. Sathar H. Essak Sait,
- (4) Mr. M. Asaf Ali,
- (5) Pandit Govind Ballabh Pant.

[Mr. President.]

- (6) Mr. Amarendra Nath Chattopadhyaya,
- (7) Rai Bahadur Seth Bhagochand Soni.
- (8) Mr. N. V. Gadgil,
- (9) Rai Bahadur Sir Satya Charan Mukherjee,
- (10) Khan Bahadur Shaikh Fazl-i-Haq Piracha,
- (11) Dr. Ziauddin Ahmad,
- (12) Mr. F. E. James,
- (13) Mr. M. Ananthasayanam Ayyangar, and
- (14) Mr. Shri Krishna Sinha.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): I have also to inform the Assembly that the following Members have been elected to the Standing Finance Committee for Railways, namely:

- (1) Sir Abdul Halim Ghuznavi.
- (2) Pandit Nilakantha Das.
- (3) Nawab Sahibzada Sir Sayad Muhammad Mehr Shah,
- (4) Mr. F. E. James.
- (5) Mr. V. V. Giri,
- (6) Mr. R. S. Sarma.
- (7) Mr. Muhammad Nauman.
- (8) Khan Sahib Nawab Siddique Ali Khan.
- (9) Sardar Sant Singh,
- (10) Maulvi Syed Murtuza Sahib Bahadur, and
- (11) Haji Chaudhury Muhammad Ismail Khan.

ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members will remember that in the announcement made by me on the 8th April, 1966, I informed them that the nominations for the purpose of election of members to the Central Advisory Council for Railways would be received upto 12 Noon on Friday, the 17th April, 1966, and that the date for election, if necessary, would be announced later. I have now to communicate to the House that the said election, if necessary, will take place on Monday, the 20th April, 1966, in the Secretary's Room in the Council House between the hours of 10-30 A.M. and 1 P.M.

THE REPRESSIVE LAWS REPEALING AND AMENDING
BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion of Mr. Satyamurti:

"That the Bill to repeal and amend certain Repressive Laws be referred to a Select Committee, consisting of Mr. Bhulabhai J. Desai, Mr. Sham Lal, Mr. M. Asaf Ali, Maulana Shaukat Ali, Mr. H. A. Sathar H. Essak Sait, Pandit Lakshmi Kanta Maitra, Mr. George Morgan, Mr. A. S. Hands, Mr. W. V. Grigson, the Honourable Sir Henry Craik, the Honourable Sir Nripendra Sircar and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Sir, I rise to resume my speech left over the other day, but I promise the House in advance that I shall finish by the time we rise for lunch today.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): That is no consolation.

Mr. S. Satyamurti: Nothing is a consolation to my Honourable friend except this Government going on for ever!

Sir Muhammad Yakub: This Government is much better than your Government.

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House will adjourn for lunch at 12-45 P.M.

Mr. S. Satyamurti: Well, Sir, I will try to finish by that time; if not, I shall finish about fifteen minutes after we re-assemble after Lunch.

I left at the stage, at which I read the Bengal Acts in the Schedule to my Bill which I wanted to repeal. They are four Acts. The Bengal Criminal Law Amendment Act IV of 1932, the Bengal Criminal Law Amendment Act XI of 1932, The Bengal Suppression of Terrorist Outrages Act XII of 1932, and the Bengal Public Security Act XXII of 1932. Now, Sir, the Bengal Criminal Law Amendment Act, to which I make reference first, is really the Bengal Criminal Law Amendment Act of 1930 brought up and amended by the Bengal Criminal Law Amendment Act of 1932, which I seek to get the consent of the House to repeal. I shall make a reference to a reprint of the Bengal Criminal Law Amendment Act of 1930, as modified up to 1st June, 1934. It contains all the amendments made by this Act. I desire very rapidly to invite the attention of the House to the main features of this Act, to which I take serious objection, and the reasons, therefore, why I want this Act to be repealed. I refer first of all to section 2 of this Act which begins like this:

"Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person,"

Sir, the whole point of these Acts is, it is not as if punishments follow conviction by the Court of law on evidence recorded; on the other hand, all

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action as contemplated by these Acts proceed on suspicion by the Local Government against certain persons. Therefore, this section says:

"Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person :

(i) is a member of an association of which the objects and methods include the commission of any offence included in the First Schedule,"

and then, Sir, once they get that, without any evidence and without any enquiry, and merely the Government suspects that certain persons are connected with certain activities:

"The Local Government may, by order in writing, give all or any of the following directions, namely, that such a person :

(a) shall notify his residence and any change of residence to such authority as may be specified in the order;

(b) shall report himself to the police in such manner and at such periods as may be so specified;

(c) shall conduct himself in such manner or abstain from such acts as may be so specified."

I would ask the House to consider the very comprehensive nature of these words. Whenever the Local Government has got a suspicion against 'A' or 'X', it can order the man to so conduct himself or abstain from such acts as may be specified or call on him to reside or remain in any area so specified, or ask him not to reside in any particular area or shall commit him to custody in jail. I say, Sir, this is a very sweeping power to be placed in the hands of the executive to be exercised, on mere suspicion. There is a proviso which says:

"Provided that such order shall be reviewed by the Local Government at the end of one year from the date of making of the order, and shall not remain in force for more than one year unless, upon such review, the Local Government directs its continuance."

This simply means an appeal, not from Philip drunk to Philip sober, but from Philip drunk to Philip drunk, namely, the Local Government itself which passes orders is supposed to review its own order at the end of one year and direct its continuance. It is really a contradiction. Then the Local Government, under sub-section 2 of section 2:

"Can also direct the arrest, without warrant, of the person in respect of whom the order is made at any place where he may be found by any police officer."

I suggest these are wide powers. I draw the attention of the House to the next section, section 2-A. Here, the District Magistrate takes the place of the Local Government. That section says:

"Where in the opinion of a District Magistrate there are reasonable grounds for believing that any person within the district of which such magistrate is in charge :

(i) is under the age of 21 years,

(ii) is ordinarily resident within the said district, and

(iii) is consorting with a member of any association referred to in clause (i) of sub-section 1 of section 2,"

whatever that phrase 'consorting with' may mean, the District Magistrate may, after consultation with the parent or guardian where practicable, not always, give, by order in writing, such directions regulating the conduct or restricting the movement of such a person or prescribe the place where he shall reside.

Again, Sir, the proviso provides that at the end of one year the District Magistrate may review the order. I submit, Sir, this is not the way of dealing with a high-spirited youth, even if he is susceptible to bad influences. I suggest that any elementary knowledge of human psychology must convince Government and its friends that, to deal with such men, you want healthy as against unhealthy influences, and not mere restraint.

Then, I pass over section 3, and I come to section 4 which gives power to:

"any officer of Government to arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order under sub-section (1) of section 2 might lawfully be made."

Then I go on to section 6 (a) which provides:

"Where a person sentenced to fine under sub-section (2) of section 6, that is, for disobedience of an order made by the Government or by the Magistrate under the Act, is in the opinion of the court ordinarily resident with his parent or guardian, the court may order that the fine shall be paid by such parent or guardian as if it had been a fine imposed upon the parent or guardian."

No doubt, the sins of the father are often visited on the children, but here, according to this Act, the sins of the children are visited on the fathers, and they want that if the Government makes any order or the District Magistrate makes any order and the order is disobeyed and a fine is levied, then that fine may be collected from the parent or guardian; and he is given this protection:

"Unless the parent or guardian satisfies the court that he has not conduced to the commission of the offence by neglecting to control the offender, the father or guardian shall pay the fine."

It comes to this, that the father or guardian has got to prove the negative, that he has not conduced to the commission of the offence by neglecting to control the offender,—an almost impossible task, as anyone who knows the procedure of courts and evidence will know.

Then, Sir, section 7 provides that:

"Every person in respect of whom an order has been made under sub-section (1) of section 2 or sub-section (2) (a) shall permit himself to be photographed, allow his finger impression to be taken, furnish such officer with specimens of his handwriting and signature, attend at such times and places as such officer may direct, for all or any of the following purposes:"

Humiliating restrictions which cannot be justified merely on suspicion! Then, Sir, section 8 very largely enlarges the powers of search conferred by section 98 of the Code of Criminal Procedure. Then comes section 9 which my Honourable friend, the Home Member, always parades, when we ask him questions about persons who are confined or interned by executive order, namely, an examination of the cases of these people by two judges. Two judges are appointed by the Local Government, and the said judges:

"shall consider the said material facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order."

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But sub-section (3) of section 9 takes away any value from this inquiry altogether, because that sub-section provides this:

"Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 2 to attend in person or to appear by pleader in any matter connected with the reference to the said judges, and the proceedings and report of the said judges shall be confidential."

These unfortunate judges have got to examine the entire evidence, in the absence of the persons against whom the evidence is being taken, and these unfortunate persons cannot appear either in person or by pleader, and the proceedings and reports shall be treated as confidential. I venture to suggest that the protection sought to be given by this section is almost illusory.

Then, Sir, I want to say only one word on the Schedule of this Act, which defines the offences for the promotion of which these associations will come within the mischief of this Act, and for consorting with the members of which associations young boys and young girls may be brought within the scope of this Act. This Schedule mentions *inter alia* even section 560 of the Indian Penal Code, which certainly cannot be said to be a serious offence. It punishes criminal intimidation. Any man who even annoys any other person and any association which, according to the District Magistrate or the Local Government, has this object or results in this criminal intimidation which may merely be annoyance, it may bring the persons and those who consort with them, within the very wide powers of this dangerous Act.

The next Act I want to deal with is the Bengal Criminal Law Amendment Act of 1932, Act XI of 1932. That Act amended the Bengal Criminal Law Amendment Act of 1925.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I rise on a point of order. If you think it is too complicated to be disposed of as a point of order, the decision may wait, specially as I do not wish to interrupt my friend too long. Act VI of 1930 which is the real Act under which about two thousand people have been now kept under various forms of detention is not in the Schedule at all. I do not wish to go into arguments now, but you will find that even if this Bill is passed wholly by this House and by the Council of State and receives the assent of the Governor General, not a single one of the two thousand detenus in Bengal will be released.

Mr. S. Satyamurti: I have no such hope.

The Honourable Sir Nripendra Sircar (Law Member): I am only talking on the point of order. If you will see the Acts of the Bengal Legislature, which, my friend wants to repeal, it is the Bengal Criminal Law Amendment Act of 1932 and another Act. He is now trying to remove the defect by saying that the Act of 1932 amended the Act of 1930, and, therefore, if I remove the Act of 1932 I automatically remove the Act of 1930.

Mr. S. Satyamurti: Sir, on a point of personal explanation. I was merely referring to this Act for the purpose of easy reference. I understand that the effect of the repeal of this Act will not be to repeal the original Act, and, therefore, we are not at cross-purposes and there is no point of order to raise.

The Honourable Sir Nripendra Sircar: As my friend is not trying to repeal the Act of 1930 or another Act of 1934, the result is that, if this Bill is passed, not a single soul will be saved from detention. That must be so if the Acts mentioned in the Schedule are repealed and not the Act of 1930 which is the original Act and which has been restored by another Act of 1934 which is not in the Schedule either.

Mr. President (The Honourable Sir Abdur Rahim): All the Chair can say is that the argument must be confined to the Acts mentioned in the Schedule.

Mr. S. Satyamurti: I am simply referring to these Acts, for the purpose of reference because they carry out the effects of these various Acts, whereas, if I read that Act and read the original Act, that will take time. I quite concede the Honourable the Law Member's point of view that, by repealing these Acts, the original Act which this Act amended will remain.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that the Honourable Member will not discuss the effects of the Acts which are not proposed to be repealed.

Mr. S. Satyamurti: No. I am dealing with the Bengal Criminal Law Amendment Act XI of 1932. I have the Act here, it is a legislation by reference to the Act of 1925, and I am dealing with the Act as amended up to the 1st June, 1934. I may mention that the original Act of 1925 was made by the Governor of Bengal, under the provisions of section 72-E of the Government of India Act, and not by the Bengal Legislative Council. I invite reference to section 3 of that Act. It says:

"The Local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Act."

Once that comes, a special procedure is prescribed for trial by special Commissioners. Section 5 provides that:

"Commissioners appointed under this Act may take cognisance of offences without the accused being committed to them for trial, and in trying accused persons, shall record evidence in the manner prescribed in section 356 of the Criminal Procedure Code and shall.....follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates."

Section 6 provides, in sub-section (2), that:

"If in any trial under this Act it is found that the accused person has committed any offence, whether such offence is or is not offence specified in the First Schedule, the Commissioners may convict such person of such offence and pass any sentence authorised by law for the punishment thereof."

That is widening the scope of the Indian Penal Code, so far as the offences coming under this Act are concerned. Then section 7 provides, as in the case of special trials by special Courts, that the Criminal Procedure Code will apply, only so far as it is consistent with the provisions of this Act.

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Then, section 8 gives an extraordinary power with regard to tenders of pardon, which is not the same as provided for in the Criminal Procedure Code, and it certainly opens possibilities of false evidence against which there is not sufficient protection.

Section 8A provides power to exclude persons or the public from place of trial, and section 8B gives power to the Commissioners to deal with refractory accused, as they are called, and they can dispense with the attendance of such accused for such period as they may think fit, and proceed with the trial in his absence.

Sections 9 and 9A make special rules of evidence. Section 9 provides that:

"Notwithstanding anything contained in the Indian Evidence Act, 1872, when the statement of any person has been recorded by any Magistrate, such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance, or incapacity has been caused in the interests of the accused."

That, certainly, is giving very wide scope, and going against the fundamental principles of the Indian Evidence Act.

Section 9A also provides special provisions for recording evidence. I submit, that this is also based on a suspicion of the ordinary methods of trial, and wants to provide that a certain class of persons whom Government compendiously describe as terrorists or people in sympathy with them be tried by special Courts of law, *in camera*, even in the absence of the accused, and by special rules of evidence.

The next Act to which I give reference in my schedule is the Bengal Suppression of Terrorist Outrages Act, XII of 1982. That Act says in its preamble:

"Whereas it is expedient to make special provisions for the purpose of suppressing the terrorist movement in Bengal and to provide for the speedier trial of offences committed in furtherance of or in connection with the said movement. . . ."

That is the preamble, and it professes to deal with what are called "terrorist crimes". The powers given by the Act are very wide. I will mention some of them, in order to justify my case for the repeal of this Act. Section 8 provides:

"(1) Any officer of Government authorised in this behalf by general or special order of the Local Government may require any person whom on reasonable grounds he suspects to be acting or about to act in a manner prejudicial to the public safety or peace to give an account of his identity and movements, and may arrest and detain him for a period not exceeding twenty-four hours for the purpose of obtaining and verifying his statements.

(2) An officer making an arrest under this section may in so doing use any means that may be necessary to effect the arrest."

This power is a very wide one, namely, to deal with any person whom on reasonable grounds the officer suspects to be acting or is about to act in a manner prejudicial to the public safety or peace. I submit, that certainly is a very wide power and ought not to be in the hands of any executive officer, save such power as the Criminal Procedure Code gives to the police to arrest certain persons on suspicion. That is ample power, and there is no need for the extraordinary power.

Section 4 gives power to take possession of immovable property. It says:

"If, in the opinion of the Local Government, it is necessary to utilize any particular land or building for quarters or offices for public servants, or for the accommodation of troops or police or prisoners or persons in custody in places where public lands or buildings are not sufficient for the purpose, the Local Government may, by order in writing, require the occupier or other person in charge of the land or building to place it at the disposal of Government at such time as may be specified in the order, together with the whole or any part specified in the order of any fixtures, fittings, furniture or other things for the time being in the building; and the Local Government may utilize such land, building, fixtures, fittings, furniture or other things in such manner as it may consider expedient."

I also consider that this a very wide power. There is no mention of terrorism here. If the Local Government wants any land or building for quarters for public servants, they can go and squat their officers thereon. I submit that there is no justification for this at all. Then section 5 gives power to the District Magistrate to take possession of movable property:

"If, in the opinion of the District Magistrate, it is necessary to utilize any product, article or thing, or any class of product, article or thing, in furtherance of the purposes of this Act, the District Magistrate may, by order in writing, require any owner or person in charge of such product, article or thing to place it at the disposal of Government at such time and place as may be specified in the order; and the District Magistrate may utilize it in such manner as he may consider expedient."

That, again, makes no reference to any terrorist offence, but, if Government come to the conclusion that a District Magistrate wants any moveable property, he can confiscate it, and utilise it in any manner he considers proper.

Section 6 gives power to the District Magistrate to prohibit or limit access to certain places. Section 7 gives power to the District Magistrate to regulate traffic. Section 8, to regulate means of transport, and section 9 provides that the Collector shall award to such person such reasonable compensation as he thinks proper. This is no protection at all; the power is extensive, they can take possession of buildings and furniture, take possession of lands, take possession of moveable property and use them as they like: they have many other powers like prohibiting or limiting access to certain places, prohibiting or regulating traffic or means of transport, and as against all this, the Collector may give such compensation as he thinks proper.

Then, I go on to section 11 which gives the District Magistrate the power to:

"require any person residing in the district to assist in the restoration and maintenance of law and order and in the protection of property in the possession or under the control of Government, or of any railway administration or local authority, in such manner and within such limits as the District Magistrate may specify."

The Code contemplates that the public ought to go to the assistance of law and order as against disturbers of peace, but this gives too wide a power, and I do not think that it can be justified, on any relevant consideration whatever.

Then, sections 11A and 11B deal with prohibiting the use of places for purposes of certain associations: section 11A says:

"If the District Magistrate is of opinion that any place is being used for the purpose of an association which encourages or aids persons to commit acts of violence or intimidation he may, by order in writing, published in such manner as he thinks best, prohibit the use of such place for such purposes."

[Mr. S. Satyamurti.]

Section 11B says:

"If in the opinion of the District Magistrate any place is being used in contravention of an order published under section 11A the District Magistrate may take possession of such place and evict any person therefrom."

I have no objection if all this action is taken on evidence recorded in Courts of law. My main objection is that all these orders are sought to be made merely by District Magistrates on such information as comes into their possession, and on no evidence which can be called evidence, strictly, under the provisions of the Indian Evidence Act. Then, I pass over the other clauses of the sections. Section 18 gives any authority on whom any power is conferred a general power of search; and section 15 introduces a common feature of all these Acts, *vis.*, collective fine on the inhabitants of what are called turbulent areas. I object to this vicarious punishment. It says:

"Where it appears to the Local Government that the inhabitants of any area are concerned in the commission of scheduled offences or are in any way assisting persons in committing such offences, the Local Government may impose a collective fine on the inhabitants of that area."

The Local Government may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine: Provided that such exemption shall not be based on communal or racial considerations."

Thanks for small mercies! But it does seem to me that the whole principle of this collective fine betrays a lack of efficiency on the part of the Government who want to make up for it, that is to say, for their failure to find out the guilty persons, by punishing guilty and innocent alike, for fear the guilty may escape

Then, section 18 gives a very large rule-making power to the Local Governments generally to carry out the purposes of this chapter. I say it is too wide and ought not to be on the Statute-book. There is also power given under the later sections—32, 33 and 34—for trial by special magistrates, and for special rules of evidence, and special procedure with regard to these trials.

The last Act in my Schedule is what is called the Bengal Public Security Act of 1932, XXII of 1932. That Act says in the Preamble:

"Whereas it is expedient to provide for the maintenance of the public security in case of emergency and for the trial of certain offences by special magistrates."

It goes on to make a series of provisions by which any officer of Government has power to arrest and detain suspected persons, power to control suspected persons, power to prohibit or limit access to certain places, power to prohibit or regulate traffic, power to control posts and telegraphs, power to secure reports of public meetings, power to give effect to orders if disobeyed, and it also provides penalties for disobeying orders of District Magistrates under this Act. Chapter III deals with special magistrates, and section 28 deals with what are called notified liabilities, and provides punishment for persons who advocate non-payment or deferring payment of any notified liability, and power is given under section 25 to collect the arrear of a notified liability as a public demand. These are the various Acts which I seek by my clause 4 of the Bill to get repealed.

Now I want to say a word on clause 5 of my Bill, that is, the last clause. It says:

"On the commencement of this Act, all persons detained under any of the enactments mentioned in the Schedule shall be released and all estates or properties attached or forfeited under such enactments shall be released from such attachments, and shall, whenever possible, be restored to the rightful owners thereof."

I confess, the Honourable the Law Member has beaten me on that. The Bengal Acts are so numerous and so all-pervasive, that, in my search for all these punitive Acts, some of them escaped my attention; and I quite concede that, even if this Bill becomes law under the existing Statute, the Government can certainly keep all their Bengal detenus in detention; but I do hope that, if the vote of this House and of the other House goes in favour of the repeal of these Acts, the Government will take it as a clear indication that they must follow up this vote, by the release of these detenus; but, today I want to use the point of order made by the Honourable the Law Member in my favour: that is to say, I beg of him and his friends, who take the cue from him, to vote with me on the motion to refer this Bill to the Select Committee, because he has conceded that, even if this Bill becomes law, it will not set the Hooghly on fire in Calcutta: it will not compel them to release all these detenus: therefore, there is no danger in allowing this Bill to go to a Select Committee, and considering it there, and then discussing the report of the Select Committee here. It is not going to disturb the present state of affairs in Bengal, with regard to these detenus; for, I admit, that some of the Bengal Acts do not come within the ambit of my Bill, and, therefore, the House may, in a spirit of confidence—even those who doubt whether these Acts should be repealed considering what is told us here of the situation in Bengal—even those friends may vote for this motion, because the Honourable the Law Member recognised—and I admit it—that my search has not been as complete as it might have been, and I have omitted one or two Acts. Therefore, it seems to me that the Honourable the Law Member himself cannot have any serious objection to my motion to refer the Bill to a Select Committee. But, excepting the position in Bengal, I do want by clause 5 of my Bill that all persons detained under any of the enactments mentioned in the Schedule, all the Regulation prisoners, and all the others who are detained under other Acts, to be released, and all estates or properties attached or forfeited under such enactments, to be released from such attachments, and to be restored to the rightful owners thereof.

Now, I have gone through a cursory examination of these various Acts, and I do hope that I have made out a *prima facie* case for the examination of my Bill by a Select Committee, on which all sections of this House are represented; and they will bring all relevant points of view before the Committee and we can see whether any or all of these Acts may not be repealed or amended, and if so to what extent. I want to say that, behind all these Acts specified in the Schedule mentioned in clause 4 of the Bill, there is a common purpose. I will state the common purpose: first, there is the distrust of the judiciary, a judiciary appointed by the Government, responsible to them, and in whose judgment every civilised Government must have confidence. We have been taught by the British that their maxim is that justice must be done even though the heavens fall. If they believe in that maxim, I suggest that they must welcome my motion, because I am not for allowing any man found to be guilty by Courts of any offence, not being punished. By all means punish the guilty; but do

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not confound the innocent with the guilty and punish the innocent along with the guilty, because you cannot find out who are the guilty persons, and you, therefore, punish one hundred persons in the hope that one of them may be guilty. That seems to me to be the common purpose behind all these Acts, the first common purpose, and that is what I ask this House to raise its hand against. We cannot allow this Government to go on saying, not for six months, not even for a year or two years, but for years and years, and for decades now. "We can get no evidence whatever: we cannot, therefore, put them before Courts of law: let us have the power to punish these people, at least on suspicion and unverified evidence" recorded often from dishonourable sources, suspects, informers, spies, and others, who to save their skins or obtain a pittance from the Government, sell their country and their fellow-citizens for the sake of getting this small pittance.

Then, Sir, there is, throughout all these Acts, a great distrust of the Indian Evidence Act,—a masterpiece of statute craftsmanship. I do not think, in the whole world of statutes, there is a more subtle statute than the Indian Evidence Act. It certainly puzzles amateur lawyers, and is certainly a challenge to all doubters of law. But there is, in that Evidence Act, a series of rules of evidence based on human experience, and human psychology, which undoubtedly tend to help the Courts to judge all questions before them, on pure evidence and on nothing else. Undoubtedly, it does not suit the executive Governments in this country. The Indian Evidence Act is too much for them, and, therefore, they want to enact, in every case, wherever they can, special rules of evidence. I ask the House to vote for my motion because the Evidence Act is an Act of this Legislature. If there is anything wrong or defective in that Act, by all means let us amend the Act, but, so long as the Act remains on the Statute-book, I do hope the House will not encourage attempts of the executive to get behind the Evidence Act, by small enactments here and by small enactments there. They are tinkering with the rules of evidence well-recognised in all civilized countries, and substituting short cuts, not to find the truth, to punish the man in the dock, whether there is good evidence against him or not.

The third common feature or purpose behind these Acts is a distrust of the Criminal Procedure Code. I have read to this House a few minutes ago sections especially in Bengal Acts which say this:

"Notwithstanding anything contained in the Code of Criminal Procedure, the trial shall proceed according to these rules, and those provisions of the Code of Criminal Procedure shall apply only so long as they are not inconsistent with the provisions of the Act."

Again, I say, Sir, that the Code of Criminal Procedure is an enactment of this Honourable House. I do not see why we should encourage attempts to get behind that Act, without the Government coming to this House and telling us that the Act is wrong, is defective, and, therefore, they want to have it amended. We cannot allow attempts to get behind the verdict of this House in an indirect, subtle, and provincial manner.

The fourth common purpose is the distrust even of the Indian Penal Code, draconian as it is. It was enacted at a time when ideas of punishment were very antiquated. The idea of reforming the criminal is a modern idea, and then it was a case of a tooth for a tooth, and it was in

that age that the Indian Penal Code was enacted, and all penal reformers are of the opinion, unanimously, that the Code requires drastic revision, especially in respect of some sections and the punishments provided thereunder, but to this bloodthirsty Government even the Indian Penal Code is not draconian enough, and, therefore, they provide, with respect to certain offences, that, if a man is convicted, he shall not only be hanged, but his body shall be burnt or buried as they want and all his property shall be forfeited. I do suggest, Sir, that that is an attempt to get behind the verdict of this House, in an indirect manner. If the Indian Penal Code is not good enough for you, come honestly to the House and ask for its amendment. Do not go behind it and say, notwithstanding anything contained in the Penal Code, the punishment for the offence will be something else than what is provided in it. Such an attempt to get behind the verdict of the House cannot be tolerated.

Then, the fifth common principle is this,—the enthronement of the executive as the ultimate arbiter of the destinies of the men and women in this country. "I know,—what I do not know is not worth knowing,"—("Hear, hear" from Official Benches),—yes, Sir, they can afford to say "Hear, hear",—they are not imprisoned, my men are imprisoned for years and years. You can afford to say "Hear, Hear,"—you don't think of the people who are unjustly put in jails,—I do. The flower of Bengal's youth is being ruined by you, and you say "Hear, Hear". Some sense of responsibility I suggest to the Honourable the Home Member.

The Honourable Sir Henry Craik (Home Member): The Honourable Member should address the Chair.

Mr. S. Satyamurti: The enthronement of the executive, as the ultimate arbiter of the destinies of men and women in this country, will not go down the throats of the House, in spite of the facetiousness of the Honourable the Home Member and his satellites over there

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House stands adjourned till Quarter Past Two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock. **Mr. President** (The Honourable Sir Abdur Rahim) in the Chair.

Mr. S. Satyamurti: Sir, when the House adjourned for lunch, I was dealing with the fifth common purpose behind these Acts, which I seek to repeal or amend with the consent of this Honourable House, namely, the desire to enthrone the executive as the final judge of the innocence or guilt of the persons.

The next common purpose behind these Bills is not to punish the guilty after conviction, but to inflict vicarious and, what I may call, cumulative punishment, upon various people. Having submitted the main features behind these Acts, I trust that this House will be with me when I seek

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the vote of this House in favour of referring the Bill to a Select Committee. I only want to call attention to one authority in favour of the motion which I seek to place before this House, the authority of one who was for several years the Secretary of State for India, the late Lord Morley. I know that Honourable Members opposite do not trust the law or the lawyers, and I have tried to answer them, but let Lord Morley also answer them. In Vol. II of his Recollections he says:

".....said to me this morning, 'You see the great executive officers never like or trust lawyers'. 'I will tell you why', I said, 'it is because they don't like or trust law: they in their hearts believe before all else, the virtues of will and arbitrary power'. That system may have worked in its own way in old days and in those days the people may have had no particular objection to arbitrary rule. But as you have said to me scores of time, the old days are gone and the new times breathe a new spirit; and we cannot carry on upon the old maxims. This is not to say that we are to watch the evil-doers with folded arms, waiting to see what the Devil will send us. You will tell me what you think is needed. I trust, and fully believe, that you will not judge me to be callous, sitting comfortably in an arm chair at Whitehall, while bombs are scattering violent death in India while men like..... are running risk of murder every hour for year after year upon the frontier; while all sorts and conditions of men and women are envolved in possibilities of hideous horrors like those of fifty years ago. All I can say is that we have to take every precaution that law and administration can supply us with; and then and meanwhile to face what comes, in the same spirit of energy and stoicism combined in which good generals face a prolonged and hazardous campaign."

Well, Sir, so far as the material on which the Government have got to make up their minds in respect of this legislation is concerned, Lord Morley had some very pertinent remarks to make, which I respectfully commend to the House and to the Government:

"The fundamental question for you and for me today is whether the excited Corporal and the angry planter are to be the arbiters of our policy. True we should be fools to leave out of account the deep roots of feeling that the angry planter represents and stands for. On the other hand is it not idle for us to pretend to the Natives that we wish to understand their sentiment and satisfy the demands of 'honest reformers' and the rest of our benignant talk, and yet silently acquiesce in all these violent sentences? You will say to me, 'these legal proceedings are at bottom acts of war against rebels and locking a rebel up for life is more affable and polite than blowing him from a gun: you must not measure such sentences by the ordinary standards of a law-court; they are the natural and proper penalties for Mutiny, and the Judge on the Bench is really the Provost Marshall in disguise.'"

That is the argument of the Government of India which Lord Morley summarises, and it remains so today. He continues:

"Well, be it so. But if you push me into a position of this sort—and I don't deny that it is a perfectly tenable position, if you like—then I drop reforms. I won't talk any more about the New Spirit of the Times; and I'll tell Asquith that I'm not the man for the work, and that what it needs, if he can put his hand on him is a good, sound, old-fashioned Eldonian Secretary of State."

There is one other reference which is very topical, and which I want to commend to the House and the Government particularly. Lord Minto having protested to Lord Morley when the latter asked him to drop deportations and to drop illegal proceedings, this is what Lord Morley wrote:

"You speak of our having too much respect for the doctrines of the western world quite unsuited to the East. I make bold to ask you what doctrines? There is no doctrine that I know of involved in regarding, for instance, transportation for life in such a case as Tinnevely, as a monstrous outrage on common sense. And what

are we in India for? Surely in order to implant—slowly, prudently, judiciously—those ideas of justice, law, humanity which are the foundation of our own civilisation? It makes me sick when I am told that.....or.....would make short work of seditious writers and spouters. I can imagine a certain potentate answering me—if I were to hint that boiling offenders in oil, cutting their throats like a goat, blowing them from a gun for small peculation, were rather dubious proceedings—that I was a bewildered sentimentalist, with a brain filled by a pack of nonsense unsuited to the East."

That is the kind of line which the Government of India then took, and I am afraid is still taking. I would commend to my Honourable friend the Home Member, this letter, written by Lord Morley to Lord Minto:

"Your mention of Martial law in your last private letter really makes my flesh creep. I have imagination enough and sympathy enough, thoroughly to realise the effect on men's minds of the present manifestation of the spirit of murder. But martial law, which is only a fine name for the suspension of all law would not snuff out murder clubs in India, any more than the same sort of thing snuffed them out in Italy, Russia, or Ireland. The gang of Dublin invincibles was reorganised when Parnell and the rest were locked up and the Coercion Act in full blast. On the other hand it would put at once an end to the policy of rallying the Moderates, and would throw the game in the long run wholly into the hands of the Extremists."

Well, Sir, these are not my words or of any Congressman, but these are words of a distinguished British liberal statesman, who happened to be the Secretary of State for India for several years.

Sir, there is one particular piece of legislation in my schedule, to which I drew long and pointed attention, and to which I should like to draw attention again in the concluding part of my speech, that is the provisions in the Press Act. I feel that, although Mr. Ramsay Macdonald has fallen from grace, and he can no longer be expected to be accepted as an authority by anybody, still, his attitude on the question of the Government of India and the Press is so apposite, and almost so conclusive a case as I see it for the repeal of the Press Emergency Powers Act, that I desire leave of this House to make a few quotations from his book "The Government of India":

"Sometimes it is observed in a spirit of disappointment that no Indian newspapers of any value is on the side of the Government in the sense that newspapers here are on the side of political parties. It would be most extra-ordinary, however, if such a paper were to exist if it did, its support would be bought. For, however much a Government is appreciated, there can be no Government 'party' unless its responsibilities are shared by others than the bureaucracy.....The Anglo-Indian Press supports the Government only in so far as the Government is the instrument of British rule in India.....It is not true to say that the Indian Press is anti-Government. It is more accurately described as independent, and in this respect does not differ from the Anglo-Indian press. Each looks after its own interest and supports or opposes the Government accordingly."

Then, Sir, he goes on:

"A representative Government successfully attacked by the press changes a minister or resign; representative government sways in the breezes of public opinion as a tree does in the winds, but its roots remain. A bureaucracy so assailed can change nothing because it cannot be expected to change itself; or cannot resign, and if it were to do so that would be a revolution in the form of Government. Free discussion, the witness of representative government, is the destruction of a bureaucracy. The present form of Indian Government cannot exist in the midst of a vigorous public opinion. It may be well intentioned, but it cannot be obedient. It cannot allow, if it can prevent it, a determined campaign to be conducted demanding for the people the badge of liberty—self-government. That is sedition so soon as it goes beyond the stage of an interesting debate and reaches that of a serious demand."

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I quote this, Sir, in support both of that part of my Bill which seeks to repeal the Press Emergency Powers Act, as also that part of my Bill which seeks to amend section 124-A of the Indian Penal Code. I should like to make one comment that, since these words were written by Mr. Ramsay Macdonald, according to the Government of India Act, 1935, as it is claimed for it, there is going to be responsible government in the provinces. If that is so, there should be a free press which, because of its criticism of the Government then in power, can change that Government, and get it replaced by a Government more in accordance with public opinion as expressed in the Press. He further says:

"The Indian Government is in this dilemma. It may be doomed and its successor may be almost ready: still it has to govern till the day of its death: therefore it cannot tolerate the heralds and followers of the new order near to its own throne. The Indian reformer is in this dilemma. He must agitate for the revolutionised government, for he knows he will never get it otherwise; he is well aware that this necessary agitation will make the bureaucracy more obdurate and its trust in repressive legislation more certain."

He concludes this Chapter with this sentence which has been quoted here once before, but which I want to quote once again:

"The problem of the Indian press is at root that of the inherent conflict between a bureaucracy and public opinion. The last chapter in the history of bureaucracies in repression. They pass away like an old monarch driven from his throne, hurling accusations of sedition against his approaching successor."

If that is the fate which the Government of India wants to court, by all means let them oppose this motion, but if they realise that this Government of India Act, 1935, means something at least, that they must gradually give place to another form of Government, they must welcome this move on my part to get this repressive legislation examined by a Select Committee, so that it may make suitable recommendations to the House.

Sir, I have done. I may now sum up very briefly this long speech of mine. The first part of my Bill asks this House to amend section 124-A, of the Indian Penal Code, the sedition section, by adding the words: "with the intention of promoting physical force or violence or public disorder". I only want that mere words of sedition should no longer be punishable, but that the prosecution must prove that the words were intended to promote physical force, or violence, or public disorder. I claim that will amply meet the needs of the situation in India. I claim that it is in accordance with the English law as it is administered today. I claim that the jury system in England gives ample protection to public writers and public speakers. The latest decision in *Rex versus Aldred* supports that view. I also feel that, while, it may be, in the old text books you may find some definition of sedition including other categories, the law, as it is administered today, in England is exactly as I have suggested in my amendment. Secondly, I venture to suggest that, even in our country, Courts of law are increasingly tending to interpret this section, as meaning implicitly that words spoken or written come within the mischief of this section, only if they tend to promote physical violence or disorder.

Thirdly, as I have said more than once, and I want to say it once more with your leave, that if responsible Government in the Provinces is to mean anything at all, you must have the fullest liberty given to the press and to the public to bring the Government, that is the Ministry, into contempt, in order that it may be replaced by another Government. Otherwise, responsible Government will become a mockery and a snare.

My next amendment in this Bill is to amend section 144 of the Code of Criminal Procedure. I have given examples of the gross abuse of this section by Magistrates, wearing Gandhi caps, wearing of khadi, the promotion of temperance propaganda, the promotion of swadeshi, the calling of ordinary meetings, the running of ordinary processions, the hoisting of national flags have all been sought to be prohibited according to the all-pervasive wording of this section. I want, therefore, a limitation placed on the kinds of powers to be exercised under this section only with reference to public meetings, processions and demonstrations and peaceful picketing sanctioned by the Gandhi-Irwin pact; that a Magistrate can proceed against such acts only on recorded evidence, not on information given behind the backs of the persons concerned, untested by cross examination, and given in private but on evidence recorded, and only if he is satisfied that there is danger to public order or there is danger to public tranquillity.

I also want that *ex parte* orders, if they must be passed, should be enforced only for 48 hours;—two days—before that, it should be possible for the Magistrate to get recorded evidence in the presence of the persons proceeded against and cancel the *ex parte* order, either renew it, or cancel it completely. I want finally that, so far as the Magistrate who is to review the original order is concerned, he ought not to be the same Magistrate who passed the original order or a Magistrate subordinate to him, but another Magistrate, so that a fresh mind may be brought to bear upon the matter.

The next series of Acts I have mentioned. I only want to say, so far as the Regulations are concerned, Madras, Bombay, and Bengal, that they were born in 1818, two years earlier than the Johnnie Walker, (Laughter), and are still going strong, and I think it is time that we did put an end to these Regulations, which are being abused today to keep men like Mr. Sarat Chunder Bose, Mr. Subhas Chunder Bose, the ex-Maharajah of Nabha, and others, under confinement, persons who could not have been in the minds of the framers of the Regulations when they were actually framed. And the Repressive Laws Committee's Report recommended, sixteen years ago, the repeal of these Regulations, except for the Indian States, for which we have already got another Act on the Statute-book.

Then, Sir, we have got the Moplah Outrages Act and the Punjab Murderous Outrages Act, about which I only want to say this, that they classify a class of people in this country and of a particular province as specially criminal, who should be dealt with as special criminals, as apart from ordinary criminals, proved to be so in Courts of law. I do hope that the Honourable the Home Member, who himself expressed that the Punjab Murderous Outrages Act might go because of its not being used for many years, will come to the same conclusion when he examines the matter with regard to the Moplah Outrages Act. I hope these Acts, at least, will be recommended to be repealed by the Select Committee.

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Then, there is the Criminal Law Amendment Act of 1932 which gives great powers to the executive again to judge whether an association is lawful or unlawful,—molestation as it is called to people to refrain from doing what they want to do, or to do what they do not want to do, and above all, it gives power to the Government of India to declare associations as unlawful besides the power given to the Local Governments. Supposing Local Governments, which under the Government of India Act, 1935, are to be responsible for law and order, do not want to declare certain associations unlawful in their provinces, but the Government of India do, what happens? It is an anomaly which ought not to be tolerated.

Then, there is the Indian States Protection Act against which I have tried to argue the last day that I spoke on this Bill. I do not want to repeat myself, but, if there is anything in this Federation, I do suggest that this attempt to build glass houses for Princes must cease. This Federation may not come into being, and I want to remind Honourable Members that, not the Congress alone, but even the All-India Moslem League, has cursed the Federation, and I do not think it will come; it will be still-born. But, if those who are assisting in the coming into existence of the Federation want to make an easy passage for it, I do suggest that they must agree to repeal the Indian States Protection Act, and give the people of the States a particular status, so that this Federation, if it ever comes, may not be a Federation of one autocrat and a number of small autocrats, but a real Federation of the people of India, and of the people of the Indian States.

As regards the Bengal Acts, I discussed them only this morning, and I will not, therefore, say anything more about them. But I will say this, that the Government's attempt to fight terrorism by counter terrorism is bound to fail. Terrorism is a poison, I agree, we all agree; but that poison must be treated not anti-septically, but aseptically. You must meet terrorism with something constructive, and I do suggest that we must get at the root causes of terrorism, the economic condition, the political condition of the country, and tell these young men and women that there is another, a better, a quicker, a more patriotic, and a more honourable method of achieving the freedom of this country than secret murder, which all reasonable-minded citizens must abhor and condemn. That is why I say that these Acts should no longer disfigure the Statute-book.

I have also a word to say to this House. If this motion is passed, the Select Committee will meet, and when the Report comes to this House, it will be open to the House either to recommit the Bill to the Select Committee, or to circulate it for public opinion, or to make any further amendments. This vote is by no means an irrevocable vote, but simply a vote in the sense that there is a *prima facie* case for examining the question of the repeal or amendment of these Acts. Let us put our heads together, and see what we can do in order that we may start anew on this path.

To the Government, although I know it will fall on deaf and sleepy pairs of ears and eyes just now—still I would like to suggest to the Government, if I may, that if they mean seriously to transfer law and order in the provinces, they must accept this motion and this Bill. They have ample reserve powers. In the Government of India Act, 1935, Mr. President, as you know and as the House knows, for the first time,

Ministers and Governors get the power to pass Acts and place them on the Statute-book. Therefore, even if all those powers go, if a crisis suddenly develops in any province, there are ample reserve statutory powers, and so they can accept this motion, without any danger at all.

I do hope that all sections of this House—I have done this more than once, always with uniform failure, but I will once more attempt to appeal to the European section of the House,—will realise things will change in this country when there will be Indian Ministers in charge of law and order. Do not think that your cousins will always be there ruling the country but there will be others, and it will be to your gain to see that these extraordinary powers are not placed in the hands of the Governments. Do not squeal when it will be too late, but be wise, be generous, be statesmanlike, when there is time. When Indian Ministers come, then do not come and say, "We are sorry we did not vote for you though we wished to do so. We have made a mistake". (Laughter.) I want that you should examine this Bill carefully, and do not imagine that this Government will continue for ever, and that you will be safe. Those days are going, if your Government means what it says.

I would say that repression has not succeeded in any country. Has it succeeded anywhere in Ireland, in Russia, in any country, in repressing a whole national movement by these repressive laws? Try a better and a saner method. We, the people of this country, want peace and order in this country, much more than you do. But we do not want the peace of the grave, or the policeman's order. We want real peace, real order, based on the contentment, on the cheerful and willing acquiescence, of the people in a Government, which is responsive and responsible to them.

The other day, I was speaking about terrorism and the charge of the Honourable the Home Member against us. I have since looked up the Congress proceedings, and I want to tell him that on every occasion there was a terrorist outrage, the Congress has passed a resolution condemning that outrage; and I can give him references if he wants. He has established a claim for being fair in this House, and I hope that he will take my word for it, and will not take the policeman's private diary and believe it. Every time there has been a terrorist outrage in this country, the Congress, ever since Mahatma Gandhi became its leader, has unequivocally condemned terrorism. There is no doubt about it.

The Honourable Sir Henry Craik: What about Sir John Anderson's attempted murder?

Mr. S. Satyamurti: So far as the Government are concerned, they have not made our task easy; they have indulged in terrorism themselves. I am talking, Sir, of the later phases of the Non-co-operation Movement, when they began to beat our volunteers like dogs in the streets of Calcutta, Bombay, Karachi, Madras and Lahore, including men, women and children. Surely, to a Government which openly sanctioned the beating of innocent people . . .

An Honourable Member: "Shame".

Mr. S. Satyamurti: . . . who did not hit back, and, in some cases, actually killing people,—I do suggest that that Government ought to pause many times before they make a wild, reckless, and false accusation that Congressmen are hidden terrorists. We are fighting terrorism, but

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we feel that this is not the way to fight terrorism. We want to show the terrorists a better method of achieving the freedom of this country, and it is only by repealing or amending these laws and many other measures that I suggest that we can create the right atmosphere for converting the high-spirited youth of this country and of Bengal to our views.

And, Mr. President, I want to conclude on this note. Government may not realise it today, but I may tell them that today the greatest force against terrorism in this country is Mahatma Gandhi. There is no other man who is so wedded to peace and non-violence as Mahatma Gandhi is, and Government is making the mistake of its life in not standing by him, getting his help, and co-operating with him to see that this country gets rid of what the Honourable the Home Member calls "the triple evil", the greatest of which is "terrorism". I hope, therefore, that the Government itself will not oppose my motion. But, whatever the Government does or does not, I venture to appeal to all sections of this House who believe in freedom of person, in freedom of speech and the freedom of association, who believe in justice and the proper administration of justice, who believe in the dignity and the good sense of this House, and who believe that the progress of this country ought to be set on sound, progressive and lawful lines, will vote for my motion, allow this Bill to go to a Select Committee, so that we may all put our heads together, and evolve a report which will command the unanimous acceptance of this House.

I apologise to you, Sir, and to this House, for the very long time I have taken over this Bill. I was compelled to do so because of the length of my Bill. I have tried to place the case before the House, and I do hope that, without ignorance and without prejudice, this House will give a straight and direct vote in favour of this motion, so that those of us who have tried to clean the Statute-book of its ugly features can get a vote of confidence in our good work for the increasing freedom of this country. (Loud Applause).

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to repeal and amend certain Repressive Laws be referred to a Select Committee, consisting of Mr. Bhulabhai J. Desai, Mr. Sham Lal, Mr. M. Asaf Ali, Maulana Shaikat Ali, Mr. H. A. Sathar H. Essak Sait, Pandit Lakshmi Kanta Maitra, Mr. George Morgan, Mr. A. S. Hands, Mr. W. V. Grigson, the Honourable Sir Henry Craik, the Honourable Sir Nripendra Sircar and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I have received notice of an amendment from Captain Rao Bahadur Chaudhri Lal Chand.

Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): I do not wish to move it.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): I move that further discussion on this motion be postponed.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member given notice?

Dr. G. V. Deshmukh: This is for adjournment of the debate.

Mr. President (The Honourable Sir Abdur Raihm): Must not the Honourable Member give notice?

Dr. G. V. Deshmukh: I wish to move:

"That the further consideration of the Bill be adjourned to the Simla Session."

to enable some of the other Bills, social Bills, which are waiting to be circulated for public opinion, to be taken up by this House.

Mr. President (The Honourable Sir Abdur Rahim): Then why was this motion moved at all?

Dr. G. V. Deshmukh: That Mr. Satyamurti knows better than I do, but I am making this motion for the reasons I have stated.

The Honourable Sir Nripendra Sircar: On this question of procedure, I would like to say a few words. Being a non-official day, it surely must be left to non-official Members to decide as to what they will go on with. We do not want to interfere there but I find that the practice has been that this kind of motion is allowed without any kind of notice but the Chair always claims a right to refuse it, if there are no good reasons or if it thinks that it is going to be an abuse or merely for obstruction. I looked into the matter. There are two or three references. While Sardar Sant Singh's Code of Criminal Procedure Amendment Bill was being discussed on the 27th February, 1933, that was the second day of the discussion, after the proceedings had gone on for a few minutes, Mr. N. M. Joshi moved: "I want to make a motion that the further consideration of Sardar Sant Singh's Bill be adjourned". That was not agreed to by the whole House, and, on the matter being put to the vote, Mr. Joshi's motion was carried, 29 being in favour and 23 against, with the result that the matter was adjourned. Then, there was the Indian Ports Amendment Bill on the 8th March, 1932. Again I find that Mr. Joshi moved that the consideration of the Bill be postponed. That was allowed. There are many other instances. I would draw your attention to a statement made by the President that it was a matter of discretion, so that he could stop it if he thought it was going to lead to abuse. In this case, I am not suggesting that it is an abuse. I am not dealing with the question on its merits. Then you will find a ruling in the debates of the Council of State on the 31st March, 1933. There an adjournment of the debate was refused, and the President said:

"To this consideration state, notice of two amendments have been given by the Honourable Mr. Hossain Imam. They are Nos. 1 and 2 on the list of amendments. With reference to the first amendment standing in the name of the Honourable Member, I may remind the House that a number of rulings by my predecessors have established the position that it is within the discretion of the Chair to allow or to refuse to allow the moving of dilatory amendments for which no provision is made in the Rules or Standing Orders. On the present occasion, the Honourable Member's amendment is on all fours with the amendment which he sought to move on the 6th October, 1931, that is to say the amendment seeks to qualify the direction given for good reason by the Chair that the consideration motion should be placed on the paper for today and if only for this reason, I must decline to allow the Honourable Member to move this amendment."

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not know if the Honourable Member has read the ruling on page 6 of the Book of Rulings, that the Chair cannot allow a motion of this kind to be taken up merely in order to allow other motions to be taken up.

The Honourable Sir Wripendra Sircar: Yes, I have. It is a matter of discretion. I am not discussing the merits one way or the other. I am not fighting anybody's battle. I am only pointing out that this thing can be done.

Sir Muhammad Yakub: I beg to support Dr. Deshmukh's motion. In the ruling to which you have referred, this is what is said:

"I hope the House understands the point which I have placed before them now, and that it will recognise that no binding precedent is created by the action of the Chair on this occasion."

So, the Honourable the President did not want to make his discretion on that occasion to be used as a precedent for future occasions. Now, Sir, you know very well that since we started this Session there has been a general complaint on the part of a large number of Honourable Members that their Bills are pending and they cannot get an opportunity even to introduce their Bills; and if the discussion on Mr. Satyamurti's Bill will continue, I am sure that we will never get any opportunity to introduce our small Bills. Therefore, I hope, Sir, that you will recognize and realize our difficulty and will accede to our suggestion.

Mr. President (The Honourable Sir Abdur Rahim): Is not that a matter for decision according to the Rules and Standing Orders?

Sir Muhammad Yakub: The Rules and Standing Orders do not come in the way of your accepting this motion moved by my Honourable friend, Dr. Deshmukh, and, therefore, Sir, I hope you will . . .

Mr. President (The Honourable Sir Abdur Rahim): The Rules and Standing Orders say that the non-official business must be taken up in order of ballot.

Sir Muhammad Yakub: If you accept this motion, Sir, then the other Bills will be taken up in the order in which they are on the agenda.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): May I just point out that, according to the Standing Orders, Bills are taken in the order of the ballot but an adjournment can be moved of the discussion on a Bill to the next Session; it is within the discretion of the Chair to allow such a motion. It appears to me, Sir, that, at present, the House is practically unanimous in the desire that the further discussion on this Bill should be adjourned to the next Session at Simla.

The Honourable Sir Henry Crank: It has to take the chance of the ballot again.

Sir Cowasji Jehangir: No. The reason for making this request and one of the reasons why you, Mr. President, may use your discretion in favour of this motion is that a good many Bills of considerable importance, especially to several communities, Bills dealing with social law, are now on

the agenda paper and we feel obliged to the Mover of the Bill under discussion for allowing this adjournment. The House seems to be unanimous, it is in your entire discretion, as is clear from the rules already quoted, and we would ask you, Sir, to use that discretion and allow this adjournment motion before the House to enable some of us to move our Bills which are on the agenda and which are of a very important character indeed. It is entirely in your discretion.

Mr. President (The Honourable Sir Abdur Rahim): This motion for adjournment of the discussion on this Bill has been moved without any previous notice, but apparently there is no authority for such a motion being moved without previous notice as required for ordinary motions. It is urged that the Chair has entire discretion whether to allow such a motion for adjournment of the debate or not. The Chair is not sure that it has such an absolute discretion in a matter of this sort. The Chair finds, as pointed out by the Leader of the House, that there have been some cases in which such a motion has been allowed, but, it is pointed out in the decision, to which the Chair has already referred, that the Chair cannot allow a motion of that character to be moved merely to enable another item of business to go forward. It must be based on substantive grounds. Whether there are substantive grounds or not, in any particular case, no doubt depends upon the circumstances or the state of the business of the House, and so on. The Chair finds from May that the Chair has, in a similar case, put the question to the House, and the Chair thinks that is the only safe course to follow, because, the Chair has not been told what is the nature of the ground except that there are other items on the agenda to which greater importance is attached by some other Honourable Members of this House. The Chair would, therefore, put the question to the House: is it the desire of the House that the debate on this motion should be adjourned? (*Voices*: "Yes, yes, yes.") Those that are in favour of this motion will say "Aye". ("Aye," "Aye.") Those that are against it will say "No". (There was no dissent and the motion was unanimously adopted.) Therefore, the debate will now be adjourned.

THE PARSİ MARRIAGE AND DIVORCE BILL.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I beg to move:

"That the Bill to amend the law relating to marriage and divorce among Parsis, as passed by the Council of State, be taken into consideration."

In the first instance, Sir, may I be allowed to thank my friends on my right, especially my friend, Mr. Satyamurti, for the privilege they have given us of moving our Bills and for the support we have received from Government in this adjournment motion. **8 P.M.** Sir, having got this privilege, it is not my intention to abuse it in any way. I will confine my remarks to a very few minutes, but I do not desire to convey to the House the impression that, because I speak for a very few minutes, this Bill is not one of considerable importance. It is of considerable importance to my small community, which troubles

[Sir Cowasji Jehangir.]

this Honourable House very very seldom indeed, but I nevertheless beg to be excused for inflicting a speech even if it be for a very few minutes.

This Bill was first introduced in the Simla Session of the Council of State in 1884 by the Honourable Sir Phiroze Sethna and it was circulated for opinion. This Honourable House agreed to the appointment of a Select Committee to examine this Bill. It was considered and reported upon by a Joint Select Committee of the two Houses in the Simla Session of 1885 and the Bill as amended by the Select Committee was placed before the Council of State for consideration by the Honourable Sir Phiroze Sethna and considered and passed on the 18th March of this year. I have now the honour to seek its consideration by this Honourable House as amended and passed by the Council of State. This Bill seeks to amend and bring up-to-date the Parsi Marriage and Divorce Act of 1865. It was just 101 years ago, Mr. President, *viz.*, in 1835, that the Parsis first began to consider the question of having legislation suitable to their conditions and according to their social customs, drafted and considered by the then British Government. Although the British Government was approached on this question, it was not till 1855 that the Parsi Laws Association was established for the purpose of drafting special Bills for the community, one of which was a Bill for the law of marriage and divorce. The Government of Bombay appointed a Commission consisting of two English High Court Judges and two prominent Parsis of those days to examine such Bills. The Commission issued their report which was published in 1863. It was then submitted to the then Secretary of State, Sir Charles Wood, afterwards Lord Halifax, the grandfather of the late Viceroy of India. He agreed with the Government of Bombay and decided that legislation was necessary and, further, that it should be enacted by the Council of the Governor General and that it should apply to Parsis living both in Bombay and in the mufassil. The result of this order made by the Secretary of State in his despatch was the Parsee Marriage and Divorce Act of 1865 which followed in a large measure the Matrimonial Causes Act of England of 1857. The Act of 1865 was a Government measure but the Government are today of opinion that considering the fact that the present Constitution gives non-official Members facilities and opportunities of moving such legislation, Government would prefer that such legislation should be brought forward by non-officials. This is why the Honourable Sir Phiroze Sethna undertook to introduce this Bill in the Council of State and I have the honour of being in charge of it in this Honourable House. The Honourable House will readily understand that legislation passed 70 years ago requires amendment due to the change in the social conditions of the Parsee community and to the advanced views held by an overwhelming majority amongst us. Such opinions have constantly been expressed by the most prominent members of the community in the press and from the platform. The Parsee Central Association of which I have the honour to be President took up the question of these reforms in 1928 and a sub-committee known as the Parsee Laws Revision Sub-committee was appointed consisting of the representatives of the most prominent Parsee Associations and many prominent individuals. It reported in 1927 and I will read just two extracts to give some indication of the meticulous care with which the whole question was discussed

and considered. This is what the Parsee Central Association said in presenting the Committee's report:

"The Council of the Parsee Central Association appointed a Sub-Committee known as the Parsi Laws Revision Sub-Committee on the 17th December, 1923, i.e., nearly nine years ago in pursuance of letters received from Sir Phiroze Sethna and Mr. F. A. Vakeel, suggesting amendments in the Parsi Marriage and Divorce Act of 1865."

"Fifty-one meetings were held during the course of three years and after closely and carefully scrutinising each and every section of the Act and after giving their close and earnest attention to the present requirements of the community submitted an exhaustive report (with a few minutes of dissent) on the 12th April, 1927. The Council of the Association thereafter decided to print and circulate the Report to elicit public opinion thereon and accordingly the Honorary Secretaries sent (500) copies to the Trustees of the Parsee Panchayat, to all the Parsi Associations and Anjumans, the delegates of the Parsi Chief Matrimonial Court, Parsi jurists and publicists all over the country and to Parsi Associations in China and Persia. Publicity was also given to the Report in the Press. The Report was well received and some of the Indian papers wrote leading articles in support of the recommendations made therein. Written opinions of well-known Parsi lawyers, such as Sir Dinshaw Mulla, Mr. Justice Bomanji Wadia, Messrs. Coyaji and D. N. Bahadurji were received."

This just goes to show with what care we have drafted this Bill. The most important Association amongst the Parsees is the Parsee Panchayat which not only controls charitable funds but which is looked upon by the community for guidance in matters of religion and social customs. The trustees of the Parsee Panchayat examined this Bill with great care in consultation with other Parsee Associations and well-known Parsee jurists and individuals interested in social reforms. They made some amendments in the draft which were accepted by the Parsi Central Association. The Bill was circulated for public opinion at the instance of the Council of State. With a view to a further examination, a conference was arranged by Sir Phiroze Sethna under the auspices of the Parsee Panchayat and invitations were issued to all Parsee Associations of Bombay which number twenty-five. This conference resulted in a joint reply sent to the Government of Bombay by as many as 21 bodies including the Parsee Panchayat of which, I may add, Sir Phiroze Sethna and I have the honour to be trustees. I will quote just a few lines from the speech of the Honourable Sir Phiroze Sethna in another place to show the results of this conference, as I unfortunately could not attend it due to absence from India. Sir Phiroze Sethna said, relating to the results of this conference, that they were:

"definitely of opinion that the existing Act required to be amended. The question was how far we could go and at the same time carry the great majority of the community with us. At the conference we agreed to certain amendments which were communicated to the Government of Bombay and we felt quite confident that with the changes agreed to at the conference no reasonable Parsi would object to the Bill in any particular. Such an emphatic pronouncement by the leading Parsi Associations, as many as 21 out of about 25 of them in addition to the support of the small and large Parsi Anjumans of various towns and cities in India will, I am sure, convince this Honourable House that not only is the Bill necessary but that the amendments recommended carry with them the concurrence of the vast majority of the community.

There are bound to be differences of opinion in every community and I will admit there is a small section amongst Parsis also which is against some sections of the Bill as approved by the great majority. I say advisedly that they are opposed only to some sections of the Bill for they too recognise that the existing Act requires to be amended in many particulars. This opposition chiefly comes from a small section who are ultra conservative in their views and do not as a rule approve of any changes in keeping with the changing times."

[Sir Cowasji Jehangir.]

Before passing the Bill, the Council of State made some amendments in the Bill as it emerged from the Joint Select Committee. Two of them were of some importance. One was a change in the definition of "Parsee" in sub-clause (7) of clause 2, the phraseology of the Bill as originally introduced being retained. The second amendment was in sub-clause (1) of clause 40 and was due to a judgment of the High Court of Bombay given not more than two months ago. I have already stated that the Act of 1865 was based on the English Act of 1857. The English Act was amended in 1866 but our Act was not so amended and this was not detected until the judgment, I have referred to, was delivered on the 20th February of this very year.

Sir, I do not propose to detain this Honourable House any longer. I do not propose to take this House through the several clauses of the Bill. The changes effected in the Act of 1865 are fully explained in the Statement of Objects and Reasons, the changes made in every clause are also explained there. Considering that I owe this opportunity to the courtesy of several of my friends, as I have already said, I do not desire to abuse this opportunity. I trust that this Honourable House will be convinced that this Bill meets with the wishes of the very vast majority of my community and that this Honourable House will be instrumental in putting on the Statute-book a measure which we trust will be for the happiness and the contentment of the men and women of my community. I have finally to thank the Chairman and members of the Joint Select Committee for the work that they did on our behalf. I have to thank the Government officials who helped us in the final stages of the drafting, and, finally, I have once again to thank every Honourable Member of this House for the privilege they have given me in moving this Bill today, and I fully trust that they will be well compensated by putting on the Statute-book a measure worthy of any Legislature. Sir, I move.

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

"That the Bill to amend the law relating to marriage and divorce among Parsees, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): There is no dispute about this Bill apparently, because no amendments have been given notice of; so the Chair will put most of the clauses together to vote. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

The First Schedule was added to the Bill.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

The Second Schedule was added to the Bill.

Clause 6 was added to the Bill.

Clauses 7 to 53 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Cowasji Jehangir: Sir, I beg to move:

"That the Bill, as passed by the Council of State, be passed."

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

"That the Bill, as passed by the Council of State, be passed."

The motion was adopted.

Sardar Sant Singh (West Punjab: Sikh): Sir, I am not moving any of the motions that stand in my name in view of the many demands that have come from another quarter of the House (Applause.)

THE HINDU WOMEN'S RIGHT TO PROPERTY BILL.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I move:

"That the Bill to amend the Hindu Law, governing Hindu Women's Right to Property, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1936."

Mr. President, I do not intend to take the time of the House for more than five minutes. The principle of the Bill is that Hindu women, in common with the women of other denominations, should have the right of property and that this should be on the natural lines of affection. I am glad that this Bill of mine does not raise any questions of religion or of faith, but it is entirely a question of law, and law as it is applied in Courts at the present time. It is more a case law than Hindu law. Those who have studied Hindu culture and those who know something about the older rules of the Hindu religion and of the Hindu society will, I am sure, agree with me entirely that this is not a case of innovation, but a case of restoration. So far as public opinion is concerned, I may point out that, in the States of Baroda, Mysore and Travancore, the Legislature has gone very much more ahead than what I am suggesting in my Bill, and no damage whatever has been done to the Hindu society. I say that it is about time that this Legislature of ours which rightly will be looked upon as the Legislature of a civilized Government should give the right to all Hindu women to be considered as human beings. They should not merely be thought of as having the right of maintenance by subsistence. They should be allowed to live their lives more fully, and that, we know, cannot be done without giving them some kind of economic status. That economic status, I am fairly convinced, is according to the old tradition and culture of Hindu society, and, therefore, I am sure that all the Hindus will give their support to this Bill. And not only that, but on grounds of equity and justice, I hope that the other communities also will give their support to this Bill.

Sir, I move.

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

"That the Bill to amend the Hindu Law, governing Hindu Women's Right to Property, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1936."

The motion was adopted.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move:

"That the Bill to amend the Child Marriage Restraint Act, 1929, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1936."

Sir, I will only speak a few words. When the Sarda Bill was introduced, there were criticisms everywhere. Government circulated it for opinion, and when public opinion tallied with the views contained in the Bill, the Act came into existence. Since then, Justices of High Courts and other Courts have found out that the intentions of the Act have not been fulfilled. There are three points to which I have drawn attention in the Statement of Objects and Reasons, namely, (1) the Court should be empowered to issue an injunction prohibiting a marriage arranged in contravention of the Act, (2) the Court should be permitted to take proceedings under the Act upon its own motion, without requiring the execution of a bond or taking security, and (3) the Court should have the power to separate a child wife from the husband and allow her to remain separate till the date of consummation of marriage. Sir, child marriages are taking place in Indian States, whereas such marriages are prohibited in British India. In this matter, I have the support of half the people of India—the women of India, and I have received various telegrams from the All-India Women's Conference and the National Women's Council and others: I do not want to read here the various telegrams, but I do hope the House will accept my suggestion for circulating this Bill, and when public opinion will be collected, the House can then take up the Bill.

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

"That the Bill to amend the Child Marriage Restraint Act, 1929, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1936."

The motion was adopted.

THE HINDU MARRIAGE VALIDITY BILL.

Dr. Bhagavan Das (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I move:

"That the Bill to validate marriages between different castes of Hindus be circulated for the purpose of eliciting opinion thereon by the 15th July, 1936."

In the very short time at my disposal I will not be able to place before the House my reasons at length in support of this measure. I

will, therefore, content myself today—hoping that I will have a more favourable opportunity, at a later date, of explaining the reasons fully—with saying that the measure is a purely permissive one. It does not compel any one to marry out of his caste against his will. Also, it does not compel any one to maintain social relations against his will with any person who has contracted such a marriage out of his caste. But I do hope, that if the Bill is passed by this House, it will have the effect of saving persons who have contracted such a marriage from being hounded out of caste by any other person proclaiming that he has lost caste. I hope that if this Bill is passed it will have the effect of preventing all such public proclamation on pain of the proclaimer being held guilty of defamation. There are a few scientific principles which underlie what is now known as the caste system. I hope to be able to place them before the House in detail later on. Today I will only mention briefly, that one of the main principles which underlie the real original vocational class system, which has been converted into a caricature and is now called the caste-system, is that inter-dining and inter-marriage should be entered into very discriminately. I believe, that all such of my learned colleagues in this House as are practising the beneficent profession of medicine will support me when I say that 90 per cent. of the diseases of mankind are due to mistakes in diet and mistakes in sex relations. The current superstition against inter-dining and inter-marriage between different castes is simply a perversion and misunderstanding of this fact of hygienic and eugenic science. Attention to purity in diet ensures individual health, and attention to parity of temperament in respect of marriage ensures racial health! The perversion and misunderstanding of these two scientific laws has resulted in the ridiculous caricature which is looked at with astonishment and contempt by every outside observer of Hinduism. Hinduism today has degenerated into an amorphous mass of nearly three thousand castes and sub-castes which are mutually untouchable in respect of dining and marriage. This is due simply to a misunderstanding of the scientific laws which underlie the old ideal of avoiding indiscriminate dining and indiscriminate marriage. That word 'indiscriminate' needs to be emphasised greatly. The real meaning of '*a-sa-varna*' is not marriage outside the caste, or between different so-called castes, but marriage between persons of disparity of temperament; '*sa-varna*' means parity of temperament and sameness or similarity of occupational and intellectual and emotional interests and tastes, and compatibility of dispositions. This has been perverted into the mere nominal observance of identity of caste-name. I am glad to be able to say that public meetings have been held in various parts of the country which, I understand from the papers, have been passing resolutions in favour of this Bill. At the same time I have received some friendly suggestions and criticisms from persons as deeply desirous as myself of the re-generation of Hinduism and Hindu society out of their present degeneration, to the effect that some provisions should be added to ensure monogamy and the possibility of judicial separation or of divorce in case, disparity of temperament develops later on. I will have to place before the House some views on these two matters when the Bill comes up for consideration. In the meanwhile, if the Bill is circulated for the eliciting of public opinion, different views on the subject will develop themselves and the House will be in a position to consider them all later on. I, therefore, move that the Bill be circulated for the eliciting of opinion by the 15th July, 1936.

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

"That the Bill to validate marriages between different castes of Hindus be circulated for the purpose of eliciting opinion thereon by the 15th July, 1936."

The motion was adopted.

THE ARYA MARRIAGE VALIDATION BILL.

Dr. N. B. Khare (Nagpur Division: Non-Muhammadan): Sir, I beg to move:

"That the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Mr. G. S. Gupta, Dr. Bhagavan Das, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, the Honourable Sir Henry Craik, the Honourable Sir Nripendra Sircar, Mr. M. S. Aney, Sardar Sant Singh, Mr. G. H. Spence, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, my task has been made considerably lighter by my Honourable friend, Dr. Bhagavan Das. His Bill and my Bill are substantially the same: of course, his Bill pertains to the whole of the Hindu society, while my Bill only refers to a section of the Hindu society, called the Arya Samajists. I have set out the reasons in the Statement of Objects and Reasons, and I adopt all the arguments which my Honourable friend, Dr. Bhagavan Das, has detailed here. It is a fact that the caste system is not so rigorous nowadays as it used to be before. Its angularities are getting rounded off, and it is time that the Hindu society made some such reforms. I beg to move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Mr. G. S. Gupta, Dr. Bhagavan Das, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, the Honourable Sir Henry Craik, the Honourable Sir Nripendra Sircar, Mr. M. S. Aney, Sardar Sant Singh, Mr. G. H. Spence, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The Honourable Sir Nripendra Sircar (Law Member): Sir, I would like to say a word to explain why we are not insisting on circulation in connection with Dr. Khare's Bill, while that has been our consistent attitude towards all social and religious Bills. The fact is that on an earlier occasion a Bill very nearly the same as Dr. Khare's Bill under discussion now, with very slight difference, had been circulated for opinion and we know what the opinions of the Arya Samajists concerned are. That is the reason why we are accepting this motion, and we do not want to insist on the circulation of this Bill.

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

"That the Bill to recognise and remove doubts as to the validity of inter-marriages current among Arya Samajists be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Mr. G. S. Gupta, Dr. Bhagavan Das, Mr. N. M. Joshi, Rao Bahadur M. C. Rajah, the Honourable Sir Henry Craik, the Honourable Sir Nripendra

Sircar, Mr. M. S. Aney, Sardar Sant Singh, Mr. G. H. Spence, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.

THE MOSLEM PERSONAL LAW (SHARIAT) APPLICATION BILL.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): Sir, I beg to move:

"That the Bill to make provision for the application of the Moslem personal law (*Shariat*) to Moslems in British India be taken into consideration."

Sir, this Bill is not a new one, but an old one and it has been before the country in the name of one Honourable Member or another for the last six or seven years. For the first time its notice was given in the Legislative Assembly by Mian Abdul Haye, an *ex-M.L.A.*, but on account of the paucity of non-official days and vagaries and difficulties of the ballot procedure he could not introduce it. Subsequently, Malik Muhammad Din, M.L.C., gave notice of this Bill in the Punjab Legislative Council, but for reasons best known to him, it could not be proceeded with. It was, however, left to the newly created Legislative Council of the North-West Frontier Province to have the proud distinction of being the first legislative body in India to enact this Bill into law. The main object of this Bill is, that notwithstanding any custom, usage or law to the contrary in all questions regarding succession, marriage, divorce, betrothal and other social and cognate matters, between parties who are Muslims, the rule of decision should be the *Shariat* law. During the Muhammadan rule, the Muhammadans were governed by the *Shariat* law which was administered by the *Kasis*. On the decline and disintegration of the Moghal Empire India was divided into different States. Each State evolved and adopted its own system of law with the result that the *Shariat* law was in many States replaced by the local or customary law of the State. There have been a great desire among Muslims that there should be one uniform law applicable to them in their social affairs and day to day dealings. It is for this reason that the Bill has been presented in the Indian Legislature as it is the only legislative body which can make laws for the whole of British India. Sir I move that the Bill be taken into consideration.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved.

"That the Bill to make provision for the application of the Moslem personal law (*Shariat*) to Moslems in British India be taken into consideration."

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of July, 1936."

My reason for doing this is, it has always been the policy of Government to insist on all Bills dealing with religious and social matters being circulated for opinion before being taken into consideration. This particular Bill. Sir,—I am not arguing about the merits of it in any way,—I do not say it is not an excellent thing,—but it is certainly a Bill that will

[Sir Henry Craik.]

introduce, in certain parts of the country, a very revolutionary change especially in regard to matters of succession, and it must, therefore, be a Bill on which there will be inevitably a considerable diversity of opinion. For example, in the Punjab, the ordinary rule of succession in regard to land is based on custom. The custom is now in most parts of the Province practically codified and is, at any rate, very easily ascertainable, and this Bill makes in that respect, and also in various other respects, a very revolutionary change. The Honourable the Mover has referred to the Bill which was introduced in the Punjab Legislative Council by Malik Muhammad Din, but it was ultimately withdrawn, and, I think, that it was pretty well-known in that Council, of which I was a Member at the time for the reason that the Mover did not wish to proceed with it as it was not a matter on which opinion was by any means unanimous. I hope, therefore, that my friend will agree that in the interest of his own Bill that public opinion should be ascertained by circulation, and 'I, accordingly, move that it be circulated.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of July, 1936."

Mr. H. M. Abdullah: I accept it.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): The Mover has accepted the amendment.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): The House must accept it.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of July, 1936."

The motion was adopted.

THE REMOVAL OF CIVIC DISABILITIES BILL.

Rao Bahadur M. C. Rajah (Nominated Non-Official): Sir, I beg to move:

"That the Bill to provide for the removal of Social Disabilities among certain classes of Hindus be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Diwan Bahadur R. V. Krishna Ayyar, Babu Baij Nath Bajoria, Rai Bahadur Seth Bhagchand Soni, Mr. R. S. Sarma, Mr. Bhulabhai J. Desai, Mr. C. N. Muthuranga Mudaliar, Dr. T. S. S. Rajan, Mr. N. V. Gadgil, Babu Kailash Behari Lal, Mr. Muhammad Azhar Ali, Bhai Parma Nand, Mr. Akhil Chandra Datta, Mr. Sri Prakasa, Sardar Sant Singh, Mr. G. S. Gupta, Mr. Amarendra Nath Chattopadhyaya, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill seeks to remove civic and secular disabilities from which the Depressed Classes are suffering under the existing laws. It does not seek to impose any disability on the Caste Hindus, nor does it interfere with religion. The Bill is intended to remove the obstacles created by the British Indian Courts giving legal recognition to certain social customs and usages which are regarded as unjust, anti-social and irreligious. It lays down rule of law for Courts which are required not to recognise any custom of untouchability for judicial purposes. Why we want legislation for is to remove the existing legal obstacles. Laws could only be changed by laws. I am glad to say that, as far as I know, the orthodox opinion is also in favour of this Bill. The public opinion is unmistakably and solidly behind this endeavour to set right an age-old crime against one important section of the Hindu society. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

"That the Bill to provide for the removal of Social Disabilities among certain classes of Hindus be referred to a Select Committee, consisting of the Honourable the Law Member, the Honourable the Home Member, Diwan Bahadur R. V. Krishna Ayyar, Babu Baij Nath Bajoria, Rai Bahadur Seth Bhagchand Soni, Mr. B. S. Sarma, Mr. Bhulabhai J. Desai, Mr. C. N. Muthuranga Mudaliar, Dr. T. S. S. Rajan, Mr. N. V. Gadgil, Babu Kailash Behari Lal, Mr. Muhammad Azhar Ali, Bhai Parma Nand, Mr. Akhil Chandra Datta, Mr. Sri Prakasa, Sardar Sant Singh, Mr. G. S. Gupta, Mr. Amarendra Nath Chattopadhyaya, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I oppose this Bill which is most irreligious. I do not agree at all with my Honourable friend, Rao Bahadur Rajah, that this Bill does not interfere with religion. It does interfere.

The Honourable Sir Nripendra Sircar (Law Member): With your permission, Sir, I want to move an amendment, especially because I understand my Honourable friend, Rao Bahadur Rajah, has no objection. Sufficient notice has not been given of the amendment, but the mistake was due to a misapprehension. In the printed agenda, originally, the motion was for circulation, but I am making no grievance about it. But owing to that, we have made a mistake in not sending due notice. I understand the Honourable the Mover has no objection to my moving the amendment:

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st July, 1936."

I want your permission, and if that is granted, I shall move it.

Mr. President (The Honourable Sir Abdur Rahim): In the circumstances, the Chair dispenses with the period of notice.

The Honourable Sir Nripendra Sircar: Sir, I move:

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st July, 1936."

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

"That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st July, 1936."

Sardar Sant Singh (West Punjab: Sikh): On a point of information, Sir. I think Government obtained opinions on this Bill in the last Assembly, and the opinions are already with the Government.

Rao Bahadur M. C. Rajah: Sir, I moved a similar Bill in this very House in 1934, and then a motion was moved for circulation and I accepted it. The Bill was circulated and opinions were all received, and I have got a heap of them with me already here. But, if the Government desire to re-circulate the Bill, I have absolutely no objection.

Some Honourable Members: Why? There are opinions already.

Rao Bahadur M. C. Rajah: Sir, . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot make a second speech, but he can give the information that is wanted.

The Honourable Sir Nripendra Sircar: That Bill, I think the Honourable the Mover will agree with me, is not substantially the same as this Bill. That is the only point I want to make. We have no desire, in the slightest degree, to obstruct my Honourable friend, and that has been the consistent policy of the Government. But, after all, this motion does not really mean any delay, because even if the Select Committee motion is passed the Bill cannot be passed before the September Session. Under the circulation motion also, the Bill will come before the September Session. I can assure the House that my *bona fide* desire is to get opinions on this Bill and nothing else.

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

“That the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st July, 1936.”

The motion was adopted.

THE HINDU WIDOWERS' RE-MARRIAGE BILL.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to prohibit the marriage of Hindu widowers with Hindu spinsters.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“That leave be granted to introduce a Bill to prohibit the marriage of Hindu widowers with Hindu spinsters.”

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): I do not think it is usual to oppose a motion for introduction, but this Bill is an absurd Bill (Laughter.) It is said to be proper, even from the point of view of sentiment; but why should widowers marry widows only? It seems to me most extraordinary to lay down a principle that widowers should marry widows only. My Honourable friend's intention is to increase widow re-marriage! I hope the Bill will be laughed out by the House. I oppose. (Laughter.)

Mr. Suryya Kumar Som: As there is opposition, I beg leave to withdraw the Bill.

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

THE BUDDHA GAYA TEMPLE BILL.

Dr. Thein Maung (Burma: Non-European): Sir, I move for leave to introduce a Bill to make provision for the restoration of the Buddha Gaya Temple and its premises to Buddhists and for the better management of the same.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That leave be granted to introduce a Bill to make provision for the restoration of the Buddha Gaya Temple and its premises to Buddhists and for the better management of the same."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): This Buddha Gaya Temple, as far as I know, is private property . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Is the Honourable Member opposing it?

Babu Baijnath Bajoria: I am not opposing it, but I want information. I want a ruling from the Chair whether this House is competent . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): This is a motion for introduction, and the convention of this House is not to talk or to oppose it.

Babu Baijnath Bajoria: I am not opposing it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to make provision for the restoration of the Buddha Gaya Temple and its premises to Buddhists and for the better management of the same."

The motion was adopted.

Dr. Thein Maung: Sir, I introduce the Bill. (Applause.)

THE HINDU GAINS OF LEARNING (AMENDMENT) BILL.

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I move for leave to introduce a Bill to amend the Hindu Gains of Learning Act, 1930.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to amend the Hindu Gains of Learning Act, 1930."

The motion was adopted.

Mr. Ghansham Singh Gupta: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 388).

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 388)."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE MUSLIM DISSOLUTION OF MARRIAGE BILL.

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill to consolidate the provisions of Muslim law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie."

The motion was adopted.

Qazi Muhammad Ahmad Kazmi: Sir, I introduce the Bill.

THE INDIAN SUBSCRIPTIONS BILL.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I move for leave to introduce a Bill to make provision for the better administration of moneys raised by public subscription and for ensuring the keeping and publication of proper accounts in respect of such moneys.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to make provision for the better administration of moneys raised by public subscription and for ensuring the keeping and publication of proper accounts in respect of such moneys."

The motion was adopted.

Sir Muhammad Yakub: Sir, I introduce the Bill.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to amend the Child Marriage Restraint Act, 1929.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to amend the Child Marriage Restraint Act, 1929."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

Mr. Anugrah Narayan Sinha (Patna cum Shahabad: Non-Muhammadan): Sir, I move for leave to introduce a Bill further to amend the Legal Practitioners Act, 1879.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill further to amend the Legal Practitioners Act, 1879."

The motion was adopted.

Mr. Anugrah Narayan Sinha: Sir, I introduce the Bill.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

Qazi Muhammad Ahmad Kasmi (Meerut Division: Muhammadan Rural): Sir, I move for leave to introduce a Bill to amend the Child Marriage Restraint Act, 1929.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to amend the Child Marriage Restraint Act, 1929."

The motion was adopted.

Qazi Muhammad Ahmad Kasmi: Sir, I introduce the Bill.

THE INDIAN MEDICAL COUNCIL AMENDMENT BILL.

Mr. Anugrah Narayan Sinha (Patna cum Shahabad: Non-Muhammadan): Sir, I move for leave to introduce a Bill to amend the Indian Medical Council Act, No. XXVII of 1933.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to amend the Indian Medical Council Act, No. XXVII of 1933."

The motion was adopted.

Mr. Anugrah Narayan Sinha: Sir, I introduce the Bill.

THE MUSLIM INTTESTATE SUCCESSION BILL.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I move for leave to introduce a Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim Community.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to declare that properties of a Muslim dying intestate and without any heir devolve upon the Muslim Community."

The motion was adopted.

Sir Muhammad Yakub: Sir, I introduce the Bill.

THE HINDU DISPOSAL OF PROPERTY BILL.

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I move for leave to introduce a Bill to remove certain disabilities in respect of the power of transfer or of will by a member of a joint Hindu family.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is?

"That leave be granted to introduce a Bill to remove certain disabilities in respect of the power of transfer or of will by a member of a joint Hindu family."

The motion was adopted.

Mr. Ghansham Singh Gupta: Sir, I introduce the Bill.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I move for leave to introduce a Bill to control the Coastal Traffic of India.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to control the Coastal Traffic of India."

The motion was adopted.

Sir Abdul Halim Ghuznavi: Sir, I introduce the Bill.

THE INDIAN ARMS (AMENDMENT) BILL.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Arms Act, 1978.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill further to amend the Indian Arms Act, 1978."

The motion was adopted.

Mr. Lalchand Navalrai: Sir, I introduce the Bill.

THE HINDU WIDOWS' MAINTENANCE BILL.

Mr. S. K. Hosmani (Bombay Southern Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to fix the maintenance of widows in joint Hindu families.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That leave be granted to introduce a Bill to fix the maintenance of widows in joint Hindu families."

The motion was adopted.

Mr. S. K. Hosmani: Sir, I introduce the Bill.

THE HINDU WIDOWS' RIGHT OF INHERITANCE BILL.

Mr. Ghansham Singh Gupta (Central Provinces Hindi Divisions Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to secure a share for Hindu widows in their husbands' property.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is

"That leave be granted to introduce a Bill to secure a share for Hindu widows in their husbands' property."

The motion was adopted.

Mr. Ghansham Singh Gupta: Sir, I introduce the Bill.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): With your permission, Sir, I desire to make a statement about the business. The first item of business tomorrow will be the completion of the debate on the motion to refer the Bill to amend the Indian Companies Act to a Select Committee. Thereafter, the Bill to amend the Indian Tariff Act in regard to fents, etc., will be taken. I understand that, as the result of informal conversations, these two items of business are likely to be disposed of before the House rises. If this anticipation is realised, the House will proceed to consider the amendment made by the Council of State in the Payment of Wages Bill, the Second Tariff Bill relating to wheat and rice, and the Cochin Port Bill. Sir, in the absence of the Honourable the Finance Member, I propose, with your permission, to make a statement for him in connection with the Reserve Bank Act. As Honourable Members are aware, it had been the intention of Government to put before this House a Bill to amend the Reserve Bank Act so as to empower the Bank to function in respect of a separated Burma. A Bill was drafted, the Reserve Bank had examined it, and it had been placed on the agenda for the present Session.

The amendments proposed in the Bill could not of course come into operation at once, and provision was made in it to bring it into operation from the date of separation of Burma. But it has now been discovered that any Indian law passed by the existing Legislature but not actually in force before the commencement of Part III of the Act will not be kept alive by section 292 of the Government of India Act, 1935, and will, therefore, be of no avail.

It thus becomes necessary to drop the idea of Indian legislation and to make the necessary alterations in the Reserve Bank Act by Orders in Council. The drafts of these will be submitted to the Reserve Bank and they will be published for the information of the public generally before they are finally submitted to Parliament.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 16th April, 1936.