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FOURTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY, 1936



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Legislative Assembly.

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MR. N. M. JOSHI, M.L.A.

CONTENTS.

VOLUME VI.—31st August to 14th September, 1936.

	PAGES.		PAGES.
MONDAY, 31ST AUGUST, 1936—		TUESDAY, 1ST SEPTEMBER, 1936—contd.	
Members Sworn	1—2	Motions for Adjournment re—	
Questions and Answers	2—36	Withdrawal of the Government of India from the League of Nations—Not moved	189—90
Unstarred Questions and Answers	36—50	Refusal of the British Delegation in Addis Ababa to give pro- tection to the Indians there—Not moved	190
Statements laid on the Table	50—105, 110—12	Introduction of the System of Nomina- tion in the Selection of Candidates for the Indian Civil Service in England—Barred	190
Deaths of Khan Bahadur Mian Sir Fazl-i-Husain, Sir M. Ramachandra Rao and Mr. W. S. Lamb	105—09	Sir Otto Neimeyer's Report—Not moved	190
Nomination of the Panel of Chairmen	109	Shifting of the Provin- cial Headquarters of Orissa from Cuttack —Not moved	190
Appointment of the Com- mittee on Petitions	109	Abolition of the Tariff Board—Withdrawn	190—91, 222—36
Motion for Adjournment re New Rules for Re- cruitment to the Indian Civil Service—Adopted	109—10, 140—60	The Arya Marriage Vali- dation Bill—Presenta- tion of the Report of the Select Committee	191
Governor General's assent to Bills	110	The Indian Railways (Amendment) Bill— Discussion on the motions to refer to Select Committee and to circulate not con- cluded	191—222
The Indian Companies (Amendment) Bill— Presentation of the Report of the Select Committee	112		
The General Clauses (Amendment) Bill— Introduced	112		
The Repealing and Amending Bill—Intro- duced	112—13		
The Chittagong Port (Amendment) Bill—In- troduced	113		
The Indian Railways (Amendment) Bill— Discussion on motions to refer to Select Com- mittee and to circulate not concluded	113—40		
TUESDAY, 1ST SEPTEMBER, 1936—		WEDNESDAY, 2ND SEPTEMBER, 1936—	
Questions and Answers	161—89	Questions and Answers	237—72
		Motion for Adjournment re Reduction of Duty on British Textiles without consulting the Legislative Assembly— —Talked out	272, 305—30

PAGES.	PAGES.
WEDNESDAY, 2ND SEPTEMBER, 1936—contd.	THURSDAY, 3RD SEPTEMBER, 1936—contd.
The Indian Railways (Amendment) Bill—Discussion on the motions to refer to Select Committee and to circulate not concluded	The Indian Motor Vehicles (Amendment) Bill—Discussion on motions to refer to Select Committee and to circulate not concluded
272—305	394—413
THURSDAY, 3RD SEPTEMBER, 1936—	FRIDAY, 4TH SEPTEMBER, 1936—
Statement re Demonstration against the ruling of the Chair	Questions and Answers
331—33	415—46
Questions and Answers	Statements laid on the Table
333—64	446—50
Motions for Adjournment re—	Ruling re Adjournment Motions
Prohibition of the Printing of Pictures of Mahatma Gandhi and others, etc., on cards and covers—Not moved	451—52
364	Motion for Adjournment re Strict Neutrality on the part of Local Governments in respect of Provincial Elections—Disallowed by the Governor General
Alleged Active Acquiescence of the Government of India in the recent political Activities of Sir Sikandar Hayat Khan, a Deputy Governor of the Reserve Bank of India—Not moved	452, 457
364	Statement re Demonstrations against the ruling of the Chair
Reduction of the Import Duty on Grey Cotton Goods and on Bordered and Bleached Cotton Goods imported from the United Kingdom—Withdrawn	452—57, 457—60
365	Order from His Excellency the Governor General
Strict Neutrality on the part of Local Governments in respect of Provincial Elections—Disallowed by the Governor General	457
365—73	The Indian Motor Vehicles (Amendment) Bill—Circulated
Election of the Provincial Legislature in Bihar—Ruled out of order	461—83
373—79	The Cantonments (Amendment) Bill—Discussion on the motion to consider not concluded
Government's Breach of promise—Disallowed by the President	483—89
379—81	Statement of Business
Mr. Subhash Chandra Bose—Not pressed	489
381—82	MONDAY, 7TH SEPTEMBER, 1936—
The Indian Railways (Amendment) Bill—Circulated	Questions and Answers
383—94	491—520
	Short Notice Question and Answer
	520—21
	Motion for Adjournment re Order served on Khan Abdul Ghaffar Khan not to enter the North-West Frontier Province and the Punjab—Disallowed by the Governor General
	521, 536—37
	The Geneva Convention Implementing Bill—Introduced
	552
	The Cantonments (Amendment) Bill—Discussion on the consideration of clauses not concluded
	552—36, 537—69
	Message from His Excellency the Governor General
	536—37

TUESDAY, 8TH SEPTEMBER, 1936—	PAGES.	THURSDAY, 10TH SEPTEMBER, 1936— <i>contd.</i>	PAGES.
Questions and Answers	571—602	Extension by the Government of Bengal of the Provisions of Chapters II and III of the Bengal Public Security Act, 1932, to the Town of Calcutta and the Districts of 24 Parganas and Howrah—Disallowed by the President	772—74
Short Notice Question and Answer	602—03	Situation in Palestine—Ruled out of order	774—76
Motions for Adjournment <i>re</i> —		The Indian Companies (Amendment) Bill—Discussion on the motion to consider not concluded	776—815
Arrests and Detention of Public Workers in the Punjab—Ruled out of order	603—04		
Interference by the Government of the United Provinces with the Sunni Muslims of Lucknow—Ruled out of order	604—05		
Arrest of Public Workers in the North-West Frontier Province—Disallowed	605		
Extermination of Mr. M. R. Masani from the Punjab—Disallowed by the Governor General	606, 631		
The Indian Companies (Amendment) Bill—Discussion on the motion to consider not concluded	606—30, 631—49		
Message from His Excellency the Governor General	631		
		FRIDAY, 11TH SEPTEMBER, 1936—	
		Questions and Answers	817—51
		Short Notice Questions and Answers	851—53
		Statements laid on the Table	853—54
		The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded	854—97
		MONDAY, 14TH SEPTEMBER, 1936—	
		Questions and Answers	899—930
		Short Notice Questions and Answers	930—32
		Motion for Adjournment <i>re</i> British Policy in Palestine—Disallowed by the Governor General	932—33, 947—48
		Motion <i>re</i> Expunction of certain Passages from the Proceedings of the Legislative Assembly	933
		The Indian Rubber Control Bill—Introduced	934
		The Bangalore Marriage Validating Bill—Introduced	934
		The Red Cross Society (Alioation of Property) Bill—Introduced	934
		The Indian Companies (Amendment) Bill—Discussion on the consideration of clauses not concluded	934—47, 948—80
		Message from H. E. the Viceroy and Governor General	947—48
WEDNESDAY, 9TH SEPTEMBER, 1936—			
Questions and Answers	651—93		
Motion for Adjournment <i>re</i> Extermination of Mr. M. R. Masani from the Punjab—Consent to move not given	693		
The Indian Companies (Amendment) Bill—Discussion on the motion to consider not concluded	693—735		
THURSDAY, 10TH SEPTEMBER, 1936—			
Questions and Answers	737—71		
Motions for Adjournment <i>re</i> —			
Murder of Mail Guard Golam Sattar on a Calcutta Sirajgang Train between Bana-ghat and Chuadanga—Disallowed by the President	772		

LEGISLATIVE ASSEMBLY.

Monday, 14th September, 1936.

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

QUESTIONS AND ANSWERS.

BROADCASTING ON SHORT WAVES AND TRAVELLING RADIO SERVICE.

338. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Why have not Government published Mr. Kirke's Report and recommendations regarding broadcasting in India ?

(b) Are Government aware of the short-wave transmission controversy ? If so, will they state their conclusions regarding (i) establishing short-wave stations, and (ii) transmitting selected items on short-wave from all medium or long wave stations in India ?

(c) What is Government's policy regarding travelling radio service in rural areas, as adopted by the Nizam's Government ?

The Honourable Sir Frank Noyce : (a) The recommendations made by Mr. Kirke and the question of publishing his report are under the consideration of Government.

(b) Government are aware of the short wave transmission controversy, but no definite conclusion is possible without further experiment and research which have been commenced. Meanwhile in the scheme which is under their consideration for the development of broadcasting some short wave stations have been included in conjunction with stations operating on medium wave lengths.

(c) Government have no official information of the service given to rural areas in His Exalted Highness the Nizam's territories. The All-India Radio is trying several alternative methods of providing a service to rural areas and the results of these experiments are being carefully watched with a view to develop rural broadcasting.

Mr. S. Satyamurti : With regard to the actual research which is being carried on, is it done on both assumptions, that is to say, that ultimately we shall have short wave or medium wave stations, or long wave stations also ?

The Honourable Sir Frank Noyce : The immediate object of the research is to discover which of the methods, short or medium wave, is the more suitable.

Pandit Lakshmi Kanta Maitra : May I know how many short wave stations have been decided upon ?

The Honourable Sir Frank Noyce : There are none at present. Three have been included in the programme.

MANUFACTURE OF CHEAP RADIO SETS IN INDIA.

339. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : Have Government investigated the possibility of manufacturing cheap radio sets in India ? If so, what are their conclusions, and in what way do they propose to encourage it ?

The Honourable Sir Frank Noyce : The attention of the Honourable Member is invited to the reply given by me on the 7th September, 1936, to parts (b), (d) and (e) of Mr. Satyamurti's starred question No. 168.

LISTENERS' LICENCES AND SUBSCRIBERS TO THE *Indian Listener*.

340. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : By how many has the number of (i) listeners' licences, and (ii) subscribers to the *Indian Listener*, increased since January, 1936 ?

The Honourable Sir Frank Noyce : The increase upto the end of June, 1936, is (i) 5,092 and (ii) 2,360.

Mr. S. Satyamurti : Is the *Indian Listener* now more or less self-supporting ?

The Honourable Sir Frank Noyce : Not quite. I understand the position is improving.

CUSTOMS REVENUE REALISED ON FOREIGN RADIO SETS.

341. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) How much customs revenue has been realised on foreign radio sets since the 1st April, 1935 ?

(b) Is the amount allocated to broadcasting service ?

The Honourable Sir Frank Noyce : (a) The customs revenue on wireless reception instruments and apparatus for the period 1st April, 1935, to the 31st July, 1936, amounted to Rs. 14,92,000.

(b) No.

Mr. S. Satyamurti : Does this amount go to the general revenues ?

The Honourable Sir Frank Noyce : Yes.

Mr. S. Satyamurti : May I know whether any portion of it is set apart for broadcasting ?

The Honourable Sir James Grigg : No, Sir ; the current expenditure is dealt with in accordance with the needs of the service, and it has no direct relation to the revenue from customs.

Mr. S. Satyamurti : May I know which country exports most of these radio sets ?

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

HOUSING OF RADIO STUDIOS.

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342. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Will Government state if radio studios are housed in Government-owned or rented buildings ? If any of them are housed in rented buildings, what is the annual rent of such buildings, and are these buildings suitable for the purpose ?

(b) Will Government state why it has not been possible for them to build (out of the 1935-36 or 1936-37 capital grants) a suitable studio in Delhi ?

The Honourable Sir Frank Noyce : (a) The radio studios at Delhi and Calcutta are housed in private rented buildings at monthly rents of Rs. 285 and 635, respectively. The studio at Bombay is located in a building belonging to the Posts and Telegraphs Department for which a monthly rent of Rs. 456 is paid. The buildings at Delhi and Bombay are not entirely suitable.

(b) The studio at Delhi could not be constructed in 1935-36 as the selection of a suitable site and the preparation of plans and estimates required careful consideration. It is hoped to start work on the construction of the studio in the course of this year.

Mr. S. Satyamurti : May I know if when Delhi will have its own building, Calcutta and Bombay will also have their own buildings, considering the rents paid for rented buildings ?

The Honourable Sir Frank Noyce : No, Sir ; not at present. The point is that such funds as are available for constructing studios have been earmarked for building a studio in Delhi. Later on it may be advisable to build studios in Bombay and Calcutta, but that is a matter for future consideration.

Mr. S. Satyamurti : May I know if the Government are satisfied, in view of the financial implications involved, it is cheaper for them to continue in rented buildings ?

The Honourable Sir Frank Noyce : They are satisfied that, in present conditions, it is better to spend such funds as are available on receiving stations than on studios, with the exception, of course, of Delhi.

DEVELOPMENT OF A MINIMUM OF COMMON VOCABULARY OF "BASIC HINDUSTANI" IN BROADCASTING.

343. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : Are Government prepared to consider the advisability of drawing the attention of the Controller of Broadcasting and the Indian Universities, to the desirability of co-ordinating efforts to develop a minimum of common vocabulary of "basic Hindustani" on the model of "basic English" ?

Sir Girja Shankar Bajpai : It is not part of the duties of the Controller of Broadcasting to co-ordinate efforts to develop a minimum of common vocabulary of "basic Hindustani". As regards Universities, I would suggest that the Honourable Member address his suggestion to the Inter-University Board.

Mr. S. Satyamurti : May I know, Sir, from the point of view of broadcasting, whether it is not necessary to have some kind of basic

Hindustani, so that there may be no variations or the people may not understand or may misunderstand what is spoken ?

Sir Girja Shankar Bajpai : Well, Sir, to the extent that there is such a thing as basic Hindustani, it is utilised by those who broadcast.

Mr. S. Satyamurti : May I know what are the tests by which the various speakers who broadcast in Hindustani are made to conform to a kind of basic Hindustani, so as to avoid misunderstanding or non-understanding ?

Sir Girja Shankar Bajpai : I do not think there is much scope for misunderstanding. There is a good deal of scope for non-understanding, and if I may venture to point out to my friend, generally the non-understanding occurs when Urdu of the type used by my Honourable friend in whose name the question stands is used for the purposes of broadcasting.

Mr. S. Satyamurti : May I know if the Honourable Member is aware that the translation of His Excellency the Viceroy's speech at least was not understood, because it was high flown Urdu, which the average Indian could not understand ?

Sir Girja Shankar Bajpai : That may be, but on the other hand, as I happen to know something about Hindustani which is my mother tongue I can assure him that the translation of a speech such as that of His Excellency the Viceroy into what is called common Hindustani is somewhat a difficult business.

CONSTITUTION OF ACADEMIES OF NATIONAL ARTS AND LITERATURE.

344. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : Are Government prepared to consider the advisability of systematising and co-ordinating the results of the search and discovery of talent by the broadcasting service into properly constituted Academies of National Arts and Literature with headquarters in Delhi, and accordingly allocate a reasonable amount of money in the next year's budget ?

Sir Girja Shankar Bajpai : The All-India Radio is and has been endeavouring to discover artistic talent for broadcasting purposes but talent is not always a success at the microphone. It is not possible to constitute Academies of National Art and Literature merely as a result of the discovery of talent by the All-India Radio. The question of providing funds for the purpose in the Central Government's budget does not arise.

Mr. S. Satyamurti : Apart from discovering talent only through broadcasting, have Government considered, or will they consider the co-ordination of talents in certain lines of art or literature, with a view to constituting at least the beginnings of an Academy of National Arts and Literature ?

Sir Girja Shankar Bajpai : It seems to me that the initiative in this matter has to come from the provinces first. In the United Provinces they have an Academy of Music, and if the other provinces fall into line, and there is general development of activity in the provinces the question of co-ordination may be considered.

UTILISATION OF THE RURAL DEVELOPMENT GRANTS.

345. **Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) Will Government state if they are in a position to say now how various Local Governments have utilised the rural grants of 1935-36 and 1936-37 ?

(b) What proportion of these grants has been spent by each Province up to the end of June, 1936, and with what results on, (i) the supply of drinking water (wells, tube-wells, etc.) to villages, (ii) health and hygiene, particularly measures for improving the sanitation of villages, excluding lectures and distribution of literature, (iii) facilities of transport—roads or transport services, (iv) relief of unemployment by encouraging cottage industries, and (v) medical relief ?

The Honourable Sir James Grigg : (a) Reports from all the Provinces have not yet been received. I hope, however, to lay before the House in a few days' time a statement of the progress made by Provincial Governments in the utilisation of the grants made to them in 1935-36. No grants have yet been made in the current year.

(b) In view of what I have just said, I am not in a position to give this information.

Mr. S. Satyamurti : With reference to the current year, may I take it that no money has been set apart for 1936-37 yet ?

The Honourable Sir James Grigg : Oh, yes, money has been set apart, and actually a provisional allocation has been made. I believe there is a question down a little later, and in reply to that I shall be laying on the table a statement showing the principles which the Government of India suggested for allocation for 1936-37.

Mr. S. Satyamurti : May I take it these are, therefore, block grants, and they can be spent, as and when the Local Governments choose ?

The Honourable Sir James Grigg : No, Sir, that is not so, if he will wait until he sees the statement he will understand the exact position.

Mr. S. Satyamurti : May I know whether the Government realise that not sanctioning schemes till so late as September is likely to retard the expenditure on these items ?

The Honourable Sir James Grigg : My general impression of the reports of last year is that there are still outstanding considerable amounts of those grants, so that I do not think there is likely to be any delay in consequence of the fact that the new set of grants have not been formally sanctioned ?

Mr. S. Satyamurti : With reference to the answer to clause (b) of the question, may I know if the Honourable Member will say today or later when he gets all those reports especially with regard to items 1, 4 and 5, how much of it has been spent for the special benefit of the depressed classes ?

The Honourable Sir James Grigg : I cannot answer that without notice. I shall look into it, but my recollection is that the reports do not divide the expenditure into that on depressed classes and on other classes.

Mr. N. M. Joshi : May I ask whether the Government of India have enquired what was the expenditure of the Local Governments on rural development before 1935-36, and whether as a result of the grant given by the Central Government the Local Governments are not actually spending less on the rural development than they were doing before ?

The Honourable Sir James Grigg : I believe that is inaccurate because it was made quite clear in the conditions of grant that the money should be spent on new works and not merely on continuance of current activities, and that stands to reason seeing that the grants are non-recurring.

Mr. N. M. Joshi : May I ask whether the Government of India will give us some figures as to what was the actual expenditure of the Local Governments on rural development and what is their present expenditure ?

The Honourable Sir James Grigg : Those are contained in the Local Governments' budgets.

Pandit Lakshmi Kanta Maitra : Before allocating funds to the Provincial Governments, do Government propose to call from the Local Governments specific schemes on which these monies may be spent by them ?

The Honourable Sir James Grigg : I would be very grateful if the Honourable Member would await the communication of the Government of India to the Local Governments which I have promised to lay on the table in due course.

Pandit Lakshmi Kanta Maitra : Thank you.

Mr. N. M. Joshi : May I ask whether the Government of India will enquire and supply information to this House as to whether their grants for rural development have not resulted in an actual reduction of the Local Governments' expenditure on those services ?

The Honourable Sir James Grigg : I have answered that question already and I do not see why I should answer a repetition of an unfounded allegation.

TAX ON WELLS IN THE DELHI PROVINCE.

346. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) Are Government aware that in the Delhi Province, wells dug and maintained by villagers at their own expense for purposes of irrigation are still subject to a tax ranging between Rs. 4 to Rs. 40 per well ?

(b) Are Government aware that at several conferences villagers of the Delhi Province have emphatically expressed their dissatisfaction with this tax ?

(c) Will Government state how much is annually realised in tax on wells ?

(d) Are Government aware that the peasants in the Delhi Province are disinclined to dig wells for irrigation on account of the tax on wells, which is discouraging improvement ?

Sir Girja Shankar Bajpai : (a) No. As I endeavoured to explain in my answer to the Honourable Member's question No. 91 on the 4th

September, 1935, the amounts mentioned by him represent the element of land revenue realised owing to the water advantage of the area irrigated from a well. According to the Settlement Reports this assessment which is in conformity with established principles and practice was accepted by the village elders.

(b) Government understand that there have been a number of conferences in which this assessment has been criticised.

(c) Government regret that no separate register of the *abiana* due for the whole Province is maintained.

(d) No. Government understand that a number of wells have been dug since the last settlement and that they are not assessed to *abiana*.

Mr. S. Satyamurti : In view of the answer to clause (b) of the question, may I ask if my Honourable friend will ascertain from the village elders, whether they now approve of this tax, or they have changed their opinion ?

Sir Girja Shankar Bajpai : The question would doubtless come up when the next settlement of Delhi takes place.

Mr. S. Satyamurti : When is that due ?

Sir Girja Shankar Bajpai : I could not say offhand. The last settlement took place in 1907-08 ; ordinarily the term is 30 years, and it would not be before 1938.

Prof. N. G. Ranga : Are Government aware of the fact that the area under irrigation in the Delhi Province has gone down during the last year ?

Sir Girja Shankar Bajpai : I do not know if that directly arises out of this question.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that in the Madras Presidency the taxation of tenants' improvements has been declared illegal...

Mr. President (The Honourable Sir Abdur Rahim) : It has nothing to do with the present question, nor has the Madras Presidency anything to do with it.

Mr. M. Ananthasayanam Ayyangar : My point is why in this province also the taxation of tenants' improvements should not be made illegal. What I am asking is, would similar steps be taken here to declare such things illegal ?

Sir Girja Shankar Bajpai : I do not see any reason why we should take into account a practice in Madras where conditions are different from what they are in northern India.

Prof. N. G. Ranga : Are Government aware that there was a G. O. published by the Government of India in 1905 or somewhere like when Lord Curzon was the Viceroy here, in which it was definitely stated that Government would try to see that no additional tax was imposed upon peasants for any improvements effected by them either in the way of digging wells, or improving the lands or manuring them, etc. ?

Sir Girja Shankar Bajpai : I am aware of that particular statement of policy, and if my Honourable friend would consider the implication of the reply to part (d) of the question, namely, that Government understand that a number of wells have been dug since the last settlement and that they are not assessed to *abiana*, he will find that the 1908 settlement did not in any way transgress the prescription of the resolution of 1905. Every well that has been constructed is not immediately assessed to *abiana*.

GRIEVANCES AND DEMANDS OF THE AGRICULTURISTS OF THE DELHI PROVINCE.

347. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) Has Government's attention been drawn to the grievances and demands of the agriculturists of the Delhi Province, which they have reiterated at several conferences since April last ?

(b) Which of these have Government taken steps to redress ?

Sir Girja Shankar Bajpai : (a) and (b). I would invite the Honourable Member's attention to the statement laid by the Honourable the Home Member on the table of the House in reply to Mr. Ram Narayan Singh's starred question No. 1344 on the 20th March, 1936. Government are not aware of any conferences of the nature mentioned by the Honourable Member having been held since April last.

Prof. N. G. Ranga : Is it not a fact that a statement was issued to the press by the Government of India or the Publicity Bureau to the effect that the area under irrigation has gone down to a considerable extent during the last year and that the canals need very great improvement ?

Sir Girja Shankar Bajpai : My Honourable friend asked that question before and I pointed out then that it did not arise, and it does not arise now either. (At this stage, Prof. N. G. Ranga interrupted.) If my Honourable friend will listen to me, this question relates to grievances urged at a certain conference. I submit that there has been no conference since the answer which was laid on the table of the House on the 20th March, 1936. It follows that what has appeared in the press now could not have been taken into account at a conference which took place in March, 1935.

Prof. N. G. Ranga : Is it or is it not a fact, as the Government communicate itself has stated, that the area under irrigation has gone down in 1935-36 and that the canals need good repair ?

Sir Girja Shankar Bajpai : I could not say. If my Honourable friend will put down a question, I will try to answer it.

Mr. S. Satyamurti : Since April last, have any steps been taken to redress any of these grievances ?

Sir Girja Shankar Bajpai : If my Honourable friend will peruse the statement which was placed by the Honourable the Home Member on the table of this House in March, 1936, he will find that such action as could have been taken by the Government in regard to grievances which were genuine has been taken.

AGRICULTURAL INDEBTEDNESS IN THE DELHI PROVINCE.

348. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Are Government aware that agricultural indebtedness has increased in the Delhi Province since the operation of co-operative banks, and there is a general feeling of dissatisfaction with their methods of realisation of debts ?

(b) What steps, if any, have Government taken to relieve agricultural indebtedness ?

(c) Is it proposed to extend the Punjab and the United Provinces Moneylenders' and Relief of Rural Indebtedness Acts to Delhi Province ? If not, why not ?

Sir Girja Shankar Bajpai : (a) No.

(b) and (c). The question of extending the Punjab Relief of Indebtedness Act, 1934, to the Delhi Province and of setting up one or more Debt Conciliation Boards thereunder is engaging the attention of the Chief Commissioner.

FIRES IN CERTAIN PARTS OF DELHI.

349. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Has Government's attention been drawn to a large number of disastrous fires which broke out in Delhi, during May and June, this year, and particularly, (i) the fire in the coolie camp in Babbar Ka Takya, and (ii) the fuel depôt near Motia Khan ?

(b) Is it a fact that there were no hydrants within easy distance of the last mentioned scenes of fire, and a considerable amount of avoidable damage resulted on that account ?

(c) Have any hydrants been provided now near the fuel depôt of Motia Khan ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) No. One hydrant exists on the site of the coolie camp. The fuel depôt has a hydrant and a reservoir tank.

(c) The Government have provided funds for laying sewers and water pipes in the fuel depôt and the scheme includes the provision of half a dozen more hydrants.

Mr. S. Satyamurti : Have they since been provided ?

Sir Girja Shankar Bajpai : I said that the scheme includes provision for the construction of half a dozen hydrants, but whether they have been actually installed or not I could not say.

Mr. S. Satyamurti : Will Government try to find out, in view of the danger to life and property by the non-provision of these hydrants, whether they have been laid ?

Sir Girja Shankar Bajpai : I will certainly do that.

CONTAMINATION OF CERTAIN WATER RESERVOIRS IN DELHI.

350. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Has Government's attention been drawn to the complaints of the Delhi Municipal Committee that for several weeks some of the reservoirs of the

Joint Water Board, particularly the Jhandewala, Hindu Rao, and Mutiny Memorial Reservoir, continued to be contaminated, and the supply of contaminated water to old Delhi resulted in an epidemic of cholera and diarrhoea, etc. ?

(b) Have Government instituted any inquiry into the truth of these allegations ? If not, are they prepared to do so now ?

Sir Girja Shankar Bajpai : (a) No complaints from the Delhi Municipal Committee have been received by the Delhi Administration.

(b) A careful investigation was made by the Superintending Engineer, Health Services, and the Assistant Director of Public Health at the instance of the Chief Commissioner. The results indicated that there was no contamination of water in the Joint Water Board reservoirs to which the diarrhoea, etc., cases could be attributed. Nor was there any epidemic of cholera, diarrhoea or dysentery.

REPORTS OF THE SPECIAL OFFICER (MR. HUME) AND KILOKHRI SEWAGE FARM COMMITTEE.

351. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : Will Government place the reports of the Special Officer (Mr. Hume) and Kilokhri Sewage Farm Committee in the Library and be pleased to state :

(a) how long they will take to give effect to the proposals for relieving congestion ; and

(b) what benefit they propose to derive by acquiring fruit and vegetable gardens round about Delhi at fabulous prices, and how they propose to recompense a large population which is engaged in fruit-growing at present, and further insure the supply of equally cheap fruit to the poor ?

Sir Girja Shankar Bajpai : The question whether and if so when the two reports referred to by the Honourable Member should be published has not yet been decided by Government. Mr. Hume's report, which deals with the question of congestion, has reached Government only recently and is under examination, pending completion of which they cannot answer parts (a) or (b). I would add that no fruit and vegetable gardens have been acquired by Government so far.

ESTABLISHMENT OF AN IMPROVEMENT TRUST IN DELHI.

352. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) Will Government state why the Delhi Municipal Committee's resolution, asking for the establishment of an Improvement Trust ten years ago, was turned down by the Local Government ?

(b) Are Government now considering the advisability of establishing an Improvement Trust to deal with the problem of congestion ?

Sir Girja Shankar Bajpai : (a) The Local Administration decided in 1927 not to proceed with the action on the resolution of the Delhi Municipal Committee, partly for financial reasons and partly because it was of the opinion that the Municipal Committee was capable of carrying out a steady policy of sanitary and other improvements without recourse to the formation of a trust.

(b) This point will receive consideration in connection with Mr. Hume's report on the relief of congestion in Delhi.

DRAINAGE SYSTEM OF NEW DELHI AND OLD DELHI.

353. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Will Government be pleased to state how much money has so far been spent on the construction of the drainage system of (i) New Delhi, and (ii) Old Delhi, since 1911 ?

(b) Is it a fact that some Rs. 52 lakhs were spent on constructing the drains and connected works, intended to carry sewage to the Kilokhri Sewage Farm ?

(c) Is it also a fact that the floor of these drains was allowed to remain *kachcha*, and consequently these drains are not free from the inrush of subsoil water ?

(d) Is it not a fact that the capacity of these drains was originally overestimated on account of the omission to make allowance for flooding by subsoil water, and consequently the maximum period of 50 years for which they were constructed, has been reduced by half ?

(e) Are new drains being constructed in New Delhi, and if so, is provision being made against this defect ?

(f) Will Government satisfy themselves that these drains have got *pucca* floor to prevent flooding by subsoil water ?

Sir Girja Shankar Bajpai : (a) The expenditure on the Sewage System of New Delhi excluding the Kilokhri Sewage Farm was Rs. 23,86,558 to the end of 1935-36. Information about old Delhi has been called for and will be supplied to the House in due course.

(b) The expenditure on the sewage works in New Delhi and the sewage farm was Rs. 40,26,946 to the end of 1935-36.

(c) and (f). No. The sewers were built *pucca* throughout and were laid above the subsoil water level, which has in certain areas risen since their construction. All sewers now under construction have *pucca* floors.

(d) No branch sewer has been found to be of insufficient size. It is the increase in the load that the sewers have to carry owing to the growth of population and the larger volume of water used that have led to the result mentioned by the Honourable Member.

(e) Yes. Every precaution is being taken to see that new sewers will be watertight in any area where the subsoil water is likely to rise.

Mr. S. Satyamurti : May I know whether, in laying these drains, engineers were consulted and why they did not take account of the inevitable increase of population in a city like Delhi ?

Sir Girja Shankar Bajpai : They did take into account what was then expected to be the likely increase of population. The estimate was that by 1955 the population of Delhi would have increased to 418,000. Actually by 1931, the population had increased to 4 lakhs and 40,000.

Mr. S. Satyamurti : What steps are being taken to cope with this extra population, and the greater consumption of water ?

Sir Girja Shankar Bajpai : I do not think any action in connection with the existing drains is going to solve the problem. What is really needed is the enlargement of facilities for dealing with the sewage of a large city like Delhi.

Mr. S. Satyamurti : In working out these schemes, are Government considering not only what they consider the inevitable increase of population, but also the other facts which have emerged now ?

Sir Girja Shankar Bajpai : I was going to say that this question of sewage arrangements for Delhi was investigated by a committee only recently and I have reason to believe that their estimate of the probable increase of population is on a much more generous scale than that of those who were responsible for the earlier scheme.

HOLDING OF THREE OR FOUR POSTS BY THE DIVISIONAL ENGINEER OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

354. **Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : Will Government be pleased to recall the fact that, their attention being invited, during the last Session to the anomaly of the Divisional Engineer of the Central Public Works Department, Delhi, holding three or four different posts, it was promised that the anomaly would not be allowed from April last ? Are Government aware that the anomaly has not ceased to exist ?

Sir Girja Shankar Bajpai : The Honourable Member apparently refers to the employment of the Superintending Engineer, Construction Circle, in certain other capacities. The officer, who held this combination of posts formerly, ceased in April to hold them and it was our hope that it would be possible to avoid a repetition. Actually, however, two possible incumbents of one of the posts had to go on leave and to meet the convenience of the Chief Commissioner and the administration in general, it was necessary as a purely temporary measure to repeat the combination of the posts.

Mr. S. Satyamurti : May I know how long this temporary measure will last ?

Sir Girja Shankar Bajpai : I hope that it will be possible to make more satisfactory arrangements in the course of the next two or three months.

IRREGULARITIES CONNECTED WITH THE ACCEPTANCE OF TENDERS FOR THE IRWIN HOSPITAL, NEW DELHI.

355. **Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) What was the final result of the inquiry which Government ordered into the series of irregularities connected with the acceptance of tenders for the Irwin Hospital ?

(b) Is it a fact that one of the officers concerned has been promoted, or holds a higher post now ?

The Honourable Sir Frank Noyce : (a) The enquiry into the irregularities connected with the acceptance of tenders for the Irwin Hospital, New Delhi, showed, briefly, that a number of mistakes had

occurred in the computation of the tenders, and that these mistakes were fairly attributable to petty miscalculations, the haste with which the proceedings relating to the call for and examination of tenders were conducted, and a deficiency of staff. There was, however, no evidence of dishonesty on the part of any person, and after making full allowance for all mistakes and miscalculations the relative position of the successful tenderer was not altered. Instructions have been issued which will it is hoped put an effective check to the recurrence of the irregularities which came to light in this case.

(b) Consequent on the permanent Chief Engineer, Central Public Works Department, having proceeded on leave in April last, certain officiating promotions were made in the Department in which the officers concerned with the construction of the Irwin Hospital were included.

Mr. S. Satyamurti : May I know if in all cases the lowest tenders were accepted ?

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

Mr. S. Satyamurti : May I know how then the Government say (I do not remember the exact words) that, as a result of the inquiry, they were satisfied that there was nothing wrong about it ?

The Honourable Sir Frank Noyce : A departmental enquiry was conducted and a very full report was submitted. I can assure my Honourable friend that I examined that report personally with the utmost care and that it was also examined by the Finance Department and the Auditor General's Department.

Mr. S. Satyamurti : May I know if my Honourable friend is aware that the Auditor General in his report has made very serious remarks about the carrying out of this work and the matter was also gone into by the Public Accounts Committee ?

The Honourable Sir James Grigg : If I may anticipate the report of the Public Accounts Committee, which will be laid on the table tomorrow, I hope, I think my Honourable friend will recollect that the Auditor General did express himself as satisfied with the explanation that was offered.

Mr. S. Satyamurti : May I know if my Honourable friend is aware that the Auditor General merely stated that there was no loss to the Government or the tax-payer, but that there were irregularities ?

The Honourable Sir Frank Noyce : No doubt there were irregularities. I have stated that in my reply. I have said that instructions have been issued which will, it is hoped, prevent further irregularities of this kind in future.

Mr. S. Satyamurti : May I know if my Honourable friend is aware that it is the general belief that corruption was rampant, in respect of this work, on the part of high and low officials alike ?

The Honourable Sir Frank Noyce : My reply to that question is that it is very easy to make allegations of corruption and extraordinarily difficult to obtain evidence of it. If any evidence in support of such allegations is forthcoming, it will be very carefully examined. No such evidence has at any time been brought to my notice.

Mr. S. Satyamurti : May I know if my Honourable friend is aware that the lowest tenders were not accepted, and that no satisfactory reasons had been given as to why they were not accepted ?

Mr. President (The Honourable Sir Abdur Rahim) : He wanted notice.

Mr. S. Satyamurti : What is the answer to clause (b) of the question ? Is it a fact that one of the officers has been promoted to a higher post now ?

The Honourable Sir Frank Noyce : I said that certain officiating promotions have been made in which the officers concerned in the construction of the Irwin Hospital were included.

Mr. S. Satyamurti : Do those changes involve and mean the promotion to a higher post of one or two or more officers, who were concerned in the construction of the Irwin Hospital ?

The Honourable Sir Frank Noyce : That is exactly what I said.

Mr. S. Satyamurti : How is it that Government reward their officers for incompetence ?

The Honourable Sir Frank Noyce : Because there was no evidence of incompetence. There were certain irregularities, as I have already explained, owing to various circumstances. It does not necessarily follow that there was evidence of incompetence. We all of us make mistakes.

Mr. S. Satyamurti : What, in the judgment of the Government, were the irregularities due to ?

The Honourable Sir Frank Noyce : They were, as I said in my reply to the question, due to petty miscalculations, the haste with which the proceedings relating to the call for and examination of tenders were conducted and a deficiency of staff.

Mr. S. Satyamurti : Who was responsible for the haste in the disposal of the tenders ?

The Honourable Sir Frank Noyce : The Government of India.

Mr. S. Satyamurti : Was any member or servant of the Government of India punished for this haste in the disposal of tenders ?

Mr. President (The Honourable Sir Abdur Rahim) : I do not think you can go into all this now.

Mr. S. Satyamurti : This is an important matter, involving lakhs of rupees of the tax-payers' money.

Mr. President (The Honourable Sir Abdur Rahim) : As regards that, the Honourable Member will have further opportunities when the demand comes up. This is not the proper time for further discussion of this matter.

Mr. S. Satyamurti : May I put one more question ? What are the new rules by which the Government propose to prevent a recurrence of these irregularities ?

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

NEW RULES OF THE CENTRAL PUBLIC WORKS DEPARTMENT ABOUT TENDERS.

356. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Will Government be pleased to place on the table the new rules of the Central Public Works Department about tenders ?

(b) Is it a fact that according to the new rules the Central Public Works Department will only supply bare outlines of projected works and the actual specification of material, etc., will be left to contractors ?

The Honourable Sir Frank Noyce : (a) No new rules about tenders have been issued by the Central Public Works Department.

(b) Does not arise.

Mr. S. Satyamurti : May I know, Sir, why new rules have not been issued, in view of the irregularities connected with the matter in the last question ?

The Honourable Sir Frank Noyce : This question relates to calling for tenders. No new rules in regard to the calling for tenders have been issued by the Central Public Works Department.

LICENCE UNDER THE INDIAN ELECTRICITY ACT APPLIED FOR BY THE DELHI MUNICIPAL COMMITTEE.

357. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : Are Government aware that the Delhi Municipal Committee applied to the Local Government for a licence under the Indian Electricity Act some time ago ? If so, will Government state why the licence applied for has not been granted yet ?

Sir Girja Shankar Bajpai : The Delhi Municipal Committee indicated to the Deputy Commissioner their desire to obtain a licence but have not so far submitted an application in the form required by the Act.

PROVISION OF DRAINAGE, ETC., IN THE DEVELOPED AREAS OF DELHI.

358. *Mr. S. Satyamurti (on behalf of Mr. M. Asaf Ali) : (a) Are Government aware that the maintenance grant of Rs. 25,000 which Government pay to the Delhi Municipal Committee for essential services in the developed areas of which Government are the landlords falls short by nearly over Rs. 40,000 annually, which the Delhi Municipal Committee has to spend on essential services in these areas, and the Committee has sustained a loss of over four lakhs in this respect since 1925 ?

(b) Are Government aware that Western Extension (Karol Bagh) area with over 20,000 population (all of whom are Government's tenants) is without any drainage or sufficient water supply, and its sanitation cannot improve owing to this fact ?

(c) What steps, if any, have Government taken to provide necessary amenities in this and other developed areas, since their last replies to my questions on this subject ?

(d) When do Government propose to start utilising the grant of rupees ten lakhs for improving this area, and why has it not been possible for them to do so during the past three years ?

(e) What steps, if any, besides appointing a Special Officer, have Government taken during the past two years to provide drainage, etc., in their other estate in Daryaganj, and other so-called developed areas of Delhi ?

Sir Girja Shankar Bajpai : (a) The Municipal Committee have made a claim to this effect.

(b) and (d). The Western Extension is in need of drainage and other improvements. As the Honourable Member is aware Government agreed in 1934 to spend Rs. 10 lacs on this settlement. Actual expenditure, however, has had to wait for the submission and sanction of detailed schemes which, it is regretted, are not yet complete. Government hope that it will be possible to make a start soon with the improvement of this area.

(c) and (e). Government have agreed to advance a loan to the Delhi Municipal Committee to finance city drainage and water works reorganisation schemes. Action will depend upon the result of the consideration of the special officer's report which has been recently received and is under examination.

Mr. S. Satyamurti : In view of the fact that a considerable sum of money has been spent on New Delhi, and that its health and amenities will depend on the health and amenities of the surrounding areas, have Government considered, or will they consider, on a comprehensive scale, the conditions of life not only in New Delhi but of all neighbouring areas, so that the new city's health may not deteriorate ?

Sir Girja Shankar Bajpai : I may explain to my Honourable friend that the problem of congestion, which really is at the root of what my Honourable friend has stated just now, has been the subject of study by a special officer and his report is under the consideration of the Government now.

Mr. S. Satyamurti : I should like to know specifically whether Government are considering the question of improving the health and amenities not only of New Delhi, but of all neighbouring areas which are very intimately connected with the health and other conditions of life in New Delhi ?

Sir Girja Shankar Bajpai : Mr. Hume's report relates to insanitary conditions arising out of congestion in old Delhi and other neighbouring areas ?

Mr. S. Satyamurti : Is my Honourable friend aware that mosquitoes make their appearance much to the discomfort of many of those living in the new city ?

Sir Girja Shankar Bajpai : I have suffered from that discomfort myself. I have already answered questions as to what Government are doing in regard to anti-malarial measures for Delhi as a whole.

ABOLITION OF THE MILITARY CONTROL OF THE FORT ZONE AREA IN DELHI.

359. ***Mr. S. Satyamurti** (on behalf of Mr. M. Asaf Ali) : (a) Are Government aware that the so-called Fort Zone area in Delhi is under a dual municipal and military control and tenants living within the Fort Zone are constantly interfered with by military authorities, even when building a compound wall ?

(b) Are Government prepared to take up this matter with the military authorities and secure the abolition of the military control of this area ?

Mr. G. B. F. Tottenham : (a) and (b). Most of the land in the Fort Zone belongs to Government and is under the control of the Chief Commissioner, Delhi. The military authorities possess certain powers of control over building in the Fort Zone and this is necessary for military reasons so long as the Fort remains a Fort.

Mr. S. Satyamurti : Sir, according to modern warfare, do Forts play any part or effective part at all ?

Mr. G. B. F. Tottenham : I would have to write the Honourable Member an essay on that subject. An answer to a supplementary question would not be enough.

Mr. M. Ananthasayanam Ayyangar : Sir, in preventing the construction of walls, do the military authorities consult the municipal council while taking any steps or advising that the walls should be demolished ?

Mr. G. B. F. Tottenham : I should like notice of that. I do not know what the procedure is.

REFUSAL BY THE POST OFFICE TO DELIVER A POST CARD CONTAINING MR. GANDHI'S PICTURE.

360. ***Mr. M. Ananthasayanam Ayyangar** : (a) Has the attention of Government been drawn to a message reported in the *Indian Express*, dated the 17th June, 1936, under the heading :

“ Letter bearing Gandhiji's portrait ”,

“ Alleged refusal to deliver ”,

“ Krishna District Congress Committee's Protest ” ?

(b) Will Government be pleased to state on what grounds the Post Office can refuse to deliver a picture post-card containing the picture of Mahatma Gandhi ?

(c) Why is there any difference made between Mahatmaji's picture post-card and other cards ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) On the ground stated in Rule 46 of the Indian Post Office Rules.

(c) No distinction has been made between Mr. Gandhi and any other prominent leader of the civil disobedience movement. I should, however, add that as that movement is not being actively pursued at present, postal

officials have been instructed that no action need be taken in present circumstances to interfere with correspondence of the kind to which the Honourable Member's question refers.

Mr. S. Satyamurti : Have Government considered, or will they consider, the effect on the revenues of the Postal Department of such orders ?

The Honourable Sir Frank Noyce : I am sorry I did not follow my Honourable friend's question ; I cannot imagine that the effect on postal revenues is serious.

Mr. S. Satyamurti : I want to ask whether Government, before they make themselves responsible for such orders in the future, will consider not only the general " political aspect " of the Postal Department, as a department of the Government of India, but also its being a commercial department, and get as much revenue as they can get ?

(No answer.)

ABOLITION OF THE TARIFF BOARD.

361. ***Mr. M. Ananthasayanam Ayyangar :** (a) Will Government be pleased to state if the Tariff Board has been abolished, and, if so, on what grounds ?

(b) Have the claims of all industries for protection been considered and disposed of ?

(c) Is it the intention of Government to set up a permanent Board of Trade on the lines of the Board of Trade in England ?

(d) If not, through what agency do Government propose to consider the claims of other industries and further tariff modifications ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (c) and (d). The attention of the Honourable Member is invited to the statement I made during the course of the debate on the adjournment motion regarding the abolition of the Tariff Board, on the 1st September, 1936.

(b) The Honourable Member is referred to the reply given by me to part (ii) of Mr. Akhil Chandra Datta's starred question No. 403 on the 13th February, 1936.

Mr. M. Ananthasayanam Ayyangar : Sir, is it the policy of Government to wait until industries call for protection, or, of their own accord to investigate the claims of various industries with a view to making India self-supporting in regard to a particular commodity ?

The Honourable Sir Muhammad Zafrullah Khan : The usual procedure is that the industry concerned has to move the Government in the matter.

Mr. S. Satyamurti : Apart from any move on the part of the industries, have Government considered, or will they consider, the desirability of setting up a permanent Tariff Board, in the light of the recommendations of the Indian Fiscal Commission, particularly with a view to watching the effects of protection on the industry itself, on the consumers, and on various other relevant interests ?

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

Mr. S. Satyamurti: May I know if Government have any such intention of appointing a Board ?

The Honourable Sir Muhammad Zafrullah Khan: Government have no present intention of making any change.

Pandit Lakshmi Kanta Maitra: Have Government got now any agency which ordinarily investigates the question of local cottage industries and the question of whether they require protection in relation to foreign trade ?

The Honourable Sir Muhammad Zafrullah Khan: I believe that question has also been already answered.

Mr. S. Satyamurti: Are there any requests pending with the Government of India by various industries for protection ?

The Honourable Sir Muhammad Zafrullah Khan: There are one or two and I think that a question with regard to it is already down on the agenda.

BILATERAL TRADE AGREEMENTS WITH ENGLAND AND OTHER COUNTRIES.

362. ***Mr. M. Ananthasayanam Ayyangar:** (a) Have any negotiations been started for entering into bilateral trade agreements with England and other countries ?

(b) If so with which countries, and on what lines, and at what stage are the negotiations ?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Honourable Member is referred to my reply to Mr. Satyamurti's starred question No. 35 during the current Session.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member aware that England is entering into bilateral arrangements with Turkey and other countries, and only this Government is not entering into bilateral arrangements with other countries until the arrangement with England is completed ?

The Honourable Sir Muhammad Zafrullah Khan: That is an argument.

Mr. M. Ananthasayanam Ayyangar: May I know why, whereas England is negotiating bilateral agreements with other countries, the Government of India are not also negotiating for entering into bilateral agreements with other countries even though the matter may be pending ?

The Honourable Sir Muhammad Zafrullah Khan: I have already answered that question several times.

Mr. S. Satyamurti: May I ask if, in negotiating a treaty with England for replacing Ottawa, there will be any irrevocable commitments on the part of India, which will prevent the conclusion of favourable bilateral trade agreements with other countries, as and when the opportunity arises ?

The Honourable Sir Muhamamad Zafrullah Khan: I believe the Honourable Member has already put that question and that I have told him that that aspect of the question would be kept in view.

STUDENTS TRAINED IN THE INDIAN TERRITORIAL FORCE.

363. ***Mr. M. Ananthasayanam Ayyangar :** (a) How many students underwent training in the Indian Territorial Force, since its inception in India, and how many of them have been discharged ?

(b) How many of those discharged are in the regular forces ?

(c) Are there any facilities provided for the discharged Indian Territorial Force men for practising military drill and other military practice ?

(d) If any facilities are provided, what is the number of discharged men who are availing themselves of these facilities ? And for how many are these facilities provided ?

(e) Are Government contemplating any further measures to provide adequate opportunities for all discharged Indian Territorial Force men to practice ?

Mr. G. R. F. Tottenham : I have had some difficulty in understanding the Honourable Member's question, but I presume from his use of the word student that he is referring to that portion of the Indian Territorial Force which is known as the University Training Corps. On this assumption the answers are as follows :

(a), (b) and (d). Government have no information and the collection of the statistics required would involve an expenditure of time and labour which would be incommensurate with the value of the results.

(c) *Ex*-members of the University Training Corps can join the Urban battalions of the Indian Territorial Force where such battalions exist. They are also eligible for commissions in the Indian Territorial Force, in the Army in India Reserve of Officers, or in the regular army if they can succeed in passing through the Indian Military Academy.

(e) Not at present.

Mr. M. Ananthasayanam Ayyangar : May I know what difficulties, if any, exist in the Madras Presidency,—whether any facilities for further training and drill exist in the Madras Presidency ?

Mr. G. R. F. Tottenham : I have answered that question just now.

Mr. M. Ananthasayanam Ayyangar : Are there any facilities in the various centres in the mufassil ?

Mr. G. R. F. Tottenham : I have answered *that* question too.

Mr. M. Ananthasayanam Ayyangar : I did not follow it.

Mr. G. R. F. Tottenham : I said that "*ex*-members of the University Training Corps can join the Urban battalions of the Indian Territorial Force where such battalions exist. They are also eligible for commissions in the Indian Territorial Force, in the Army in India Reserve of

Officers, or in the regular army if they can succeed in passing through the Indian Military Academy". These opportunities are open to people in Madras as much as anywhere else.

Mr. M. Ananthasayanam Ayyangar : Are there any particular fees, or is it all free ?

Mr. G. R. F. Tottenham : I do not quite understand.

Mr. M. Ananthasayanam Ayyangar : Is the further training and drill given free of cost, or they have to pay any sum ?

Mr. G. R. F. Tottenham : I do not think the Honourable Member really can understand the position. We do not charge fees to officers.

Mr. M. Ananthasayanam Ayyangar : Not officers, but to those who have been discharged ?

Mr. G. R. F. Tottenham : If they can get employment in the Army, they get their pay ; we do not charge them fees.

DETENUS UNDER REGULATION III OF 1818.

364. ***Mr. M. Ananthasayanam Ayyangar** : With regard to the detenus under Regulation III of 1818, will Government be pleased to state :

- (a) the number of detenus (i) below 15 years of age, (ii) between 15 and 25, (iii) between 25 and 35, and (iv) above 35 years of age ;
- (b) the number of detenus, according to the trade and occupation in which they were engaged when first they were detained ;
- (c) the number of detenus (i) detained for more than six months, and (ii) detained for more than a year, for two years, for three years, for four years and six years, and more ;
- (d) the number of detenus released each year during the past five years ;
- (e) the number of detenus who got mad, developed disease or died while under detention during each of the past seven years ; and
- (f) the amount spent during each of the past seven years, of (i) maintaining the detenus and (ii) maintaining their families ?

The Honourable Sir Henry Craik : The information which I am giving refers only to persons detained in jails under Regulation III of 1818 because of their connection with subversive movements in British India :

- (a) (i) Nil.
- (ii) One.
- (iii) Nine.
- (iv) Seventeen.

(b) I have no complete information about the trade and occupation of these State Prisoners.

(c) The figures are :

(i) for more than six months but less than 1 year	2
(ii) for more than one but less than two years	None.
(iii) for more than two but less than three years	2
(iv) for more than three but less than four years	3
(v) for more than four but less than six years	19
(vi) for more than six years	None.

(d) 1930—nil, 1931—nil, 1932—nil, 1933—3,
1934—9, 1935—2, and 1936—1.

(e) One died in 1934. None have gone mad and none have developed disease as a result of being in detention.

(f) I regret that separate figures showing the amounts spent on State Prisoners and their families are not available, and cannot be ascertained without undue labour. The total actual expenditure as shown in the budget estimates under the head "Other Refugees and State Prisoners" for the six years from 1929-30 to 1934-35 are, respectively, Rs. 2,08,000 odd ; 2,12,000 odd ; 1,88,000 odd ; 2,52,000 odd ; 2,54,000 odd and 2,10,000 odd. The revised estimate for 1935-36 is Rs. 1,66,500.

Pandit Lakshmi Kanta Maitra : Are their cases reviewed from time to time ?

The Honourable Sir Henry Craik : Yes.

Pandit Lakshmi Kanta Maitra : By whom ?

The Honourable Sir Henry Craik : In the case of Regulation III Prisoners, by the Government of India.

Mr. S. Satyamurti : Did I understand the Honourable Member to say that there was one below 15 years of age as a detenu ?

The Honourable Sir Henry Craik : No. I said none below 15.

LABOUR CONDITIONS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

365. ***Mr. M. Ananthasayanam Ayyangar :** (a) Have Government investigated the labour conditions on the Madras and Southern Mahratta Railway ?

(b) Are Government aware that low and ill-paid railway servants are not given free quarters, nor are they given house allowance ?

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

(b) The grant of free quarters or house allowance in lieu thereof is governed by the rent rules of the Madras and Southern Mahratta Railway. Government have no reason to believe that these rules are not followed on that Railway.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that a ticket collector, who draws only Rs. 19 a month, is not given rent free quarters ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir ; Government are not aware.

Mr. M. Ananthasayanam Ayyangar : Will Government make inquiries ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Prof. N. G. Ranga : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : It is not necessary.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that when the labour leader in Madras went to make an investigation from the Madras and Southern Mahratta Railway he was not afforded facilities. As a matter of fact, the Agent, Madras and Southern Mahratta Railway, chastised his servant for giving him information.

The Honourable Sir Muhammad Zafrullah Khan : You mean to say he beat him ?

Mr. M. Ananthasayanam Ayyangar : Yes.

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of it. I believe there is a question about this which will be answered in due course.

Pandit Lakshmi Kanta Maitra : May I know if it is the policy of the Government not to provide low paid officers with rent free quarters ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Pandit Lakshmi Kanta Maitra : Up to what scale, the railway officials are entitled to free quarters ?

The Honourable Sir Muhammad Zafrullah Khan : Conditions are different on different railways.

Pandit Lakshmi Kanta Maitra : What is the position on this particular railway ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I must ask for notice.

Prof. N. G. Ranga : In view of the fact that most of the highly paid officials are getting free quarters and the low paid officers are not given free quarters with the result that these low paid officers are obliged to undergo very great inconvenience, may I ask the Honourable Member why he thinks that it is unnecessary to provide them with free quarters ?

The Honourable Sir Muhammad Zafrullah Khan : I did not say that it was not necessary to provide them with free quarters.

Pandit Lakshmi Kanta Maitra : Why is it that Government do not consider it necessary to provide officials drawing Rs. 19 a month with free quarters ?

The Honourable Sir Muhammad Zafrullah Khan : I have not said that.

Pandit Lakshmi Kanta Maitra : I understood the Honourable Member to say that the Government did not propose to give rent free quarters.

The Honourable Sir Muhammad Zafrullah Khan : I was not asked that question. I was asked whether I was aware that rent free quarters were not given and I said, 'No'. Then, I was asked to make inquiries in the matter and I said it was not necessary.

Pandit Lakshmi Kanta Maitra : In view of the fact that there is a large number of these low paid officials who are undergoing a great

hardship because they are not allotted rent free quarters, I should like to know why Government thinks it unnecessary to inquire into the conditions of these low paid officers and find out whether it is a fact or not that they are not provided with free quarters ?

The Honourable Sir Muhammad Zafrullah Khan : It is possible that some of them are not, but sums are set apart for the provision of quarters every year and it is for the Agent to decide which claims should have priority to the extent to which funds are available in his hands for this purpose.

Prof. N. G. Ranga : I want your ruling, Sir, on this matter. We have asked in the question : " Are Government aware that low and ill-paid railway servants are not given free quarters ? " The Government Member said he was not aware of it. Then we asked whether he would be pleased to make inquiries. He said, ' No '. Then we asked him, ' Why ' ? He replied that he did not think it necessary. I take it that it is the duty of the Honourable Members on the other side to make these inquiries.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had an answer.

The Honourable Sir Muhammad Zafrullah Khan : Honourable Members are entitled to information in reply to their questions. They cannot force me to accept the suggestions which they make.

Prof. N. G. Ranga : Is it not a fact that it is open to Honourable Members of this House to ask the Government to make inquiries and ascertain facts in regard to certain matters ?

Mr. President (The Honourable Sir Abdur Rahim) : It is open to Honourable Members to ask the Government to make inquiries in certain matters, and it is equally open to Government Members to say that no inquiries are needed.

Mr. M. Ananthasayanam Ayyangar : The Honourable Member has said in reply to part (b) of my question that he is not aware. Could he not get the necessary information from the Agent, Madras and Southern Mahratta Railway ?

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

APPOINTMENT OF COMMITTEES TO ADVISE THE INDIAN NAVIGATION COMPANY REGARDING THE COMPLAINTS OF THE PASSENGERS.

366. ***Mr. Mohan Lal Saksena :** Are there any advisory committees appointed similar to Railway Advisory Committee, to advise the various Indian navigation companies regarding the complaints of the passengers ? If not, are Government prepared to consider the feasibility of appointing such committee at an early date ?

The Honourable Sir Muhammad Zafrullah Khan : In the case of companies engaged in *Inland navigation*, section 54B of the *Inland Steam Vessels Act, 1917*, empowers Local Governments to make rules providing for the appointment of Advisory Committees. The Government of India have no information whether any Local Government has

exercised this power. Government have no similar powers in respect of maritime navigation.

Mr. Mohan Lal Saksena : Will Government draw the attention of the Local Governments to this question ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think there is any necessity to draw the attention of the Local Governments to this question. They have a certain power under a certain Statute and I have no reason to think that they are not fully aware of it.

Prof. N. G. Ranga : In view of the fact that the deck passengers who travel between India and Burma have protested again and again against the inhuman conditions of travel provided by the Steam Navigation Companies, will Government consider the advisability of drawing the attention of the Madras Government and also of the Burma Government, who are interested in this matter, to take necessary action under that particular section of the Statute to which he has referred ?

The Honourable Sir Muhammad Zafrullah Khan : The particular section of the Act, to which I have referred, does not apply to maritime navigation.

Prof. N. G. Ranga : Will Government consider the advisability of taking necessary steps, whatever they may be, to see that Advisory Committees are constituted to protect the interests of these deck passengers ?

The Honourable Sir Muhammad Zafrullah Khan : There is no such provision under the present Statute law.

ABSENCE OF SHEDS ON THE PLATFORMS OF THE BALAMAU JUNCTION AND NIMSAR STATION ON THE EAST INDIAN RAILWAY.

367. ***Mr. Mohan Lal Saksena :** Are Government aware that there are no sheds on the platforms of Balamau Junction and Nimsar stations on the East Indian Railway and that the very large number of passengers and pilgrims who visit Nimsar and Misrikh, which are important places of Hindu pilgrimage, have consequently to experience great hardship, specially during summer and rainy season ? If so, are Government prepared to consider the advisability of putting up sheds at an early date ?

The Honourable Sir Muhammad Zafrullah Khan : Government have no information.

It is left to the discretion of Railway Administrations to provide sheds on platforms at stations where the traffic offering justifies their provision, and the best method of dealing with such matters of local importance is through the Local Advisory Committee who will bring specific cases of hardship to the notice of the Railway Administration.

Mr. M. S. Aney : May I know whether the Honourable Member has, after receiving notice of this question, made inquiries from the proper officers and has got no information ?

The Honourable Sir Muhammad Zafrullah Khan : I have made no inquiries.

Mr. S. Satyamurti : Sir, when an Honourable Member puts a question and it has been admitted by you, is it right on the part of the Government Member to say that he has made no inquiries ? The question is " Are Government aware.....". I can understand, if the Government Member says that he has not been able to make inquiries, but he cannot say " I am not aware ". They cannot say they have no information about it.

Mr. President (The Honourable Sir Abdur Rahim) : The question is : " Are Government aware that there are no sheds on the platforms.....". The Government Member has replied that they are not aware, which means that they are not aware that there are no sheds. But if the Honourable Member asks them to make inquiries, that is another matter.

Mr. S. Satyamurti : I submit it is necessary for them to make inquiries.

ACTION TAKEN ON THE RESOLUTION re CONSTRUCTION OF LOCOMOTIVES IN INDIA.

368. ***Mr. Mohan Lal Saksena** : Will Government state what action, if any, has been taken on the Resolution passed by the Assembly regarding construction of locomotives in India ?

The Honourable Sir Muhammad Zafrullah Khan : No action has been taken.

Mr. Mohan Lal Saksena : Why no action has been taken ?

The Honourable Sir Muhammad Zafrullah Khan : For the reasons I explained during the course of the debate.

Mr. Mohan Lal Saksena : Has this question been considered by the Governor General in Council after the Resolution was passed by the Assembly ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

Mr. V. V. Giri : Was any special officer appointed last year to enquire into this matter and make a report to the Government ?

The Honourable Sir Muhammad Zafrullah Khan : After the Resolution was adopted ?

Mr. V. V. Giri : Before.

The Honourable Sir Muhammad Zafrullah Khan : Sometime before that, yes.

Mr. V. V. Giri : Will that report be placed on the table of the House ?

The Honourable Sir Muhammad Zafrullah Khan : I explained the reasons in last year's debate why the report was not being placed on the table of the House, inasmuch as all that the report contained was explained by me during the course of my speech in the debate.

Mr. V. V. Giri : What is the difficulty in placing the report on the table of the House ? We might see what it contains about the matter.

The Honourable Sir Muhammad Zafrullah Khan : There was no regular report. A memorandum was in the course of preparation when

notice of the Resolution was given. That memorandum was not proceeded with because it was decided that in the course of the debate all the available material should be placed before the House and this was done.

Mr. S. Satyamurti : What was the decision of the Governor General in Council on this Resolution ?

The Honourable Sir Muhammad Zafrullah Khan : The decision was that the proposition was neither an economical one, nor a feasible one.

Mr. S. Satyamurti : Have Government had any recent information, in their possession, which they collected as to the cost of the locomotives manufactured here, as compared with imported locomotive, and have they come to the conclusion, on those facts, that it is economically not feasible to manufacture them here in India ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

Mr. S. Satyamurti : Will the Honourable Member place on the table of the House all relevant information ?

The Honourable Sir Muhammad Zafrullah Khan : I gave all the information in my possession.

Mr. President (The Honourable Sir Abdur Rahim) : As regards question No. 367, the ordinary form in which questions are to be asked is :

“ Is it or is it not a fact, etc., etc.”

If a question is framed in that form, you will get information.

STATE CONTROL OF THE BENGAL AND NORTH WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

369. ***Mr. Mohan Lal Saksena :** Will Government state what action is being taken to take over the management of the Bengal and North Western and Rohilkund and Kumaon Railways by the State ?

The Honourable Sir Muhammad Zafrullah Khan : A decision has not yet been arrived at on the question of the termination or otherwise of the contract in 1937.

Mr. S. Satyamurti : What is the latest date, on which they ought to give notice for taking over the management ?

The Honourable Sir Muhammad Zafrullah Khan : 31st December, 1936.

Mr. S. Satyamurti : When are Government expected to come to a decision on this matter ?

The Honourable Sir Muhammad Zafrullah Khan : Government are now actively considering the question.

Mr. S. Satyamurti : What are the questions under the consideration of Government, for taking over the management ? The question of the finance being available only, or are there any other considerations ?

The Honourable Sir Muhammad Zafrullah Khan : All the considerations that were put forward by Honourable Members are being taken into consideration.

Mr. S. Satyamurti : Apart from financial difficulties—I do not consider there are any difficulties on the question of finance—are there any other difficulties in the taking over of the management of the railways ?

The Honourable Sir Muhammad Zafrullah Khan : The main consideration is whether it would be profitable to take over the management.

Mr. S. Satyamurti : Are these railways now profitable to the companies that run them ?

The Honourable Sir Muhammad Zafrullah Khan : All the information available on that point has already been placed before the House during the course of the debate on the Resolution last Session.

Mr. S. Satyamurti : May I take it, therefore, that the only question will be that of finance and profit and no other considerations ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said that is the main consideration.

INCREASE IN THE PRICE OF THE EAST INDIA RAILWAY TIME TABLES.

370. ***Mr. Mohan Lal Saksena** : (a) Will Government state the reasons for increasing the price of the East Indian Railway time table from four annas to six annas ?

(b) Will Government lay on the table a comparative statement of the number of time tables sold during the last two years ?

(c) Is it a fact that the cost of the time table, five years ago, used to be two annas only ?

(d) Will Government state if the cost of printing has risen ? If so, by how much ?

(e) Are Government prepared to reduce the price of the time-table ?

(f) Will Government lay on the table a statement showing the cost of publishing the provincial time-tables, published this year and that of smaller time-table published before, and the respective amounts of their sale proceeds ?

(g) Are Government aware of the great amount of inconvenience experienced by the public by this innovation, and are they prepared to consider the advisability of reverting to the old practice ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The increase was made to meet the cost of publication.

(b) and (f). A statement is laid on the table.

(c) Prior to September, 1930, the time table was priced at two annas ; from September, 1930, the price was increased to four annas.

(d) Yes, by more than 6 per cent.

(e) This is a matter of administrative detail, the responsibility for which rests with the Railway Administration. Government see no reason for their interference.

(g) The reply to the first part is in the negative : as regards the second part, I will convey the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration.

Statement.

(b) No. of Time Tables sold during the last two years :

1934 52,914 copies.
1935 51,727 ..

* * * * *

(f) Particulars regarding one anna and two anna Time Tables :—

One anna Time Table.

Date.	Copies printed.	Copies sold.	Cost.	Sales.
			Rs.	Rs.
1-10-35	50,000	47,810	5,304	2,988

Two-anna Provincial Time Table.

	Date.	Copies printed.	Copies sold.	Cost.	Sales.
				Rs.	Rs.
Bengal	1-4-36	15,000	*	1,324	*
United Provinces	1-4-36	12,000	*	1,143	*
Total		27,000	..	2,467	

* Figures are not available as publications are still on sale at stations and Bookstalls.

Mr. Sri Prakasa : Are Government aware that the additional bulk of the E. I. R. time table is due to the fact that they have re-arranged the tables giving the railway timings, have not put both the up and down trains on the same page, with the result that there is much inconvenience caused to the persons who consult these time tables, and moreover most pages are left half-blank ?

The Honourable Sir Muhammad Zafrullah Khan : I am not so aware, but the information given by the Honourable Member may be correct.

Mr. Mohan Lal Saksena : What is the answer to part (d) ?

The Honourable Sir Muhammad Zafrullah Khan : I said, yes, by more than six per cent.

Mr. Mohan Lal Saksena : The printing cost has risen by six per cent. while the cost of the time table has risen by 50 per cent. ?

The Honourable Sir Muhammad Zafrullah Khan : The exact proportion of increase can be arrived at by studying the figures I have given.

RETRENCHMENT ON RAILWAYS.

371. ***Mr. Mohan Lal Saksena :** (a) Is it a fact that Government have been contemplating to make retrenchment amongst railway employees ? If so, will Government be pleased to make a statement, giving the broad lines on which retrenchment is proposed to be made ?

(b) Are Government prepared to consider the advisability of appointing a small committee of the Assembly which may advise them in the matter of retrenchment ?

(c) Will Government state the number and total amount of pay of posts which carry a salary of Rs. 1,000 and above as well as the number and amount of those that carry salaries between Rs. 500 and Rs. 1,000 ?

(d) Will Government state how many of these have been created during the last three years ?

(e) Are Government prepared to consider the advisability of retrenching these posts before axing lower hands ?

(f) Are Government also prepared to consider the advisability of effecting a ten per cent. cut in the salaries of these posts before retrenching the petty posts ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have advised State-managed Railways, sending at the same time copies to Company-managed Railways for information, that employees surplus to requirements may now be selected for discharge on the basis of comparative efficiency instead of on the rule of length of service which was adopted in 1932, the selection being made by Committees consisting of two or three officers and the staff being allowed to appear before them personally should they so desire.

(b) No.

(c) The available information will be found in the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways and in the Classified Lists of subordinate staff on pay of Rs. 250 and above or on scales of pay rising to Rs. 250 and above, copies of which will be found in the Library of the House.

(d) The information in respect of superior gazetted posts created during the last three years will be found in the proceedings of the Standing Finance Committee for Railways, copies of which are in the Library of the House. Eleven posts were created in the Lower Gazetted Services on the State-managed Railways in the scale, Rs. 425—20—525. Government have no information in respect of the non-gazetted posts.

(e) and (f). No. These posts were created to meet accepted requirements and their creation does not prejudice the retention of lower posts which are not surplus to requirements.

Mr. V. V. Giri : Are Government aware that the All-India Railway-men's Federation made a request to the Railway Board at the last half yearly meeting that the issue of retrenchment may be referred to a Court of Enquiry under the Trade Disputes Act and are the Government aware if the All-India Railwaymen's Federation requested the Railway Board to join with them in their request ?

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

Mr. S. Satyamurti : With reference to part (f), may I know the reason for the negative monosyllabic answer ?

The Honourable Sir Muhammad Zafrullah Khan : I explained that in the course of the budget debate.

Mr. S. Satyamurti : May I ask whether, before retrenching these smaller men, the Government will consider the question of effecting some economy, or at least a large part of the economy, by imposing a

ten per cent. cut in the salaries of higher paid officials, and thus save these unfortunate men who are paid low salaries ?

The Honourable Sir Muhammad Zafrullah Khan : Even if a cut of 10 per cent. or a higher or a lower percentage were possible and feasible, the railways could not carry on the staff that was surplus to their requirements.

Pandit Lakshmi Kanta Maitra : With reference to part (a) what is the rank of the officers before whom the staff will be allowed to appear and give evidence ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member would put down a question on the subject, I shall endeavour to get the information. I should imagine it would be different on different railways and also different for different categories of staff.

Pandit Lakshmi Kanta Maitra : I want to know whether the Railway Board will have any of its nominees there ?

The Honourable Sir Muhammad Zafrullah Khan : No. The nomination of these officers will be left to the respective Agents.

Mr. N. M. Joshi : With reference to part (b), may I ask whether the Government of India will consult the Railway Advisory Committee on this subject of retrenchment of surplus staff ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. N. M. Joshi : Why should not the Government consult the Central Advisory Committee on this important question ?

The Honourable Sir Muhammad Zafrullah Khan : Instructions have already been issued and I believe the different railways are proceeding on that basis.

Mr. N. M. Joshi : May I ask why Government issued instructions without consulting the Central Advisory Committee ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know whether that would be one of the proper functions of the Central Advisory Committee. In any case it is too late now.

Mr. N. M. Joshi : What is the economy which Government propose to effect by retrenching the staff proposed to be retrenched ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said the retrenchment proposed is due to there being men surplus to requirements, but with regard to the actual economy to be effected, I can give no figure until the retrenchment has been effected.

Pandit Lakshmi Kanta Maitra : Do Government consider the advisability of nominating one of their own men from the Railway Board or any other State Railway officer on this Committee of Enquiry ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

PERMISSION TO INTERMEDIATE CLASS PASSENGERS TO CARRY ATTACHÉ CASES AND HANDBAGS FREE OF CHARGE.

372. ***Mr. Mohan Lal Saksena :** Is it a fact that in the East Indian Railway in the case of first and second class passengers, attaché cases and handbags are allowed free, while it is not done in the case of intermediate

class passengers? If so, are Government prepared to amend the rules, so that similar privilege may be allowed to intermediate class passengers?

The Honourable Sir Muhammad Zafrullah Khan : The reply to the first part of the question is in the affirmative. Government are not prepared, under present conditions, to suggest to railways any increase in the amount of luggage which passengers may be allowed to carry free.

I may, however, draw the attention of the Honourable Member to the fact that in 1929, the free allowance of luggage for intermediate class passengers was increased by 50 per cent.

Mr. Mohan Lal Saksena : Are Government prepared to modify the rules so that the first and second class passengers may also not be allowed handbags and attachés free.

The Honourable Sir Muhammad Zafrullah Khan : That is a concession which they had enjoyed long before 1929 when the additional concession was allowed to intermediate class passengers.

SHORT NOTICE QUESTIONS AND ANSWERS.

SHORTAGE IN THE NUMBER OF VOTERS FOR THE REFORMED LEGISLATIVE ASSEMBLY OF MADRAS.

Mr. S. Satyamurti : Will Government be pleased to state :
12 NOON.

- (a) whether their attention has been drawn to the fact that, in the Madras Presidency, the number of voters on the preliminary electoral rolls of the reformed Legislative Assembly is short by more than ten lakhs of the number expected by Parliament ;
- (b) whether they have taken or propose to take any steps to impress upon the Madras Government the need for bringing up the strength to the Parliamentary expectations ; and
- (c) what the results of any such action are ?

The Honourable Sir Nripendra Sircar : (a) The electorate for the Madras Legislative Assembly according to the expectation of Parliament, based on an enrolment of 15 per cent. of the population, was 66,19,251. The actual enrolment is 57,35,097. According to the preliminary rolls the deficiency therefore is 8,84,154.

(b) Immediately the deficit came to their notice the Local Government issued instructions to Registration Officers urging upon them the desirability of adding further names by the adoption of the following measures :

- (i) a liberal interpretation of the additional qualifications for scheduled castes laid down in paragraph 9 (a) of part II of the Sixth Schedule of the Act of 1935 inserted by the Government of India Provincial Legislative Assemblies Order of 1936 ;
- (ii) requiring village officers to encourage joint proprietors to apply for enrolment ;

(iii) requiring Registration Officers themselves to exercise their powers under the rules and adding to the preliminary rolls names of qualified persons who have been omitted.

(c) It is believed that the adoption of these measures and the consideration of formal claims preferred before the revising authorities which sit on the 28th September will assist to make up the deficiency.

Mr. S. Satyamurti : With regard to the scheduled castes, may I know if, taking the scheduled castes alone, the preliminary or the final figures are expected to reach 15 per cent. of the population ?

The Honourable Sir Nripendra Sircar : All that I have got before me is this that what was expected was 66,19,251 and what has been got is 57,35,097—a deficit of about 9 lakhs ; and I have indicated the three methods which have been followed to make up the deficiency. I have no other information.

Mr. S. Satyamurti : May I know if Government are aware that, with regard to the voters who get their franchise by literacy alone, Government insisted on applications being presented in person, and thereby prevented a large number of literate voters who would otherwise have got their franchise, from getting their names on the electoral rolls ?

The Honourable Sir Nripendra Sircar : I am not aware, but I am quite willing to forward this question to the Local Government with a request that the same may be considered.

BRITISH POLICY IN PALESTINE.

Sir Muhammad Yakub : (a) Are Government aware that there is a great feeling amongst the Musalmans all over India on account of Britain's policy in Palestine, and particularly the recent announcement of the British Government to inaugurate an aggressive military campaign in that country has extremely perturbed and agitated the Muslim mind in India ?

(b) Will Government be pleased to inform the British Government accordingly ?

The Honourable Sir Henry Craik : (a) The Government of India are aware that the Palestine situation is a source of concern to Indian Moslems. A study of the announcement recently issued in London will make it clear that the sole object of His Majesty's Government is the restoration of law and order in fulfilment of their duty as the mandatory power, and that they have emphasized their anxiety to maintain an impartial attitude, and specially to maintain relations of friendship and confidence with the Muslim peoples throughout the world. The announcement also made clear the conviction of His Majesty's Government that the restoration of law and order at the earliest possible date is in the interests of all parties concerned.

(b) The Government of India have been in constant communication with His Majesty's Government on this matter, and they will of course continue to keep them informed of Moslem feeling in India in regard to it.

Mr. M. A. Jinnah : Are the Government of India aware that Great Britain as the mandatory power is carrying out its mandate in a way which must result in the destruction of the Arabs ?

The Honourable Sir Henry Craik : That does not arise out of any answer that I have given. It is not my duty to interpret the mandate or the manner in which it is being carried out.

Maulana Shaukat Ali : Will the Honourable Member tell us whether the land in Palestine is capable of accommodating 400,000 Jews instead of 60,000 Jews that were living there before war and whether Sir John Chancellor, the former High Commissioner, and Lord Passfield, the Secretary of State for the Colonies, had to resign on this account because they knew that there was no room for these 400,000 Jews unless you did injustice to the Arabs ?

The Honourable Sir Henry Craik : Neither of those questions arise out of any answer I have given. Both parts deal with matters for which the Government of India are in no way responsible and they contain inferences.

Maulana Shaukat Ali : Is there any chance of law and order being established if the Arabs know that they will be wiped out in the interest of the Jews and the mandate is being run more in the interest of the foreign Jews than in the interest of the original inhabitants of Palestine ?

The Honourable Sir Henry Craik : That is clearly a hypothetical question.

Mr. K. Ahmed : Is it a fact that the aggression has begun on account of the undue arrival of these Jews in Palestine and their action in the matter of lending money and usurping all the lands of these Arabs illegally and against the policy which the Government adopt in the matter of the Moneylenders' Act in India, and in contravention of solemn pledges and declarations made by the Government ?

Pandit Lakshmi Kanta Maitra : Has the Honourable Member understood the question ? I have not understood it.

The Honourable Sir Nripendra Sircar : Has anybody understood the question ?

MOTION FOR ADJOURNMENT.

BRITISH POLICY IN PALESTINE.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion of adjournment from Mr. S. Satyamurti to consider a definite matter of urgent public importance, namely, the failure of the Government of India to invite the attention of the British Government to the danger of pursuing a policy of denying the indigenous population of Palestine the realisation of their legitimate aspirations and enforcing Jewish immigration against the principle of self-determination, in violation of Article XXII (4) of the Covenant of the League of Nations, and the repeated pledges of the Government of India, which policy is calculated to have disastrous repercussions throughout India.

Is there any objection to this motion ?

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, there is no legitimate objection which I can take in this forum.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, on a point of order, I should like to have some elucidation of this matter. My Honourable friend said that there is no legitimate objection which he can take in this forum. May I know what is involved in that ?

The Honourable Sir Nripendra Sircar : I will just explain. There have been rulings that the objection that the matter is not primarily the concern of the Governor General in Council is a matter for the Governor General to decide and the Chair will not rule it out on that objection. Therefore that objection, if it is intended to be taken, we have got to take before the Governor General and not here. That is what is involved in that statement.

Mr. President : Has the Honourable Member leave of the House to move his motion ?

(No objection was taken.)

The motion will be taken up at 4 P.M. today.

MOTION RE EXPUNCTION OF CERTAIN PASSAGES FROM THE PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim) : I understand Mr. Sri Prakasa wishes to make a statement with reference to certain questions which he put the other day.

Mr. Sri Prakasa : Mr. President, the Secretary of my Party, my esteemed friend, Mr. Satyamurti, informed me late on the afternoon of last Thursday that one of the supplementary questions that I put in connection with the death of bulls and cows in India was not in good form and in good taste and that I should take the opportunity of requesting you to order the deletion of that portion of the supplementary question from the proceedings.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must read the question. (Laughter.) It will not be possible for me to order the expunction or deletion of any passage unless I know what it is.

Mr. Sri Prakasa : The question was, Sir :

† [• • • • • •]

And the reply of Sir Girja Shankar Bajpai was :

† [• • • • • •]

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member the leave of the House that these passages should be deleted ?

Honourable Members : Yes.

† These portions were ordered to be expunged from the proceedings of the Legislative Assembly.
L286LAD

THE INDIAN RUBBER CONTROL BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to amend the Indian Rubber Control Act, 1934, for certain purposes.

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

“ That leave be granted to introduce a Bill to amend the Indian Rubber Control Act, 1934, for certain purposes.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan : Sir, I introduce the Bill.

THE BANGALORE MARRIAGES VALIDATING BILL.

Sir Aubrey Metcalfe (Foreign Secretary) : Sir, I move for leave to introduce a Bill to validate certain marriages solemnized in the Civil and Military Station of Bangalore.

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

“ That leave be granted to introduce a Bill to validate certain marriages solemnized in the Civil and Military Station of Bangalore.”

The motion was adopted.

Sir Aubrey Metcalfe : Sir, I introduce the Bill.

THE RED CROSS SOCIETY (ALLOCATION OF PROPERTY) BILL.

Mr. G. E. F. Tottenham (Defence Secretary) : Sir, I move for leave to introduce a Bill to provide out of the property of the Indian Red Cross Society a Fund to be administered in Burma by a Burma Red Cross Society, and to terminate in Burma the existing functions of the Indian Red Cross Society.

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

“ That leave be granted to introduce a Bill to provide out of the property of the Indian Red Cross Society a Fund to be administered in Burma by a Burma Red Cross Society, and to terminate in Burma the existing functions of the Indian Red Cross Society.”

The motion was adopted.

Mr. G. E. F. Tottenham : Sir, I introduce the Bill.

THE INDIAN COMPANIES (AMENDMENT) BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee. The motion before the House is :

“ That in clause 3 of the Bill, after the proposed sub-section (4) of section 4, the following new sub-section be added :

“(5) Nothing in this section shall apply to Hindu joint family partnerships and firms.”

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : I have given notice of another amendment which is intended to meet the objections which were raised by the Honourable the Leader of the House, and I ask leave....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair understands Mr. Bajoria wants leave to withdraw his amendment ?

Babu Baijnath Bajoria (Marwari Association : Indian Commerce) : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member the leave of the House to withdraw his amendment ?

Honourable Members : Yes.

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

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : We have not got a copy of the amendment that the Honourable the Leader of the Opposition is going to move.

Mr. Husenbhai Abdullahhai Laljee (Bombay Central Division : Muhammadan Rural) : Sir, I have got an amendment which is more comprehensive than Mr. Bajoria's—I do not know what will be my position. It is No. 2 in the Supplementary List No. 2.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member wish to move it ? He can if he wishes to do so.

Mr. Husenbhai Abdullahhai Laljee : I want to move it, Sir. I move :

“ That in clause 3 of the Bill, after the proposed sub-section (d) of section 4, the following new sub-section be added :

‘ (e) Nothing in this section shall apply to family partnerships and firms, which comprises of partners who are all members of the family ’.”

Sir, the amendment moved by my Honourable friend, Mr. Bajoria, restricted this exemption to the Hindu Joint family. I have no objection to that ; but I do wish that it may also be extended to other *bonâ fide* families....

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Bajoria has withdrawn his amendment.

Mr. Husenbhai Abdullahhai Laljee : Yes, Sir ; but I am moving this : when I say I have no objection, I mean this amendment would certainly include the desire of my Honourable friend, Mr. Bajoria. My object is that in section 4 we have got four clauses : the first clause restricts people to do business in banking if they are more than ten ; the second clause restricts us from doing any other business if we are more than 20. Now, throughout India there are very many families who do business jointly, and it is not at all the condition that prevails in Europe, that as soon as the family members become major they separate. There are many families at present in India who have been for years trading together ; and I do think that, if eight or ten or more people of the same family are doing their honest business they ought not to be forced to take to joint stock companies and be mulcted with the cost of adopting all this procedure that has been laid down, but should be treated as members of one family. We have just passed clause 3 which clearly

[Mr. Husenbhai Abdullabhai Laljee.]

shows that those who belong to joint families will be bound to pay for the liabilities incurred. I would not have moved this amendment if it were not clear that it would not be possible for those who join together for any kind of business of banking to shirk their liability. Having passed clause 3, I feel that there is now need to exempt family from other clauses of this section and if exemptions are to be given to any, then, Sir, all those who are *bonâ fide* members of a family must also be in all fairness given exemption. In India thousands and thousands of family firms are carrying on business. Now, Sir, I have said already all that I had to say, and I now leave it to Government Benches and the Honourable the Leader of the Opposition to find out a way which would be applicable to all of us, as I understand an attempt is being made in this direction.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved :

“ That in clause 3 of the Bill, after the proposed sub-section (4) of section 4, the following new sub-section be added :

‘ (5) Nothing in this section shall apply to family partnerships and firms, which comprises of partners who are all members of the family .’ ”

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I have no objection to the substance of the amendment moved by my friend, Mr. Husenbhai Laljee, but I ought to explain to the House that I was willing, as a result of the discussions I had yesterday with some of the gentlemen who came to me, to concede a little further. And may I explain my position, Sir ? I heard Mr. Bajoria's speech, and I am agreeable first of all to have what Mr. Husenbhai Laljee has moved, namely, if it is one family, then whether the number is 20, 25 or 30, they need not form themselves into a company as provided by section 3. That is the limited form of Mr. Husenbhai Laljee's amendment. That of course I am willing to accept, but I am willing to concede further, that is to say, where there is partnership between two families or three families, in counting the number of 20, the infants should not be included. That would bring substantial relief in many cases. As a result of the discussion, my friend the Honourable the Leader of the Opposition was trying to move his amendment, and that explains why no copies of the amendment could be supplied. If the Honourable the President will allow him to move that, then I would make my submission. In fact, I shall have nothing further to add when both motions have been placed before the House. What my friend wanted to move,—I am sorry he could not give copies to others, is this : “ This section shall not apply to a joint Hindu family carrying on trade or business ” ; that is exactly the same as Mr. Husenbhai Laljee's amendment, and “ where two or more such joint families form a partnership in computing the number of persons for the purposes of this section, the minor members of such families shall be excluded ”. As I have explained, if there are three families including minors, that may come to thirty, but if there are twenty....

Mr. President (The Honourable Sir Abdur Rahim) : As regards suspending Standing Orders, the Chair has received notice of other amendments in the same form....

The Honourable Sir Nripendra Sircar : I am entirely in the hands of the Chair. If Mr. Desai's amendment is not allowed to be moved,

then I accept Mr. Husenbhai Laljee's amendment. If the former is allowed to be moved, then I shall accept it, which is more comprehensive. That is the position of the Government, and then it will be for the Chair to decide whether, copies of the amendment not having been supplied, the rule can be waived or not.....

Mr. M. A. Jinnah : May I respectfully point out to the Honourable the Law Member that it will be much better that such amendments as there are on this particular question on the list should be carefully examined and that the Government should submit a definite draft of such amendments which they are prepared to accept. Then we can consider them, and if the House has no objection, we can pass them. May I also point out that I am much obliged to my friend the Honourable the Leader of the Opposition for supplying me with a draft copy of the amendment which he proposes to move. May I further point out for the consideration of the Honourable the Law Member that when you say : " This section shall not apply to a joint Hindu family carrying on joint family trade or business and where two or more such joint families form a partnership in computing the number of persons for the purposes of this section minor male members of such families shall be excluded ". Does it mean that the whole section is not defined, and the minor members will be excluded not only from the penalty clause but also from the liability.....

The Honourable Sir Nripendra Sircar : Yes. That is correct.

Mr. M. A. Jinnah : Whereas the minor members, if there is a profit, will be entitled to a share, but if there is a loss and there is a liability, the minor members of their shares in the joint family will not be liable. That is also a question which I would like the Honourable the Law Member to consider.

The Honourable Sir Nripendra Sircar : That is the position.

Mr. President (The Honourable Sir Abdur Rahim) : The best course for the Chair would perhaps be to allow this clause to stand over till tomorrow so that the Honourable Members may consider the position.

Now, we shall pass on to the next clause. Clause 4.

I hope in the meantime the amendments will be circulated.

Babu Baijnath Bajoria : I have an amendment before that, Sir, Nos. 13 and 14, after clause 3.

Mr. President (The Honourable Sir Abdur Rahim) : I think you better wait till tomorrow.

Babu Baijnath Bajoria : I will move No. 14. It reads thus :

" That after clause 3 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

" 4. After sub-section (3) of section 6 of the said Act, the following new sub-section shall be inserted, namely :

(4) The Memorandum shall not contain any matter or statement that does not come under any of the heads mentioned in clauses (i) to (v) of sub-section (1) "

[**Babu Baijnath Bajoria.**]

Sir, the aim of my amendment is this, to restrict the memorandum to the definite matters which are stated in the Act. Section 6 of the Act says :

“ In the case of a company limited by shares—

(1) the memorandum shall state—

- (i) the name of the company, with ‘ Limited ’ as the last word in its name ;
- (ii) the province in which the registered office of the company is to be situate ;
- (iii) the objects of the company ;
- (iv) that the liability of the members is limited ;
- (v) the amount of share capital with which the company proposes to be registered, and the division thereof into shares of a fixed amount ; ”

It is often found that in the memorandum of many companies extraneous matters not contemplated by this section, like the managing agency term, the promoters’ interests, etc. are incorporated into the memorandum with a view to render these things more difficult of alteration later on by shareholders. This thing is never conducive to the interests of the company. If it benefits anybody it benefits the managing agents and the promoters of the company. I do not want that these extraneous matters should be incorporated into the memorandum. I am supported in this view of mine by my Association, the Marwari Association, by the Calcutta Shareholders’ Association, and by the Registrar of Joint Stock Companies in Bengal. I will read out some passages from the opinion of the Registrar of Joint Stock Companies in Bengal. He says :

“ A sub-section should be added to the effect that ‘ No memorandum shall contain any matter other than those mentioned in sections 6, 7 or 8 of the Act, and other than the minimum subscription.’ There has been a growing tendency of late to include in the memorandum clauses relating to the appointment of managing agents and terms and conditions thereof. The object is that a clause in the memorandum cannot be easily changed and the terms will not be easily alterable. As a matter of fact, such terms, if inserted in the memorandum, will become absolutely unalterable, because the only changes which may be effected in the memorandum are given in sections 11 (change of name) and 12 (change of situation from one province to another and change of the objects).

The public consider that the provisions of sections 6, 7 and 8 are the minimum. But this is clearly not the intention of the Act. If any other matters are permitted to be inserted, there must be provision for their alteration also.”

I do not want to add anything further. I think it is not desirable that extraneous matters should be included in the memorandum and I hope that the Leader of the House will give due consideration to my amendment and that the House will accept it.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That after clause 3 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

“ 4. After sub-section (3) of section 6 of the said Act, the following new sub-section shall be inserted, namely :

“ (4) The Memorandum shall not contain any matter or statement that does not come under any of the heads mentioned in clauses (i) to (v) of sub-section (1) ”

The Honourable Sir Nripendra Sircar : There is another amendment on the same subject, and I agree to the substance, but not to the form of Mr. Bajoria's amendment. That other amendment stands in the name of Mr. Ayyangar and I am prepared to accept it. It is No. 1 in the Supplementary List No. 1 to Final List.

Babu Baijnath Bajoria : I do not worry about the form, and, in view of the assurance given by the Leader of the House, I beg leave to withdraw my amendment.

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

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

“ That clause 4 stand part of the Bill.”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : I do not move my amendment No. 15 in the Final List.

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

“ That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

Mr. M. Ananthasayanam Ayyangar : Sir, I move :

“ That after clause 4 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

‘ 5. To section 10 of the said Act, the following proviso shall be added, namely :

‘ Provided that any provision in the memorandum relating to the appointment of a manager or managing agent and other matters of a like nature incidental or subsidiary to the main objects of the company, shall not be deemed to be such condition ’.”

I have a few words to submit with respect to this matter. I myself and my Honourable friend, Mr. Bajoria, wanted that in section 6 an addition should be made that only the items mentioned in section 6 ought to be stated in the memorandum. But the same object is served if this proviso is added to section 10 of the Act. Section 10 says :

“ A company shall not alter the conditions contained in its memorandum except in the cases and in the mode and to the extent for which express provision is made in this Act.”

Instead of limiting the memorandum only to the particular matters which are set out in section 6 of the Act, even if the memorandum should contain various other matters, such as, the names of the managing agents or the terms of the contract or other terms relating to remuneration, etc., by this proviso to section 10 those other matters which relate to the appointment of a managing agent or which relate to other matters of a like nature, which are incidental or subsidiary to the main objects of the company, may be modified by a resolution of the company later on. They do not form part of the memorandum in such a manner that only by an extraordinary or special resolution of the company they could be modified. If the terms of the memorandum have to be modified, first there must be a special resolution, and thereafter it has to be confirmed by the Court.

[Mr. M. Ananthasayanam Ayyangar.]

But by this proviso those parts of the memorandum relating to the appointment of managers, if any alteration has to be made with respect to those parts,—the same procedure that has to be adopted for the modification of the other portions of the memorandum, such as, share capital, etc., need not be adopted. That need not be confirmed by the Court and there need be no special resolution. The object which the amendment of my Honourable friend, Mr. Bajoria, had, as well as that which my amendment No. 15 in the Final List had is served without modifying section 6, if a proviso is added to section 10 as I have urged in my present amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That after clause 4 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

‘ 5. To section 10 of the said Act, the following proviso shall be added, namely :

‘ Provided that any provision in the memorandum relating to the appointment of a manager or managing agent and other matters of a like nature incidental or subsidiary to the main objects of the company, shall not be deemed to be such condition ’.”

Mr. Sami Vencatachelam Chetty (Madras : Indian Commerce) : I want to know more definitely the purport of this amendment. At the first instance, it might look that the amendments of Mr. Bajoria and Mr. Ayyangar are more or less the same, but it appears to me that the present amendment of Mr. Ayyangar goes farther than what might have been intended by Mr. Bajoria. Mr. Bajoria only wanted that mention of things other than those specified under sections 6, 7 and 8 should be omitted in the memorandum whereas Mr. Ayyangar's amendment appears to me to indicate that even in case other matters are specified in the memorandum, which are not covered by the conditions of 6, 7 and 8, they are liable to be changed by means of a general resolution. The security of conditions being put in the memorandum of the association, I thought that they might not be varied or changed by the ordinary general resolution of shareholders meeting, but under this amendment that security is taken away, and though the conditions with regard to the appointment of managing agents and managers are specified in the memorandum of association, on which the shareholders subscribe to the company, those conditions might be changed at the very first meeting after the formation of the company. If that be so, it naturally follows that the security of service or the conditions of the agreement of the manager or managing agent will be greatly affected. I am merely placing my point of view before the House in order to get a clear statement whether the intention of this amendment would be to affect the position of managing agent or manager who enters into an agreement with the shareholders, even before the formation of the company.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : This matter was certainly not considered in the Select Committee and it appears to me to have a more far reaching effect than the Mover asked us to believe. The whole idea of a memorandum is being changed. What we understand by a memorandum is that certain terms and conditions laid down in it could not be changed otherwise than by a special general resolu-

tion, and approval of the High Court. Now, you are making the memorandum a document in which, though there are certain conditions which you can change by a general resolution, there are other conditions which you cannot change. The whole idea of a memorandum will therefore not be what it used to be. The Honourable Member who just sat down said that you will be able to put down in the memorandum certain terms and conditions of a managing agent that can be changed by a mere ordinary resolution of the company. Is that what the Law Member desires should be done? After all, the memorandum is a document which carries greater weight and which is of greater importance than an agreement. The whole of that aspect will be changed. I would ask the Honourable the Law Member to consider this point of view before he would agree to this amendment. I think it will make a very big difference.

Mr. M. S. Aney (Berar Representative) : I find some difficulty in understanding this amendment. The object of the Honourable Member who wants to move this amendment is to allow certain things mentioned in this proviso to be changed by a resolution and not by the procedure that has been laid down for the purpose. My difficulty is to understand the proviso itself. What the proviso says is this :

Provided that any provision in the memorandum relating to the appointment of a manager or managing agent and other matters of a like nature.

What I do not understand is what is meant by "other matters of a like nature". It means that matters should be akin to the appointment of manager or managing agent. It necessarily restricts the matters only to either the appointment of a manager or managing agent. The second condition is "incidental or subsidiary to the main objects of the company". These are the two conditions which shall govern the matters on which a general resolution shall be deemed competent for bringing about a change. I do not think that was the limited scope that Mr. Bajoria had in mind in moving the amendment which he wanted to move. He definitely wanted the memorandum to be confined only to those conditions which are mentioned in sections 6, 7 and 8 and nothing more.

Mr. M. A. Jinnah : It is very difficult to have to deal with these amendments which suddenly spring up, and it is very difficult to weigh the effect of such an amendment. No doubt, the Law Member, who has gone so deeply into this question, will be able to deal with it, and, therefore, I would only put before him what strikes me on the spur of the moment. In the first instance, what is the use of putting anything in the memorandum. When you do put a thing in a memorandum, it is important. Otherwise, there is no meaning in putting it in the memorandum. Section 6 definitely compels you to put certain matters in the memorandum. Now, you are not restricting the memorandum to those matters only. You can put some other matters. When you say you may put other matters or add to the items specified in section 6, I take it that they will be important, and if they are important, then, why should they be altered except in the way in which section 10 says it should be altered? That is the first question. As the Honourable Member just now pointed out, you may put various things in the memorandum of association, and,

[Mr. M. A. Jinnah.]

immediately thereafter, by a special meeting, delete that item from the memorandum. The idea that it should receive the sanction of the Court is a great check, and, therefore, it seems to me in the first instance that if you put in something in the memorandum of the association of your company which you consider is important or vital, it should not be altered except as it is laid down by section 10. Further, it seems to me that if you accept the amendment in the form in which it is drafted, I do not know where it will lead us to. It says :

“ Provided that any provision in the memorandum relating to the appointment of a manager or managing agent and other matters of a like nature incidental or subsidiary to the main objects of the company, shall not be deemed to be such condition.”

Well, I do not know, under this clause, how much of it can be exempted from the rigours of the conditions of section 10.

Sir Cowasji Jehangir : It changes the whole meaning of the term “ memorandum ” as we have understood it.

Mr. M. A. Jinnah : You may also take into account section 12 of the Act which lays down the alterations,—of how the memorandum can be altered. That also has got to be taken into account, but I submit, Sir, that my first point is one which I do ask the Law Member to consider very carefully.

Mr. Bhulabhai J. Desai : Sir, I rise to support the amendment and I will try to explain the difficulties which have been presented by the Honourable Members who have addressed this House upon it. It is common knowledge that in the memoranda of many companies matters are mentioned which are not included in section 6 of the Act and a most common feature of several of the memoranda of association of companies prior to the eighties was that the appointment of managing agents and the terms of their appointment were usually included. In course of time such inclusion created considerable difficulties by reason of section 12 of the Act. Section 12 of the Act allowed a change in the memorandum in such a limited manner that it became impossible to deal with that change in the memorandum so far as the appointment of the managing agents and their remuneration were concerned. Companies which started with a capital of a lakh of rupees have grown from time to time to larger and larger proportions, and in fact in ignorance of the fact that the memorandum or the matter that was put into it was unalterable, resolutions have been passed by companies laying down terms of remuneration, as the volume and the quantity of the business grew. It has not been uncommon (and I believe my Honourable friend, Mr. Jinnah, knows of at least three or four companies which must be within his knowledge as they have been within mine),—for example, to find a company, which started with a capital of a lakh, which has now a block account of a crore, and, many years after, when the remuneration had been altered to suit the conditions of business, it occurred to a shareholder to file a suit for the purpose of recovering from the managing agent all remuneration drawn in excess of what was originally provided in the memorandum some thirty or forty years before,—on an argument that, inasmuch as the matter was included in the memorandum and inasmuch as clause 12 did not allow its alteration, the payment was *ultra vires* of the company. There were other matters which similarly came up before the Bombay High Court in which, when an attempt was made to alter the conditions which were subsidiary

to the main objects of the company, the Judge found himself unable to accede to that request, and in order to be able to persuade him, it was necessary to call attention to the terms of section 12 of the Act :

“ Subject to the provisions of this Act, a company may, by special resolution, alter the provisions of its memorandum so as to change the place of the registered office from one province to another, or with respect to the objects of the company, so far as may be required to enable it,”

and then follow four provisions which are designed to enable it to carry on its business more economically and so on.

Difficulties have been met with not only in India but they have been met with also in England and there is a report of a Commission presided over by Lord Wrenbury which is a useful matter to be read in this connection. It is known that a memorandum is distinguishable from the article inasmuch as the memorandum is the charter of the company, but it is also known that many matters are crowded into it which ought not to be made unalterable as they would be made if section 12 applied, and therefore in England as in India, a difficulty has arisen where matters have cropped up which are not the objects of the company but subsidiary to the objects of the company, that is to say, the appointment of the managing agent or the mode of carrying out the objects of the company necessitated by the nature of its business, and, therefore, in the leading case in the House of Lords, Their Lordships have had to distinguish between the main objects of the company and the subsidiary or the ancillary matters mentioned in the memorandum which should not be regarded as unalterable conditions, and it is following, Sir, the language used in those judgments and knowing the practice that occurs both in India and in England, that I rise to support this motion. That motion really brings out the distinction between the two things, *viz.*, main objects of the company and the manner or the mode or the media through which those objects have to be carried out. The latter need not be unalterable, whereas, in so far as the objects are concerned, they should be subject to alteration only if they comply with the provisions of section 12.

Sir H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, I desire to point out the danger of splitting up the memorandum into two parts as suggested in the amendment moved by my Honourable friend, Mr. Ayyangar,—one part which is to be sacrosanct and which cannot be touched, and another part on which rude hands can be laid by the shareholders at a general meeting by an ordinary resolution. It is possible that my Honourable friend, in moving the amendment, was obsessed with the idea of trying to prevent managing agents from altering memoranda in order to suit their own purpose. But it is quite possible that a contrary effect may be produced, in some instances, at any rate. Supposing I have put down in the memorandum of association Rs. 10,000 as my remuneration as managing agent. If, later I find that I have got a sufficient majority of votes, I put forward a proposal for increasing my remuneration to Rs. 50,000, then, if this amendment were to be carried, I would be able to get that Rs. 50,000 sanctioned to me by the shareholders by an ordinary resolution. All the safeguards, which are today provided, and which make the memorandum a thing which is not to be lightly touched, disappear. Under section 12, not only has the managing agent,

[Sir H. P. Mody.]

if he wants an alteration of the memorandum, got to have a special resolution, *viz.*, by a three-fourths majority, but the Court also has got to scrutinize the resolution after it has been passed. Among other things, the Court has got to see whether the rights of any creditors have been prejudiced. The creditors may be in a very small minority, but the Court before confirming any alteration of the memorandum will see to it that they have not been prejudiced. I say, Sir, that there are implications in this amendment which my Honourable friend has not understood. It would be, in certain instances, extremely dangerous to allow a memorandum to be split up into two portions as suggested.

The Honourable Sir Nripendra Sircar : Sir, I have very little to add as regards the "splitting up"; that has been done by the law Courts to a certain extent. As to what are really the objects which may be called 'conditions' and what are the incidentals, on that I have no desire to inflict any law cases on the House. My Honourable friend, Sir H. P. Mody, gave an example of the danger. He said, supposing the remuneration in the memorandum is Rs. 10,000, but, having the strength of votes, that is increased to Rs. 50,000. What a terrible position! Suppose it is the other way about. The remuneration is Rs. 50,000 but having regard to the reduced circumstances of the company, it ought to be Rs. 10,000, why should it not be done by a special resolution? Apart from general argument, one has got to remember that if you regard—what the Court will do, I do not know—the managing agency clause being put in the memorandum as an unalterable condition within the meaning of these cases on memoranda, then what is the position? The position is that we are really coming in conflict with these memoranda by this legislation. We want to put an end to managing agencies after 10 years or 20 years or 40 years whatever it is. Supposing you find in the memorandum that a man has been appointed along with his heirs perpetually, what would be the position then? Then we shall have to argue, whatever may be the memorandum, that the right has been taken away by the Statute. Sir, I have not yet been able to visualise the difficulties. The managing agency clause ought not to be regarded as a condition in the sense in which the word has been used in the rulings, a condition which cannot be altered except by the special method and by coming to Court. It is an abuse to put the managing agency clause in the memorandum. I got notice of this amendment on Friday and I have considered it and personally I do not see any objection to its acceptance.

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

"That after clause 4 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

' 5. To section 10 of the said Act, the following proviso shall be added, namely :

' Provided that any provision in the memorandum relating to the appointment of a manager or managing agent and other matters of a like nature incidental or subsidiary to the main objects of the company, shall not be deemed to be such condition '."

The motion was adopted.

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

"That clause 5 stand part of the Bill."

Pandit Sri Krishna Dutta Paliwal (Agra Division : Non-Muhamadan Rural) : Sir, I move :

“ That in clause 5 of the Bill, in the proposed sub-section (3) of section 11, the words ‘ Except with the previous consent in writing of the Governor General in Council ’ be omitted.”

The object of this amendment is obvious. It is to see that the Governor General in Council has nothing to do with the names of companies ? Why should he poke his nose here ? In fact the effect of my amendment will be that no company, incorporated after the commencement of this Act, will be allowed to use these names. Sir, these names are a sort of trade titles. And we are against conferment of titles. In fact, my friend, Mr. Sri Prakasa gave notice of a resolution asking for the abolition of the conferment of titles in future but that resolution has been disallowed. But we are not going to allow the Governor General in Council to confer titles upon companies. To me, Sir, these words appear to be the thin end of the wedge. From naming the company to naming the individual is only one step further and I am not prepared to allow the Governor General in Council to usurp the functions of Padris and Pandits. Sir, the question is how will the Governor General in Council select the companies which should be allowed the use of these names ? What will be the criteria by which he will judge that so and so companies should be allowed to use such and such name ? I am afraid it will undoubtedly lead to favouritism and favouritism in business is very undesirable. It may even lead to deplorable distinctions between the Indian companies on the one side and the British and semi-British companies on the other side. Therefore, I appeal to the House to accept my amendment.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 5 of the Bill, in the proposed sub-section (3) of section 11, the words ‘ Except with the previous consent in writing of the Governor General in Council ’ be omitted.”

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I rise to support this amendment. It is a very salutary amendment and I hope my friend, the Law Member, will see reason to accept it also on behalf of the Government. As my Honourable friend, Mr. Paliwal, has said, it is really introducing a thin end of the wedge even into the spheres of business. We have seen what disastrous effects these Lees-Mody pacts and other pacts have created in our business world by the kind of favouritism that was displayed by the Government of India as well as the British Government towards these two commercial groups, one in England and the other in India. Sir, we also know of yellow unions which are recognised associations in the Trade Union world. There are very many commercial associations which are not recognised at all by Government and yet they have got a great following in the country and they are all the time being victimised by this power that the Government has. Government by distinguishing some organisations against other organisations of the people and thus showing the latter up as those who do not carry any of its status and prestige. Sir, I have no objection if Government seek to confer this particular power on the Governor General in Council to allow rickshaw companies to style themselves as the Imperial Rickshaw companies or Beedi companies to style themselves as the King's

[Prof. N. G. Ranga.]

own Beedi companies or Dress companies to style themselves as Queen's own Dress Saloons and so on. But, Sir, it is really an obnoxious thing to try to introduce this section and this particular kind of division among our commercial concerns in this country. Why should it be that some of the companies should be allowed to style themselves as the Royal Marine company or the States Own Sweetmeat shops or the Reserve Bank's own special branches for supplying cheap credit or even free credit and so on. This is introducing a frivolous method by which Government can try to play its usual art of favouritism even in the industrial and commercial world. Therefore, I suggest that Government should not be given any opportunity whatsoever to try to utilise its own usual art of favouritism of conferring titles, conferring of names and conferring of any special good-will or premium upon any of these commercial companies thus placing them in a higher position and in a greater status than other companies would be able to obtain for themselves in ordinary business routine of competition. I therefore hope that Honourable Members of this House will agree with us and try to support the amendment and thus help us to eliminate this obnoxious provision.

The Honourable Sir Nripendra Sircar : Sir, my Honourable friend was talking of the thin end of the wedge. Apparently he has not read the old existing Act. Supposing this motion is carried, what will be the result? Now in the old Act as it exists, there is no amendment for the deletion of section 11 :

" A company shall not be registered by a name which contains any of the following words : namely ' Crown ', ' Emperor ', ' Empress ', ' Imperial ', ' King ', ' Queen ', ' Royal ', ' Bank of Bengal ', ' Bank of Madras ', ' Bank of Bombay ', or words expressing or implying the sanction, approval or patronage of the Crown or the Government of India or a Local Government, except where the Governor General in Council signifies his consent, etc., etc. "

Therefore, my Honourable friend, Prof. Ranga, will kindly compare the old section with the new one and he will find we have got everything there. The two words which have been added, are : " The Reserve Bank " and, " the State ", so that all this eloquence about titles and so on will remain. If that is the thin end of the wedge, that has remained stuck for 23 years and the amendment is not for preventing the wedge being put in—but for removing what has been lying there for 23 years. I may point out to the House that we have really added only two words, ' the State ', and ' the Reserve Bank '. In England, it is done by the Board of Trade, you have got to take the consent of the Board of Trade, and we consider here that the suitable machinery, there being no Board of Trade, is the Governor General in Council. That is all I have got to say.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, my Honourable friend, if I am wrong, will correct me. Clause 5 of the Bill says :

" For sub-section (3) of section 11 of the said Act, the following sub-section shall be substituted, namely :

(3) Except with the previous consent in writing of the Governor General in Council, no company shall be registered by a name which, etc., etc."

If this amendment is carried, it will mean this, that from the date on which this Bill becomes law, no company shall be registered by a name,

which contains any of the names stated in part (a). These words of sub-section (3) are washed out :

“ Except where the Governor General in Council signifies his consent to the use of such words.....”.

With the deletion of these words, it is perfectly clear that the object of the amendment is achieved completely. I am not talking on the merits. The verbal argument is absolutely pointless,—the present sub-section 3 of section 11 goes out. Clause 5 is a new section, and in that new section the words in section 11 (3) which are at the end, “ except where the Governor General in Council signifies his consent to the use of such words.....” are sought to be substituted by the words occurring at the beginning of the clause “ except with the previous consent in writing of the Governor General ”. Therefore, I submit that the Honourable the Law Member will see at once that, what he called his conclusive argument, is conclusive the other way about, namely, if this amendment is accepted, this consent of the Governor General is completely washed out. I think, for that reason, he ought to accept the amendment now, for the very fact that he advanced a wrong argument. My Honourable friend said something about the Board of Trade in England. I agree, this Board of Trade has a long, and chequered, and picturesque history.

The Honourable Sir Nripendra Sircar : So has the Governor General.

Mr. S. Satyamurti : I would delete all reference to him. He disallows all our motions. What is the use of such a Governor General in Council ? I have no faith in him. My point is this. The Board of Trade is a body, actively and constantly in touch with the industrial and commercial opinion of Great Britain. Therefore, that commercial opinion can trust the Board of Trade with power, which may not be abused for ulterior purposes, whereas this Governor General in Council stands self-condemned. Having no Board of Trade, this Government will not appoint even a permanent Tariff Board, in spite of the fact that the Fiscal Commission recommended such a permanent Tariff Board. This Government will do nothing in that direction. They will merely continue their interminable fight with the Members of this House. If some clerk or some body in the Secretariat puts up a note, this Government act upon it, and everybody on the Government side says, yes, yes.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can continue his speech after Lunch.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MESSAGE FROM H. E. THE VICEROY AND GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim) : I have received a Message from His Excellency the Viceroy and Governor General to the following effect :

“ In exercise of the power vested in me by sub-rule (2) of rule 22 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of

Linlithgow, hereby disallow the motion of Mr. S. Satyamurti to move the adjournment of the House for the purpose of considering 'the failure of the Government of India to invite the attention of the British Government to the danger of pursuing a policy of denying the indigenous population of Palestine the realisation of their legitimate aspirations and enforcing Jewish immigration against the principle of self-determination, in violation of Article XXII (4) of the Covenant of the League of Nations, and the repeated pledges of the Government of India, which policy is calculated to have disastrous repercussions throughout India' on the ground that the motion relates to a matter which is not primarily the concern of the Governor General in Council.

SIMLA,

The 14th September, 1936. }

(Sd.) LINLITHGOW,

Viceroy and Governor General."

THE INDIAN COMPANIES (AMENDMENT) BILL—contd.

Mr. S. Satyamurti : Sir, when we adjourned for Lunch, I was pointing out that, if this amendment were accepted by this House, it would achieve the purpose that, hereafter, no company can have any of these ornamental names, with or without the consent of the Governor General in Council. I take it that that is understood. Then, I merely want to state very briefly the reasons for the House accepting this amendment. First, I believe the Governor General in Council is not so situated as to judge of this question, adequately and fairly. Now, Sir, what will happen in the Federation, if that ever begins to function, is that this will be a transferred subject in the Centre. There will be a Minister, somebody will come to him and say that he wants to name his company "Crown" or "Emperor" or "Empress" or "Federal" or "Royal", etc. How is he to decide? One knows the constitution of the new Federal Legislature, with the communal decision, and the States' representatives, and so on, and there will be all sorts of pressure. How is the unfortunate Minister going to decide? Secondly, so far as the companies are concerned, they ought to stand or fall by their own worth. Why should they depend upon these names? And, is it right that the Governor General in Council should take upon himself this invidious task of distinguishing between company A and company X, and saying that he will allow company A to call themselves the "Crown Company" but not company B, unless Government are going to allow every company who so wants it to call themselves "Crown" or "Empire" and so on? It will then mean that familiarity will breed contempt, even for the Crown or the Empire. On the other hand, if they are going to choose between company A and company B, what are the tests, and what are they going to do? My last point is this. It seems to me that, in a country like India, where there is still a lot of ignorance and a lot of prejudice, it is not right to encourage companies to have these adventitious aids. I, therefore, hope that the House will see its way to accept this innocent amendment, and remove from the Statute-book, another weapon in the hands of the Governor General in Council. We know exactly how it is used in many other cases, and I want to conclude on this note. They have no separate department, they will not be in touch with industrial or commercial opinion. They will do it on all sorts of irrelevant considerations, communal, political, favouritism, and so

on, and so forth. A Muhammadan company has been allowed the name " Crown " and therefore a Hindu company also will be allowed, and *vice versa*, and so on. It seems to me that the Honourable the Law Member himself, on further reflection, will see that it is an unnecessary burden, which the Governor General in Council has taken upon himself, and will therefore accept the amendment. Sir, I support it.

Mr. Susil Chandra Sen (Government of India : Nominated Official) : Sir, I have listened to the speech of my Honourable friend, Mr. Satyamurti, but I do not agree with him that the amendment if carried will not create any hardship. I know of cases where this will create hardship. I know of a case of a contemplated bank by the Corporation of Calcutta, for instance, which wants to use the name of the Calcutta Municipal Corporation Bank. Now, Sir, let us suppose that the amendment is carried. There will be no power in the proposed bank to use the word " Municipal ". As at present there is some authority which may in the exercise of its discretion allow the use of the name, but if the amendment is carried, for instance, then it will be powerless and one may be driven to the extreme step of having to procure an amendment of the Act. Apart from that, Sir, there is another aspect which I would commend for the consideration of my Honourable friend. This proviso about the consent of the Governor General in Council, as has been pointed out by the Honourable the Leader of the House, has been in the Statute-book ever since 1913 ; and may I know if any of my Honourable friends have ever investigated the question as to whether this power has been abused during the 23 years that this clause has been in the Statute-book ?

Mr. S. Satyamurti : That you may take for granted about any power of the Governor General in Council, without any inquiry.

Mr. Susil Chandra Sen : Are we not therefore ignoring the facts as they stand and going into the region of speculation thinking that there will be an abuse of this provision simply because the discretion is vested in the Governor General in Council ? Is there any justification for this assumption ? But apart from that, my Honourable friend's own argument as well I think goes to destroy his case, because I think my Honourable friend hinted that though in the Federal Constitution there will be Ministers chosen by the representatives of different sections of the people.

Mr. S. Satyamurti : No, chosen by the Governor General.

Mr. Susil Chandra Sen : I think my Honourable friend just now said that there will be a Minister in charge to whom these applications will be forwarded hereafter and that the Minister will be powerless to determine it. I think we could give the future Federal Assembly at least the sense of not tolerating Ministers who would not know his countrymen and their needs. But apart from that, my main objection is, as I said, we are going into the question of speculation. During the last 23 years there have been no cases of abuse and I do not know that there need be any genuine apprehension about the proper exercise of that power, if left in the state where it is now in the Statute. I, therefore, oppose this amendment.

Qazi Muhammad Ahmad Kazmi (Meerut Division : Muhammadan Rural) : Sir, so far as this amendment is concerned, I do not see any use

[Qazi Muhammad Ahmad Kazmi.]

for it. It has been urged by the other side that we cannot show that there has been any misuse of this power, but, as a matter of fact, we do not know that there was any use of this power also. The question is that this power is a useless one. But there is a likelihood that it may be misused. So it is to avoid the misuse that we are going to support this amendment. In my opinion, the Governor General has no occasion to be in touch with industries and with companies to allow or not to allow anything of the kind. So far as the example of the Municipal Corporation of Calcutta is concerned, I want to say that it has not been shown what connection that bank has got with the municipal corporation. If the Municipal Corporation itself is going to run the bank, there will be no harm and there will be no necessity to get that sanction. It is the Municipal Corporation which wants a separate bank to be run and wants to take advantage of having a name of the Municipality of Calcutta. And that is the only thing that we want to guard against that people should not take advantage either of the sanction of the Governor General in Council or the name of the Corporation of Calcutta or any other big name to get greater credit as against their competitors who cannot get any such advantage. In these circumstances, I think the Government Members also will accept this, because they themselves say that they have never used this power during the last 23 years.

Babu Baijnath Bajoria : Sir, I do not understand what will be gained by the omission of these words as has been proposed in this amendment. The clause reads :

“ Except with the previous consent in writing of the Governor General in Council no company shall be registered by a name ”, etc.

If we remove those words “ except with the previous consent in writing of the Governor General in Council ”, what is left is that no company shall be registered. The position will surely become much worse. If we remove these words, these words will never be used. Otherwise these words may be used by companies which may be approved by the Governor General in Council.

An Honourable Member : That is why we object.

Babu Baijnath Bajoria : You may, but there is no point in it. If any company which is a good and solvent company and to which the Governor General wants to give recognition comes forward, I do not see what harm there is in allowing the company to use these words. It has been said that it will be misused and that it has not been used. I do not see how it can be misused. The only thing is it is in the power of the Governor General in Council whether to grant sanction under this section or not. If they give it, so much the better : if they do not give it, nothing is lost. So, I think there is no ground in this amendment and I oppose it.

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Sir, my Honourable friend, Mr. Sen, wanted to point out that there will be some hardship in certain cases ; but it is not clear from what he said what hardship there is if a company wants to take the name of the Calcutta Municipal Corporation Bank and, instead of that, calls itself Calcutta Corporation Bank. If there is any hardship, that they wanted some advantage over other banks in that name and if the amendment is carried.....

The Honourable Sir Nripendra Sircar : May I point out to my Honourable friend that that cannot be a sound point. Although they

do not use the word 'municipal' but use the word 'corporation' they will be hit by paragraph (b) which says :

"contains the word 'Municipal'.....or any word which suggests or is calculated to suggest connection with any municipality....."

Pandit Nilakantha Das : If the company is run by the Municipal Corporation, then evidently there will be no objection.....

The Honourable Sir Nripendra Sircar : Yes, there will be objection.

Pandit Nilakantha Das : If it is any other company which wants to take that name, then only there can be objection. That is my reading. If it is the corporation itself and the bank belongs to the corporation, then it will be a corporation bank.....

The Honourable Sir Nripendra Sircar : No, no : look at clause (b).

Pandit Nilakantha Das : If it is any other company which takes advantage of the name, it is all right : but if the bank belongs to the corporation there can be no objection.....

Mr. Susil Chandra Sen : It is the use of the word "corporation" which will be objected to.

Pandit Nilakantha Das : I do not think it is so : if that be so, then there may be some point.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, Mr. Sen wanted to know whether we know of any cases when this power has been misused by the Governor General in Council. Sir, to our cost and to our bitter experience we know that in the hands of this Government there is no power which has not been positively misused. I, therefore, say that this amendment ought to be carried, and the proposal of the Government should be turned down.

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

"That in clause 5 of the Bill, in the proposed sub-section (3) of section 11, the words 'Except with the previous consent in writing of the Governor General in Council' be omitted."

The Assembly divided :

AYES—46.

Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Badi-uz-Zaman, Maulvi.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Gadgil, Mr. N. V.
Giri, Mr. V. V.
Govind Das, Seth.
Hans Raj, Raizada.
Jedbe, Mr. K. M.

Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Khan Sahib, Dr.
Khare, Dr. N. B.
Luhiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Mudaliar, Mr. O. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Paliwal, Pandit Sri Krishna Dutta.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghbir Narayan Singh, Choudhri.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Satyamurti, Mr. S.

~~AYES—contd.~~

Shaukat Ali, Maulana.
 Sheodass Daga, Seth.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.

Sinha, Mr. Shri Krishna.
 Sri Prakasa, Mr.
 Thein Maung, Dr.
 Umar Aly Shah, Mr.
 Varna, Mr. B. B.

NOES—55.

Abdul Hamid, Khan Bahadur Sir.
 Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Ayyar, Diwan Bahadur R. V. Krishna.
 Bajoria, Babu Baijnath.
 Bajpai, Sir Girja Shankar.
 Bhagchand Soni, Rai Bahadur Seth.
 Bhat, Mr. M. D.
 Buss, Mr. L. C.
 Chapman-Mortimer, Mr. T.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Das-Gupta, Mr. S. K.
 DeSouza, Dr. F. X.
 Dey, Mr. R. N.
 Ghasiuddin, Mr. M.
 Grant, Mr. C. F.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hidayatallah, Sir Ghulam Hussain.
 Hossack, Mr. W. B.
 Hudson, Sir Leslie.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.
 Jhangir, Sir Cowasji.
 Joshi, Mr. N. M.
 Khurshaid Muhammad, Khan Bahadur Shaikh.
 Lloyd, Mr. A. H.

Mebr Shah, Nawab Sahibzada Sir Sayad Muhammad.
 Metcalfe, Sir Aubrey.
 Milligan, Mr. J. A.
 Mody, Sir H. P.
 Morgan, Mr. G.
 Mudie, Mr. R. F.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Naydu, Diwan Bahadur B. V. Sri Hari Rao.
 Noyce, The Honourable Sir Frank.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. S.
 Robertson, Mr. G. E. J.
 Roy, Mr. S. N.
 Sarma, Sir Srinivasa.
 Scott, Mr. J. Ramsay.
 Sen, Mr. Susil Chandra.
 Sharma, Mr. D.
 Sher Muhammad Khan, Captain Sardar.
 Singh, Rai Bahadur Shyam Narayan.
 Sircar, The Honourable Sir Nripendra.
 Spence, Mr. G. H.
 Thorne, Mr. J. A.
 Tottenham, Mr. G. R. F.
 Vissanji, Mr. Mathuradas.
 Witherington, Mr. C. H.
 Yamin Khan, Sir Muhammad.
 Zafullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

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

“ That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

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

“ That clause 7 stand part of the Bill.”

Pandit Sri Krishna Dutta Paliwal : Sir, I move.

Sir, Regulation 55 reads as follows :

“ The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place ’’, etc.

Now, Sir, it is clear that this Regulation makes it obligatory for the Chairman to adjourn a meeting if the shareholders present in the meeting so desire, and it is but meet and proper that it should be so. I say it is unfair to allow the Chairman to flout the wishes of the majority. Why should a Chairman be allowed to act as an autocrat and ride rough shod over the wishes of the majority of the shareholders ? Sir, if we allow this clause to remain as it is, the Chairman, even in the event of a motion for adjournment being carried at the meeting, will not adjourn the meeting, and the temptation to play the part of a Hitler and Mussolini will be too great. And, Sir, why should not the shareholders have the right to adjourn a meeting if the majority of the shareholders present desire that it should be adjourned ? Why should it be taken for granted that the shareholders will not behave as reasonable men ? After all, their stake in the company is as much as that of anybody else, they too suffer, if the company suffers. Ordinarily they will not like to injure themselves, and therefore it is our duty to see that the shareholders' wishes as expressed by the majority opinion are carried out. All of us who have got anything to do with companies know that it is very difficult for shareholders to obtain a majority at such meetings, and it is all the more reason why we should pay due consideration to the wishes of the majority, and therefore we must have these regulations in order to make it compulsory for the Chairman to adjourn meetings if a majority of the shareholders present at meetings so desire.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 7 of the Bill, for the word and figures ‘ regulation 56 ’, the words and figures ‘ regulations 55 and 56 ’ be substituted.”

Sir H. P. Mody : Mr. President, I am sorry I cannot agree to this
3 P.M. amendment. Table A which embodies model regulations has been taken bodily from the English law on the subject, where there is also Table A, and where this particular regulation figures in the exact words found in the Indian Companies Act. Now, Sir, if none of these regulations is made compulsory under the English law, I fail to see why this particular regulation as also a few others, amendments in respect of which are going to be moved presently, are sought to be made compulsory under the Indian law. Has any particular occasion arisen for such a change ? My friends of the Shareholders' Association have cited one instance in their memorandum on this subject, and have vaguely referred to a few more. But in the course of these last 23 years tens of thousands of meetings must have taken place, and how many instances of any autocratic exercise of power on the part of Chairmen have been brought to light ? I am not prepared to deny that occasionally in the hands of unscrupulous persons this power may be misused, but are you going to provide for every conceivable misuse of the powers given to people under the law ? There is nothing unreasonable about the Chairman having the right to determine whether particular proceedings should go on or should be adjourned. After all, meetings are called after due and sufficient notice

[Sir H. P. Mody.]

has been given. The agenda is submitted with the notice. The shareholders have ample time to prepare themselves. If after that a noisy minority comes along and wants to move an adjournment, then it is the easiest thing in the world, even if the majority of the meeting may not be inclined in its favour, to secure that majority. (*An Honourable Member* : "How can they?") I will tell you. Supposing my Honourable friends here were to move an adjournment of this House every day at 3-30, I am sure on most occasions I should support them. (Laughter.) It is the easiest thing in the world for people to want to run away from the business of a meeting. Then, it must be remembered that, shareholders are only concerned with asserting themselves with regard to the business of the meeting. If they have a majority, and if that majority is against a particular proposition of which notice has been given and which the meeting has to consider, the majority is perfectly within its right to vote down the proposition, but why should it be armed with this additional power of compelling the Chairman to adjourn meetings? It has often happened that shareholders' meetings last for hours. It is the easiest thing in the world for a few shareholders by creating sufficient noise to tire out the majority, and then move an adjournment and carry it.

Mr. S. Satyamurti : By a majority ?

Sir H. P. Mody : By a majority, yes, but I repeat it is the easiest thing in the world to secure a majority for a proposition of that character.

Prof. N. G. Ranga : But the shareholders are not getting travelling allowance. (Laughter.)

Sir H. P. Mody : Again, under the articles of most companies the Chairman's only right to adjourn meetings himself is when the meeting agrees with him. He can refuse an adjournment motion moved by a shareholder.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : It will be followed by a very long statement on the floor of the House.

Sir H. P. Mody : Possibly yes, it depends upon what the floor of the House is like. What I was submitting was this. The Chairman has himself not the right of his own volition to adjourn a meeting ; so also the shareholders should not have the right to force an adjournment upon the Chairman. The right, or the obligation, is reciprocal, and no case has been made out for a change in the existing position. As a matter of fact, if this amendment were to be carried, business would be rendered extremely difficult.

Sir Cowasji Jehangir : Personally, I am trying my very best to take a most impartial view on the question of this Companies Bill although I am connected with business. In this particular case my Honourable friends have not had occasion to deal very often with shareholders meetings, and, therefore, on the face of it perhaps they may consider my Honourable friend's arguments as not very valid. You might say, after all you are placing the power in the hands of the majority, and if the chairman has not got the majority he should be governed by the wishes of the majority on the question of adjournment. That is all very well in theory, but our experience in Bombay goes to show that they are very reasonable shareholders, a very large majority of them are very reasonable, but there is a small minority who can be very unreasonable, and not only unreasonable,

but who may have a method in their madness. Very often what appears to be a very reasonable demand of a minority may have behind it motives of a not very honourable character. We have had experience of some minorities and some of those unreasonable shareholders in Bombay, and my Honourable friend, the Leader of the Opposition, is perfectly aware of the unreasonableness of the small minority of shareholders, and more often than not, his clients have been those who have been obstructed in every way by a few men, and he has on more than one occasion perhaps given his clients advice as to how to deal with this obstructive element in shareholders' meetings. What can 2, 3 or 4 men do? They can go on speaking, obstructing the meeting. The meeting may start at 3 o'clock, it may be 8 or 8-30. They may go on obstructing the meeting and the result can only be that the majority who are really anxious by that time to come to a decision are unable to do so, and if under this amendment an adjournment was moved, the majority would say, "We are sick of the whole thing. Let us go home and have our dinner". That is the point that has to be considered, that you will give power to a very small minority to get a majority in the meeting by tiring them out--and that is not mere theory, it is practical experience. (Interruption.) This is the practical experience, and, therefore, I only place before the House this aspect of the case. You believe you are giving the majority the power. You are not. In practice you may be giving a minority, a very small minority of 4 or 5 in a meeting of 100 or 200, this power of adjourning a meeting. Up to now things have not been so bad under present conditions and I would ask the House to consider this aspect of the case that I have placed before it, of giving power to 2 or 3 men. If it was the majority in practice I would have no objection, but it may turn out, it will turn out that this power is given to a very small minority of 2 or 3 or 4 or 5 men whose practice is and has been in our experience to obstruct shareholders' meetings.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : I am very surprised that such a modest and reasonable amendment as this should have been opposed by the two Knights from Bombay. The reasons that they have given for their opposition do not appeal to me in any way. One of the reasons is that it is taken from the English Act and in the English Act it is not made compulsory. I do not see why if that is necessary in the circumstances of our country it should not be made compulsory under this Act.

Sir H. P. Mody : What is the occasion that has arisen?

Mr. T. S. Avinashilingam Chettiar : The occasion that has arisen in this country is that the shareholders in this country require greater protection than those in other countries. In almost all cases we know that the managing agents have a majority of the shareholders, if so, I do not see why you should be afraid of such a reasonable amendment as this. I have not heard it mentioned in the speeches of both my Honourable friends from Bombay that any great hardship will come out of making this regulation compulsory. They say that power will go to a minority. I do not see, when it is the vote of the majority that is going to be taken,—as my Honourable friend Prof. Ranga said, it is not a profitable thing for the shareholders to be coming and attending the meetings. They are not interested in adjourning them, and why

[Mr. P. S. Avinashilingam Chettiar.]

should they agree to postpone these meetings for another day and put themselves to trouble? This amendment is a very reasonable one and it should be accepted by the House.

The Honourable Sir Nripendra Sircar : I only want to indicate the view of Government in this matter. I will not go into the question of unreasonable majorities or unreasonable minorities. My view is that when we lose a division the majority is unreasonable and when we win a division we do it in spite of the minority which is obstructive. I find as a matter of fact in most of the articles, possibly 95 per cent., Regulation 55 is quoted with deletion of these words "and shall if so directed by the meeting adjourn the meeting" and it usually runs like this "The Chairman may with the consent of any meeting at which a quorum is present from time to time adjourn a meeting". Now, this has been working from 1913. Abuse to any extent has not been proved, which requires the compulsory introduction of this as one of the articles. Surely this is a matter which may be left to the company to decide, viz., whether they should have this rule with the addition of "if so directed or not".

Prof. N. G. Ranga : I rise to support this amendment. It is rather surprising that the Government whose spokesman waxed eloquent only the other day upon the virtue of giving power and prestige to majorities and trying to control the minorities should not be willing to accept this amendment which only seeks to implement the power of the majority. The whole burden of this Bill is dependent upon one particular idea—that shareholders are not able to look after themselves, that shareholders are not able to guard themselves against the malicious attempts that are being and may be made by managing agents and several others and therefore this Bill should be passed into law in order to help them almost in spite of themselves. It has been said again and again from every side of the House that shareholders are not willing to take as much interest as they ought to in the affairs of the company in which they have invested their money. Therefore, it is not usual that a large number of shareholders go to any particular meeting and when they do go it is in their own interest that they should try to conduct themselves in such a fashion that they get as much out of the meeting as possible and go home instead of having to come back again. My harmless suggestion for the provision of third class fare for the shareholders did not meet with the approval of the Law Member or the Knights from Bombay and when you are not prepared to give them any travelling allowance, what inducement do they have to come again and again to the meeting. It is not to their interest that they should adopt obstructive tactics, lose more money and lose the opportunity of carrying on their own business. So, it is rather extraordinary for my Honourable friend from Bombay to maintain that we should provide some safeguard against the obstructive tactics of shareholders. If we are really sincere in our plea that shareholders should take more and more interest in the affairs of the company, we should certainly be willing to accept this amendment. We do not ask that a minority of 3 or 4 should have the right of getting a meeting adjourned. We simply ask that the majority of the shareholders who assemble on any particular day should be empowered to ask for and get an adjournment of

a meeting. It may be wondered why if there is a majority for any particular point of view, they should be anxious to get a meeting adjourned. It is quite possible that if the meeting were allowed to go on, the managing agents or other directors who usually have a tremendous influence upon the shareholders might try to influence their judgment to suit their own purposes as the meeting proceeds. It is for that purpose the shareholders, those of them who are rather afraid of having to oblige these directors in some way or other, decide in favour of an adjournment in the hope that they will be able to muster even in stronger numbers at the next meeting and thus overcome the influences of these directors and try to control the affairs of their business. It is for that purpose that we are anxious that this particularly harmless amendment should be accepted by Government. How are we to help these shareholders? We want to help them in every possible method. Sir, I am told that the meeting can elect its own chairman. I have yet to know when the Chairman of the Board of Directors is present whether it is possible or legitimate for shareholders present to elect some other person as chairman at the meeting. I am told that generally the articles provide otherwise and therefore it is not possible for shareholders usually to get their own way and try to control these people unless they are empowered at least to this extent. There is one other criticism. It is said that the Chairman of the Board of Directors was the person elected by the shareholders themselves and therefore the shareholders should be expected to repose that much of confidence in them. If we were to accept that argument, then we need not have this Bill at all. Every Board of Directors comes into existence by the free will of the shareholders. Yet we find it necessary to make provisions in the law to protect the shareholders from the machinations of the Board of Directors. It is therefore necessary that we should place this important power in the hands of the shareholders and therefore I support this amendment.

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

“ That in clause 7 of the Bill, for the word and figures ‘ regulation 56 ’, the words and figures ‘ regulations 55 and 56 ’ be substituted.”

The motion was negatived.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move :

“ That in clause 7 of the Bill, after the word and figures ‘ regulation 66 ’ the word and figures ‘ regulation 71 ’ be inserted.”

Sir, regulation 71 defines the powers of the directors—which is the most important part of the system of joint stock companies. The question is—what is the position and precise power of a director *vis-a-vis* the shareholders and *vis-a-vis* the managing agents? My contention is that there is no provision on this fundamental question either in the existing Act or in the Bill before us. The question is—who is a director, and what is a director? We have of course got a definition of the word “ director ” in the Act. That definition is this :

“ ‘ director ’ includes any person occupying the position of a director by whatever name called ; ”

I think that it is not at all a satisfactory definition. The definition does not define who is a director : it only says that a “ director includes any

[Mr. Akhil Chandra Datta.]

person occupying the position of a director by whatever name called". The question therefore is—what is that position? What is the position of a director as contemplated in this definition? My submission is that a precise definition is not to be found. However, I do not like to take up the time of the House over this amendment, because I understand Government will accept this amendment. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

"That in clause 7 of the Bill, after the word and figures 'regulation 66' the word and figures 'regulation 71' be inserted."

The Honourable Sir Nripendra Sircar : Sir, I was waiting to hear any opposition to this. I have considered the matter very carefully because I had a talk with Mr. Datta. At first in my mind there was some doubt as to whether this would not cut into the managing agency system. I have looked up Palmer. I have also considered the language. It seems to me that it is absolutely clear that this will not be inconsistent with any of the provisions for a managing agency which are provided in the Bill and I draw the attention of the House to these words in Article 71 :

"subject nevertheless to any regulation of these articles".

Now, under clause 7, this will be deemed to be part of the articles of association : and therefore, Sir, the business being conducted by a director will again be subject to the provisions in the articles, and we know that managing agencies are provided for in the articles of companies. In these circumstances, I feel no hesitation in accepting the amendment.

Mr. Akhil Chandra Datta : Sir, is not a slight modification necessary, because it says, "the Indian Companies Act, 1913"—there should be made a consequential amendment, here?

The Honourable Sir Nripendra Sircar : I do not think any consequential amendment is necessary.

Mr. T. Chapman-Mortimer (Bengal : European) : Sir, I venture in this connection to disagree with my Honourable friend, the Law Member. I should just like to know how this will affect the case of companies which have no directors,—and these are provided for in the law as it is at present, and there is no suggestion of a change in that law.

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

"That in clause 7 of the Bill, after the word and figures 'regulation 66' the word and figures 'regulation 71' be inserted."

The motion was adopted.

Babu Baijnath Bajoria : Sir, I should like this regulation 97 to be amended a bit, and I have given notice of another amendment, No. 287, on this subject, and, with your kind permission, may I move that amendment along with amendment No. 19?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot move two amendments at the same time.

Babu Baijnath Bajoria : In that case, Sir, I move :

"That in clause 7 of the Bill, after the word and figures 'Regulation 95' the word and figures 'Regulation 97' be inserted."

Sir, Regulation 97 reads like this :

“ No dividends shall be paid otherwise than out of profits.”

I want this to be made compulsory. My intention in moving this amendment is this, that some companies just to make a show of it, give dividends out of capital or out of money borrowed, just show off that the company is doing well, whereas the position is possibly just otherwise. I think this is very harmful to the interests of the company and so I move that these words “ Regulation 97 ” be made compulsory so that dividends may only be paid out of profits. As I understand the word “ reserves ”, these after all accrue from profits and I think the word “ reserves ” is included in profits. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 7 of the Bill, after the word and figures ‘ Regulation 95 ’ the word and figures ‘ Regulation 97 ’ be inserted.”

Sir Cowasji Jehangir : Sir, I do not understand the exact meaning of this amendment, and I think my friend the Honourable the Law Member will have to come to our rescue ?

The Honourable Sir Nripendra Sircar : As I understand Mr. Bajoria's amendment, it is this. He wants Regulation 97 to be made compulsory. Regulation 97 reads like this :

“ No dividends shall be paid otherwise than out of profits.”

He wants to make it perfectly clear that reserves may be part of the profits.

Sir Cowasji Jehangir : How is that clear ?

The Honourable Sir Nripendra Sircar : By the addition of these words ; that is the object of his amendment. Therefore, regulation 97 will read like this now :

“ No dividends shall be paid otherwise than out of profits and of reserves.”

He wants to modify the regulation by the addition of the words “ and reserves ” and wants to make it compulsory. Under the present law, even where it is not made compulsory, they cannot pay dividend except out of profits. That is the meaning of the amendment.

Mr. Mathuradas Vissanji (Indian Merchants' Chamber and Bureau : Indian Commerce) : Sir, I want to draw the attention of the House to one or two points. If this amendment is passed, the credit of the companies might be needlessly lowered as there are many companies which create dividend reserves from which they could very well pay dividends in lean years when there are no profits. Suppose you pass this amendment, what happens to these prudent and well-managed companies. They will never be able to pay dividends which they have accumulated out of previous years' undistributed profits for the purpose of maintaining a uniform rate of dividends even in lean years. The provision for lean years has been made for the simple reason, namely, to give dividends when the profits are not there. This amendment, if passed, will prevent such a sound tendency becoming universal. I am, therefore, opposed to this amendment.

Sir Cowasji Jehangir : Mr. President, I am still unable to follow the reason of this amendment.

The Honourable Sir Nripendra Sircar : You appeal to your local adviser, the Leader of the Opposition, and he will explain it to you.

Sir Cowasji Jehangir : I will be very pleased if he will speak on this subject. But I do not understand the object of the Mover in moving this amendment. The dividends are paid either out of profits of the year or out of the equalization of dividend fund or out of any other reserves. There are reserves of a company and in lean years it is possible that the shareholders may demand that a dividend be paid out of such reserves. That is being done today. Has there been a case to Mr. Bajoria's knowledge where dividends have been paid out of capital ?

The Honourable Sir Nripendra Sircar : Yes, Sir. There have been many reported cases where dividends have been paid out of capital and the matter has come to Court.

Sir Cowasji Jehangir : Will that be legal ?

The Honourable Sir Nripendra Sircar : It is not, but illegal things are being done.

Sir Cowasji Jehangir : Then what is the use of putting in this and making it compulsory if it is illegal to do it today ?

The Honourable Sir Nripendra Sircar : If my Honourable friend will allow me to interrupt him again, he will find from the reported cases in Buckley on Companies and Palmer that the directors cannot pay dividends except out of profits and reserves.

Sir H. P. Mody : May I know, Sir, if this regulation, if adopted, will be in conflict with the practice which is sanctioned by the articles of some companies ? When new works are started, or there is an extension, is it permissible to pay dividends out of capital ?

The Honourable Sir Nripendra Sircar : Out of what ?

Sir Cowasji Jehangir : It is paid out of capital.

Mr. Bhulabhai J. Desai : I quite agree that article 97 lays down no more than what is the law for no dividends can ever be paid out of capital. But it may be a prudent thing to state that instead of the word 'reserve' the words may be 'otherwise than out of the profits of the year or any other undistributed profits' which will cover the whole of the ground.

Babu Baijnath Bajoria : I accept this explanation.

Mr. N. M. Joshi : May I suggest that the undistributed profits, if they are set apart for some other purpose, should not be distributed as dividends ?

Mr. Bhulabhai J. Desai : No dividends shall be paid otherwise than out of profits for the year or other undistributed profits.

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

“ That in clause 7 of the Bill, after the word and figures ‘ Regulation 95 ’ the word and figures ‘ Regulation 97 ’ be inserted.”

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar : Sir, I beg to move :

“ That in clause 7 of the Bill, after the word and figures ‘ regulation 95 ’ the figures ‘ 96 ’ be inserted.”

Regulation 96, as it is, is quite innocent and there is no use in making it compulsory. What I seek to do is to amend regulation 96 by adding these words and, when amended, it will read as follows :

“ The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company, but before such dividends are declared, funds must be allocated for depreciation or bad debts at least at the rate allowed by the Income-tax rules then being in force.”

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

“ That in clause 7 of the Bill, after the word and figures ‘ regulation 95 ’ the figures ‘ 96 ’ be inserted.”

The Honourable Sir Nripendra Sircar : I would object to that change made now. We must have some time to consider these things. I am quite prepared to include regulation No. 96, but if that regulation is going to be amended, then I must have some time to realise what is happening.

Mr. T. S. Avinashilingam Chettiar : We may leave this amendment, Sir, for the time being.

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

Mr. T. S. Avinashilingam Chettiar : Let me try to explain to the Honourable the Leader of the House. I hope he will find his way to accept it. Article 96 reads as follows :

“ The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.”

But, in most cases, because of the wishes of the directors and the shareholders to get all the profits they have got for the year, they do not set apart any funds for depreciation in the case of industrial concerns and bad debts in the case of Banking concerns. They are expected to set apart a certain percentage for depreciation as well as for bad debts by the income-tax authorities but they do not do so and in the long run the company suffers. After some time, when the machinery gets depreciated, they are not able to find the wherewithal to renew it. It is for that reason that I suggest that out of the profits of the year, that amount which is allowed to them by the income-tax authorities for depreciation or for bad debts be set apart.

The Honourable Sir Nripendra Sircar : There is nothing in your amendment about the income-tax.

Mr. T. S. Avinashilingam Chettiar : Will you kindly refer to amendment No. 290 of the consolidated list ?

The Honourable Sir Nripendra Sircar : There are two lists which have been called final list. In the first final list, the number runs up to 299 and in the second final list, which, I believe, is comparatively more final, if I may say so, I have got 304. This is the list which I received and in that list No. 290 is in the name of Mr. Satyamurti.

Mr. T. S. Avinashilingam Chettiar : It is No. 294 in the Final List. I will read out that amendment :

“ That after sub-clause (s) of clause 114 of the Bill the following sub-clause be inserted :

‘ (ss) to regulation 96 the words ‘ but before such dividends are declared, funds must be allocated for depreciation or bad debts at least at the rate allowed by the Income-tax rules then being in force ’ shall be added at the end ’.”

By this article I should suggest that the companies would be protected against giving all the dividends that they earn in the same year without providing for the future. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That in clause 7 of the Bill, after the word and figures ‘ regulation 95 ’ the figures ‘ 96 ’ be inserted.”

Sir H. P. Mody : Sir, the amendment which has been moved just now seems to be in conflict with the one which was nearly disposed of a few minutes ago, and which, I expect, will be brought up again presently. That amendment says that no dividend shall be paid otherwise than out of profits or reserves. That is to say, dividends can be paid even when there are no profits at all and no allocation for depreciation has been possible. Now, then, if it is possible out of the accumulated profits of past years to declare a dividend under regulation 97, under regulation 96, as amended, you want to impose an obligation to provide depreciation before you can declare a dividend, which seems to be contradictory.

Then, Sir, what is the meaning of this amendment ? The prohibition applies only to interim dividends, but final dividends you can declare without providing for depreciation. I think my Honourable friend has not considered the implications of his amendment at all. I can only put it down to the last minute substitution between himself and Mr. Satyamurti, and that is why they both seem to have got mixed up a bit.

Sir Cowasji Jehangir : Mr. President, there can be no harm whatsoever in accepting ‘ 96 ’ ; as it stands anybody will accept it. But then attached to it is an amendment which is going to be moved some days hence and my Honourable friend practically wants us to accept that amendment in advance, if we accept this one just now. I, for one, am not prepared to consider the amendment which is to be moved three or four days hence. So far as I am concerned I am quite prepared to accept the amendment ‘ 96 ’ , as it stands. We are only talking of interim dividends just now and then he wants to mix up with interim dividends, two or three days hence, the question of depreciation. Depreciation and questions like that are only discussed at the end of the year, not when interim dividends are declared. I do not see why my Honourable friend is so nervous and wants depreciation to be considered with *ad interim* dividends. You must remember that interim dividends are never declared unless there is a very handsome

profit. If interim dividends are declared you may take it for granted that provision will be made for depreciation. So far as I am concerned, I will be quite prepared to vote for the inclusion of '96' but I cannot go further now. My Honourable friend may do what he likes when the time comes to move his amendment.

The Honourable Sir Nripendra Sircar : Sir, I would have accepted '96', but for my knowledge that if I accept '96', we shall be in for the other amendment which is highly objectionable. I shall therefore be on the safe side oppose '96' also.

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

"That in clause 7 of the Bill, after the word and figures 'regulation 95' the figures '96' be inserted."

The motion was negatived.

Mr. L. C. Buss (Nominated Non-official) : Sir, I beg to move :

"That after the proviso to clause 7 of the Bill, the following further proviso be added :

'Provided further that Regulation 107 shall not be deemed to form part of the Articles of Association of any company if the company in general meeting shall so determine.'

Sir, under the provisions of Regulation 107 which it is now sought to make compulsory, information has to be provided in Profit and Loss Accounts which will in a large number of cases be detrimental to the interests of the company, and consequently to the shareholders. This was not, of course, the intention of those who desired the inclusion of this Regulation in clause 7. Their intention was that the shareholders should obtain more information about the affairs of the company than is usually disclosed in balance sheets and profit and loss accounts. One of the arguments for publication of profit and loss accounts is that a large number of companies already publish a profit and loss account as well as a balance sheet, although they are not legally obliged to do so. That is certainly the case but it follows that those companies which do so are naturally careful not to disclose information which would be of value to their competitors and detrimental to themselves. So long as the provisions of Regulation 107 were optional, the directors could protect the shareholders in this way. But once it becomes obligatory their hands are tied to a most undesirable extent.

Another argument is that many companies already disclose full details of costs in their published figures. That is perfectly true and it is, for example, a common practice among tea and rubber companies. But in such cases it is evident that the company has nothing to fear from such disclosure and the information given cannot be made use of by others in the same line of business in a competitive spirit.

It entirely depends on the nature of the business whether disclosure of costs can safely be made. In the coal industry, for example, where the disposal of a colliery's output may very often depend on an anna or two in the price per ton quoted, which in turn depends fundamentally on the raising costs, information about the costs of a competitor mining the same class of coal would be of the greatest value

[Mr. L. C. Buss.]

and might very well result in one colliery putting a neighbour out of business or making things so difficult for him that there would be no profits to divide among the shareholders. I feel sure those Honourable Members who have any knowledge of the coal industry as directors or shareholders will agree that this is a correct statement of fact.

It is one thing to make a profit and loss account compulsory and quite another to stipulate for the disclosure of detailed figures. I submit that the compulsory inclusion of Regulation 107 without giving the shareholders a chance to object is unnecessary and damaging. There are elsewhere in the Bill a large number of new provisions for publicity and disclosure of information, some of them eminently reasonable and some, in my opinion, less so. Their cumulative effect is to give the shareholders a much better opportunity of knowing about the working of their company, a principle which cannot be objected to. But I hope this House will not insist on going further than is right and proper in the interests of all concerned but will agree to the proviso which I propose should be added to clause 7 with reference to Regulation 107.

Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That after the proviso to clause 7 of the Bill, the following further proviso be added :

‘ Provided further that Regulation 107 shall not be deemed to form part of the Articles of Association of any company if the company in general meeting shall so determine ’.”

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I rise to oppose this amendment. From the speech of the Honourable the Mover of the amendment it may seem that it is only the shareholders who are interested in getting information regarding the working of a company ; but there are other parties also who are interested. In the first place there are the employees of the company who are interested in knowing the details of the accounts of that company. Many times questions regarding wages of the employees arise and there are disputes. The employers generally plead that they have to spend money on other items,—for instance, the prices for raw material have gone up or something else has happened, and therefore the wages could not be paid. If an employer takes that attitude in a wage dispute it is necessary for the employees to know the details of the costs for other matters. I, therefore, suggest that this amendment should not be accepted in the interest of the employees. Moreover, Sir, I suggest that this amendment should be opposed even in the interest of the public. My friend, the Honourable the Mover of the amendment, gave the instance of the coal industry. Now the coal industry comes to the Legislature and asks for certain concessions. They say that as the industry is in a depressed condition Government should give them concessions as regards freight on railways. If we are to decide that question we must know what the condition of the coal industry is. We must get sufficient knowledge of the industry which comes to us for certain concessions. The industries also ask for protection many times and they get protection. If the public is not going to get sufficient information regarding the companies that ask for protection, how can

the public give them protection? I, therefore, feel, Sir, that it is not right to allow any company not to give to the public and to the employees sufficient information regarding the working of the company. I am not suggesting that the details as to how a particular article was purchased should be given; but after all if the profit and loss account is to be given it should be in a particular form set down in the Act, and I do not think the companies will lose much. It will be a wrong thing for a public company to follow a policy of secret diplomacy. It is not intended that some secret information which the company may have should be divulged, but in a company there cannot be much secret information. If a company is working on a policy of secret diplomacy, I am not sure even though shareholders may agree that the details should not be given, still there may be a likelihood of the shareholders themselves being sometimes kept in ignorance. I therefore feel, Sir, that this amendment should not be accepted.

Mr. M. Ananthasayanam Ayyangar : Sir, I oppose this amendment. It is with a view to show that the details of their working or the administration of a company are known to the shareholders that this clause was inserted in the Bill itself. Regulation 107 was in the original Bill itself and it has not been added in Select Committee. Now, Sir, the Regulation is very modest in its terms. As to the way in which the details of the profit and loss account may be assessed or assorted, discretion is entirely left in the hands of the Directors. The first few lines of Regulation 107 may be read with advantage. It provides *inter alia* that the profit and loss account shall show, arranged under the most convenient heads, the amount of gross income distinguishing the several sources from which it has been derived and the amount of gross expenditure distinguishing the expenses of the establishment salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account so that a just balance of profit and loss may be laid before the meeting. Sir, in the pamphlet submitted by the Shareholders' Association which has been circulated to Honourable Members of this House we find that the profit and loss accounts of various companies have been printed. Details have been given of the working of companies not only managed by Indians but by Europeans also in this country. Details of the management of a very important and flourishing Japanese company is given, namely, the Kanegafuchi Mills Company, Limited. I refer Honourable Members to that portion of the information which deals with the profit and loss account of that company. It will be interesting to see that this company which is the largest unit in the textile industry of Japan gives detailed particulars of its receipts and expenses as will be seen from the statement attached to its balance-sheet, as at 25th June, 1934 :

“ Received :

Goods and wastes, etc., sold,

Empty bales, etc., sold,

Interest received.

Half made cotton yarn carried to next term ”, etc.

L260LAD

[Mr. M. Ananthasayanam Ayyangar.]

Then :

- “ From the gross profit are deducted as under—
 Salary, wages, bonus, allowance, etc.
 Motor power, coal, etc.
 Packing expenses and carriage.
 , Repair of machinery,” etc., etc.

Sir, no legislature could go so far as to demand details as have been given voluntarily by this company. Honourable
 4 P.M. Members will be aware that Japan with respect to the textile industry is one of the most coveted or one which has the worst competition in the world. There is not one single country, not even excluding ours, who are not anxious to avoid the growth of the textile industry in Japan and try to take it away for ourselves. If these details are likely to place a very bad weapon in the hands of competitors, they would not be such fools as to give such details here. It is easy, even with all the regulations, to cover up a profit and loss account and not show a true profit and loss account to the shareholders. A large amount may be spent by way of establishment—much more than ordinarily ought to be paid for service : and thus there would not be any opportunity for the shareholders to regulate the amount of expenditure with respect to which they have got a right to impose conditions on the directorate. The earlier amendment given by members of the European Group was that this clause ought not to be made compulsory : that has been withdrawn and this alone has been moved : the effect of this amendment will be absolutely useless for this reason : if this amendment is accepted, regulation 107 imposing a condition on the companies to give details of profit and loss account will be there in the first instance, but it is open to the shareholders at a meeting to say that this regulation shall not come into operation. If the shareholders are clever enough or are prudent enough or diligent enough to direct the directorate to give details in the profit and loss account, the regulation would not be necessary at all. I would therefore say if they are competent to impose such a direction or insist upon such details being given, they would be equally competent to pass this resolution later on and say that in the interests of the company such details are not given. We are here under the impression that we should as far as possible safeguard the interests of the shareholders, who, in very many cases according to us while we are framing the Bill, are not in a position to take complete care of themselves. There is this difficulty. One set of shareholders who are the directors, and an extraneous body who come into the working of the company as managing agents and who are interested in themselves on one side and as against them, the shareholders have to be protected. Under these circumstances, it is not desirable to incorporate the regulation in the Bill and then with the other hand allow the shareholders or a majority of the managing agents to manipulate the votes of the shareholders and make it impossible for a true profit and loss account to be placed before the shareholders.

Sir, as regards the tea and rubber companies, I do not know how the Honourable the Mover of this amendment makes a distinction. I find the profit and loss account of the Central India Spinning and Weaving

Company for the year ended 30th June, 1935—cotton, fuel, stores, salaries, rates, taxes, etc., brokerage, etc., etc., are all shown. Again the profit and loss account of the Gokak Mills contains all these items—fuel, yarn, taxes, etc., etc. Many more details than what we modestly want by the introduction of this regulation are given in the profit and loss account of the various companies here. If you voluntarily leave it to them, for the purpose of displaying efficiency of their mills, they would do it themselves : but once it comes from this side of the House or in the interests of the shareholders, then they see some mischief in it and they bolt the doors against all suggestions from here. It will be a dangerous weapon in the hands of directors and managing agents whose term is sought to be limited to 20 years : they would make a lot of window-dressing and make it appear that all is well until the crash comes ultimately. Therefore, it is desirable that at the earlier stages sufficient material is placed in the hands of the shareholders who are primarily interested in the affairs of the company to watch and give directions to the directors. Sir, I oppose the amendment.

Mr. T. Chapman-Mortimer : Sir, I think in all sections of the House there is complete agreement on the theoretical case for the inclusion of this regulation 107.....

Prof. N. G. Ranga : No, no.

Mr. T. Chapman-Mortimer : I am very glad to hear Honourable Members say 'no'. It is obviously the right thing that shareholders should know as much as they possibly can about the financial state of their company. It is also desirable as my Honourable friend, Mr. Joshi, pointed out, that in a country that has embarked upon discriminating protection, we should know as much as possible about the profits of the business or companies that are so protected. If regulation 107 only demanded information of this kind, there would be no objection to its inclusion as is proposed in the Bill. But the trouble is that this regulation goes far beyond that. It demands all kinds of details which in certain cases would be very awkward to publish.....

Mr. S. Satyamurti : Illustrate, please.

Mr. T. Chapman-Mortimer : I shall. First, however, I would just like to call the attention of Honourable Members to the last few words of the regulation :

" Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year,—(I would ask Honourable Members to note this)—the whole amount of such item shall be stated, with the addition why only a portion of such expenditure is charged against the income of the year."

Now, we all know that in the Bill now under discussion there are a number of clauses which are designed to tighten up the regulations in regard to the publication of accounts : for example, in clause 65 it is made compulsory to publish a profit and loss account. That in itself is an enormous advance over the previous state of affairs in this country, and, I would add immediately, a very sound advance. Secondly, take clause 67. If Honourable Members will turn to that clause, they will

[Mr. T. Chapman-Mortimer.]

find that it provides that every profit and loss account must disclose any payments to the managing agents by way of fees and other remuneration. Then in clause 66, the directors in their report must disclose what they propose to set aside by way of reserve. In that connection, I would remind Honourable Members that ever since the famous Kysant case, the auditors of public companies have been obliged—otherwise they would run great risks of finding themselves in jail—to compel directors of a company to disclose any transfer from reserves to profit and loss account to enable the company to pay a dividend. That is a very important disclosure. Then again by clause 116, it is proposed to give a very much more full balance sheet. In particular I would like to draw the attention of Honourable Members to the heading “advances” in that balance sheet. For it is under that head that any expenditure which relates to future years would obviously have to be shown : that is to say, if I spend 10 lakhs in the current year and only 3 lakhs is properly debitible against the current year, the remaining 7 lakhs would be shown in that advances item in the balance sheet. I would also ask Honourable Members to note that under the new proposals in the Bill, profit and loss accounts must be published not only by the public companies but by private companies and by subsidiaries of public companies. They will find the references in clauses 65 and 68 of the Bill. Now, Sir, these are very great advances over the past state of affairs, and when you add to that the fact that by Regulation 105 which it is proposed to make compulsory, members will have the right at general meetings of companies to appoint two or three of their number to examine all the books of a company, you will find that is in itself another enormous safeguard.

Then, again, Sir, in clause 68, sub-sections (5) and (6) you will find provision is made for the inspection of the books of subsidiaries. That again is another great safeguard for the shareholders. If in addition to all these disclosures, which I would remind Honourable Members are new disclosures not previously called for, you have to explain in a footnote to your profit and loss account why certain items have been shown in your balance sheet, you may seriously damage the company for which the managing agents and directors are responsible to the shareholders.

Prof. N. G. Ranga : Question.

Mr. T. Chapman-Mortimer : I don't think you can question it, and I will come to that in a moment.

I would further ask Honourable Members to remember this that in that connection if the auditor or income-tax inspector is at all doubtful about the propriety of transferring certain items to expenditure of future years, he will see to it that attention is drawn to the matter, and if they have been improperly transferred the auditor will in his footnote to the balance sheet make a reference to that point.

[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).]

In the case of mills, and tea gardens, as some one has pointed out, and also in the case of some other types of companies, there is no danger in disclosing details, for example, of wages account. If, for

example, Honourable Members get a chance to see the accounts of any cotton mill or a jute mill, they will see that there are a great many other items disclosed by some companies in addition to that of wages ; but there are cases in which it may be very much to the disadvantage of the company to make a disclosure in regard to the total amount paid in wages or disclosures of other kinds. In particular, these are the cases of construction companies and mining companies. In the case of mining companies, the situation might perhaps not be so bad were it not that as we all know, there are millions of tons produced by collieries which would not come under these provisions at all, because they are not public companies within the meaning of the Act. I would just like to quote a case to show how it will act very unfairly to a mining company and be very damaging to the shareholders. We will suppose that a company has decided to open a new pit, or it may be to develop a seam, or possibly as in cases in Bengal recently you had disasters and accidents in mines, a very common occurrence. Now, Sir, some of the expenditure incurred by the mining company will be properly debitable to future years, and will be so shown in their balance sheets, and those who are interested will always be able to see whether the advances item is higher this year than last and so on, but that is a very different thing from compelling a company to show as footnotes to their Profit and Loss Account and balance sheets the reason why they spent five times their usual wages when they had just been developing a new seam or pit, which would disclose at once to rival companies what that company was doing. This is a concrete instance to show how damaging it might be to the best interests of the shareholders. It might lead to a great deal of speculation in the Stock Exchange as to the likely future of that company. People might suppose that as a result of that new pit its shares would soar up, whereas in actual fact the company may be developing that new pit in order that in two or three years' time it may take the place of Pit No. 5 or Pit No. 6 which the management know will be exhausted in two or three years' time. Sir, I support the motion.

The Honourable Sir Nripendra Sircar : Sir, I have very little to say. I would remind the House of the history of the inclusion of this Regulation 107. As Honourable Members will see from the proceedings before the Advisory Committee, opinion was divided ; equally the considerations were conflicting, and ultimately it was carried by my casting vote. Then, Sir, I will not refer to the proceedings of the Select Committee, because that is not permissible. but I have been pressed from time to time by arguments showing the impossibility of carrying out the requisites of Regulation 107 in connection with certain classes of companies. That is a substantial argument, but I have strongly resisted the idea of Regulation 107 not being included at all. I find however that No. 21 has not been moved at all. Coming to this amendment which is a via media, I really have no objection if it is made compulsory, and then it is left later on to the shareholders, if they so desire, to relieve the company of the necessity of following 107. I don't think, Sir, I can add anything to the merits of the controversy of Regulation 107.....

Mr. S. Satyamurti : What is the position of Government ?

The Honourable Sir Nripendra Sircar : I made it clear that I am willing to accept it.

Mr. Bhulabhai J. Desai : Sir, the provisions of Article 107 are of such an important nature that the very lame objection which has been raised has not satisfied, and I hope, will not satisfy the House. For, after all, what is sought to be done is this. The apprehensions entertained by those who support the present amendment are also without foundation. Profit and loss accounts will be arranged under most convenient heads, the amount of gross income, distinguishing several sources from which it has been derived and so on. It should be observed here that there is no particular form prescribed so that it should necessarily cover every single detailed source of income, and the amount of gross expenditure distinguishing between the expenses of establishment, salaries and other like matters. When we consider all these, it is impossible to see what possible secrets can ever be disclosed as a result of making out a profit and loss account so as to conform to these provisions which will unduly damage the business of any company. The only other part on which emphasis has been laid is that in certain instances it will not be right to disclose the amount of wages. I for one am unable to appreciate this contention.

Then, the other point made by Mr. Chapman-Mortimer was that if there is any item of expenditure, which should be spread over more than one year, it would be undesirable that reasons for that course should be disclosed, and he gave us the instance of expenditure incurred in respect either of tapping some new pit or a new seam in the old pit for the purposes of future working. If that is so, it is a legitimate information which must be given for as soon as we look at the amount of wages, and they show that they are unduly high in the year, explanation must be given to the shareholders. There is no other way of explaining that but by showing as to why those wages had been incurred. To illustrate the matter,—supposing the normal wages were a lakh of rupees, and in that particular year the wages rose to two lakhs of rupees. It might unduly damage the company's prospects unless it was made quite clear as to why the additional lakh of rupees had been incurred. Therefore, the very reason that he gave points to the opposite conclusion, namely, that it should be made known as soon as there is an unusual expenditure in the matter of salaries or otherwise,—that the shareholders should know that it is incurred for a purpose which will not have to be paid for during the year but which will spread over several years, and if for that purpose it is necessary also to disclose the fact that a new seam has been tapped or any other source for mining purposes, I do not see how it will lead to a wild speculation as he imagines, knowing as one does a little of the stock exchanges at Calcutta and Bombay. On the other hand, it is deeply in the interests of the shareholders, and in fact, in order to preserve the value of the share that the information should be given, because as soon as an unexpected item of high wages is there without explanation, it is more likely to damage the shareholder than do him any good. I therefore say that the clause ought to stand as a compulsory part of the articles of the company.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I wish to supplement the remarks made by my Honourable Leader, as I had an opportunity of examining this question with some care in the Select Committee. I feel that this amend-

ment, in fact, affects the very structure of this Bill. This article 107 has been referred to at a number of places. I will invite Honourable Member's attention to clause 65 of the Bill, a very important clause ; it lays down that the directors shall place along with the balance sheet also a copy of the profit and loss account. Then we go further and we will refer to clause 67 which is still more important. It says :

“ The profit and loss account shall include particulars showing the total of the amount paid whether as fees, percentages or otherwise to the managing agent, if any, and the directors respectively as remuneration for their services and, where a special resolution passed by the members of the company so requires, to the manager, and the total of the amount written off for depreciation. If any director of the company is by virtue of the nomination, whether direct or indirect, of the company, a director of any other company, any remuneration or other emoluments received by him for his own use, whether as a director of, or otherwise in connection with the management of, that other company, shall be included in the total amount shown as the remuneration of the directors of the company.”

Then, I will refer Honourable Members to clause 68 where it is laid down that along with the balance sheet the profit and loss account and auditor's report of the subsidiary company or companies shall also be placed before the meeting. Now, if the profit and loss account by itself is left to the option and discretion of the company what is to happen to these clauses ? This is a very important clause, clause 67, which requires the disclosure of the fees, commission and other things paid to the managing agent and it is an essential and integral part of the profit and loss account. Then the subsidiary companies are required to disclose the state of their affairs through this profit and loss account. The profit and loss account alone can in fact give some sort of idea of the working and administration of the affairs of the company for the year. I should like to know how these different clauses are to be adjusted. Then is no disclosure to be made of these important matters relating to the commission, allowances, etc., paid to the managing agents and the directors ? Are we not to know anything about the affairs of the subsidiary company ? Then I may also remind the Honourable the Law Member that certain items were deliberately omitted from the form of the balance sheet on the understanding that the profit and loss account would contain those particulars. What is to happen to the balance sheet ? I want Government to understand the position, I would submit with great respect, in all its bearings. If the information that has to be furnished through the profit and loss account in respect of these essential matters, on which will depend to a great extent the clean and pure administration of the companies hereafter, is to be omitted altogether, then one of the very important purposes which this Bill was intended to serve will be lost and defeated. I submit that it is inconsistent and I cannot conceive how the Government could accept such an amendment. What do they propose to do with the rest of the clauses ? Do they now think that it will be possible for the shareholders to appreciate the position of the company fairly and fully even when the profit and loss account is not placed before them ? When these clauses make it compulsory that the profit and loss account should be placed before the general meeting, what will be the effect if the preparation or the submission of the profit and loss account by itself is left to the option of the companies themselves ? I have no doubt that if it is made optional all these clauses will have to be omitted. Then there will be no uniformity of practice.

Mr. M. A. Jinnah : Why should they be omitted ?

Pandit Govind Ballabh Pant : Because if a company decides that it will not prepare any real profit and loss account it will be free to do so. I hope the Honourable the Leader of the Independent Party has seen the amendment that has been moved.....

Mr. M. A. Jinnah : Yes, I have.

Pandit Govind Ballabh Pant : The amendment says that it will be open to a company at any general meeting to decide against the inclusion of regulation 107. That is, the essential information that is to be given in the form of the profit and loss account need not be furnished.

Mr. M. A. Jinnah : No.

Pandit Govind Ballabh Pant : I do not see what else it can mean. If it means that a profit and loss account will be prepared, that is, a certain paper will bear the heading profit and loss account, but it will be left to the company to make any entry it likes in the profit and loss account—there is no instruction or direction anywhere in the Bill as to the compulsory contents of that document—then I submit that it is tantamount to saying that that company will be free not to prepare and not to submit a profit and loss account. What is this profit and loss account to contain ? Is there any regulation in the Bill or in the Act prescribing the contents of that profit and loss account ? I will be glad if I am disillusioned, but so far as I am able to understand the position is this. There is no form of profit and loss account prescribed in this Bill. Only article 107 lays down what the profit and loss account should contain. If you make article 107 discretionary or optional, then it is practically left to the sweet will of the company whether to prepare any genuine profit and loss account or not to prepare it. So, practically the whole of this provision is wiped out. You may direct every person to prepare a balance sheet, and every one can comply if you do not prescribe the contents of that balance sheet. No unscrupulous person will find any difficulty in preparing a balance sheet if you say, "Prepare a profit and loss account but I do not force you to disclose such items as you are not disposed to disclose". But it will be a fruitless and futile proceeding. It will mean nothing. The utility of the thing depends on your insistence on its disclosing certain points and certain matters which ought to be disclosed in order to give the shareholders and the public a correct idea as to the state of affairs of the company and as to the way it has worked during the year. It is unintelligible to me in fact how the Government can accept such an amendment. I would also invite attention to another point. Section 18 of the present Act, lays down that the articles given in Table A will be presumed to be included in the articles of every company unless something to the contrary is prescribed by the company itself. Now, what more is suggested by this amendment moved by Mr. Chapman-Mortimer ? He says that it will be open to a company at a general meeting to resolve that it will not comply with the provisions of article 107, and then it will be open to the company to delete article 107 from the articles annexed to the memorandum of that company. If you will refer to section 20 of the present Act you will find that no articles can be altered except by means of a special Resolution but this amendment of Mr. Chapman-Mortimer makes it easier to alter this article. He has only to pass a Resolution at a general meeting and even a special Resolution is not necessary. To that extent, it seems to be inconsistent with section 20, as under this clause 7, it is to

form part of the articles of the company and the deletion of an article can be brought about only by means of a special Resolution. I do not say that it would be utterly illegal to make a provision of this type. Perhaps it may be defensible technically but it is inconsistent with the spirit of section 20 which lays down that an article will not be altered except by means of a special Resolution. So, Sir, I submit that even on technical grounds this amendment is clumsy. As to the merits, as Honourable Members are aware, Mr. Sen has devoted a chapter of his report to this subject and he has given reasons in detail at page 18 of his report as to why this profit and loss account is absolutely necessary. I would also remind Honourable Members that the Muslim Chamber of Commerce, the Indian Merchants Chamber, the Northern India Chamber, the Marwari Chamber and many other bodies associated with commerce are in favour of this article. So I see no reason why this article should be dropped. It will really disappoint many of us here if this article is taken out of this clause.

Mr. Susil Chandra Sen : Sir, I was not inclined to speak but I am afraid I have got to deal with some matters on which I find Pandit Govind Ballabh Pant asked for some elucidation in his speech. Taking the scheme of the Bill itself, I will draw the attention of Honourable Members to clause 65 in the first instance. If you look at clause 65 you find, Sir, that along with the balance sheet every year every company must have a profit and loss account. To that extent the suggestions made in the report have been accepted, namely, that there is no getting out by means of any Resolution, ordinary, extraordinary or special, from preparing a profit and loss account and from placing it before the shareholders every year. The profit and loss account which is thus made compulsory must be made out on some basis. It must show how the balance of the profit and loss has been arrived at and for such purpose must show the income and expenditure. As to what the particular items which are to be disclosed, that is a matter which is dealt with undoubtedly in clause 107 of Table A of the present Act. In the Bill however we have gone one step beyond clause 107 in this way. If you look at clause 67 you will find that so far as 67 is concerned, certain essentially important things which Pandit Pant referred to in his speech must be there. They cannot be avoided or evaded. You will find, Sir, that those are the matters regarding the remuneration of the managing agents and directors. Subject to a special Resolution, there is provision for disclosure of the remuneration of the managers, also. The question is whether apart from those referred to in clause 67 of the Bill the other details in clause 107 must be disclosed in the profit and loss account. If you look at the amendment, does it say that it shall not be given in any case or does it leave the evasion, as Pandit Pant calls it, to the majority of the shareholders? It is to the interest of the shareholders to have as much disclosure as will enable them to find out correctly the profit and loss of the company and I do not understand by what principle you can assume that the shareholders will be so oblivious of their interests as to pass a Resolution asking the management not to give such details as are necessary to enable the account to be properly understood. The only thing which this amendment really aims at is to avoid any rigidity which would offend against particular companies and to leave the matter to the shareholders or rather the majority of them.

Mr. M. A. Jinnah : To do what ?

Mr. Susil Chandra Sen : To fix such of those particulars as are given in clause 107 which they want. If they do not want any particular item in clause 107, they can pass a Resolution to that effect. That is all that the amendment aims at, if I have read it correctly.

Pandit Govind Ballabh Pant : If they do not want any of the particulars ?

Mr. Susil Chandra Sen : That is a point on which I join issue with Pandit Pant. Under no circumstance can the necessary details be avoided—Even in England.....

Mr. M. A. Jinnah : May I interrupt the Honourable Member ? I am only wanting an explanation. Supposing the shareholders decide that they do not want any kind of profit and loss account, will they do it ?

Mr. Susil Chandra Sen : That will be impossible in view of clauses 65 and 67. Clause 65, if I may point out to my Honourable friend, Mr. Jinnah, makes it compulsory that a profit and loss account must be prepared and laid before the members.

Mr. M. A. Jinnah : What are the items which the shareholders by a Resolution can dispense with in the accounts ?

Mr. Susil Chandra Sen : Only those indicated in clause 107. My friend will find however that apart from the items given in clause 107 there are other items referred to in clause 67.

Mr. M. A. Jinnah : What are those ?

Mr. Susil Chandra Sen : The items which are given in 107 are that the profit and loss account shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, the amount of gross expenditure, distinguishing the expenses of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into the account, so that a just balance of profit and loss may be laid before the meeting. That is the fundamental thing. A profit and loss account must contain such particulars as will give a person looking at it a good idea as to how the profit or loss has been arrived at. In this connection I would ask Honourable Members to remember that this provision about a compulsory profit and loss account had been introduced in England in 1929 and even there you do not find any form prescribed, or any rigid limit prescribed as to the items which should be contained in the profit and loss account. It is left to the general law to decide what details are necessary to be given to the shareholders in order that an idea as to how the profit and/or loss has been worked out. There must be sufficient details. You cannot evade them.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

The point which I want to bring home to the Honourable Members is that by giving an option to the majority of the shareholders to dispense with compliance of clause 107 you do not thereby say that you are giving the go-bye to clause 107 altogether. Clause 107 applies but it is for the shareholders to say that any particular item therein mentioned may not be to their interest to divulge. There is good reason for this because this profit and loss account, once it is filed with the Registrar, becomes accessible to everybody and anybody. Therefore, Sir, I think there is nothing very peculiar or surprising in leaving the ultimate decision of the question as to which of the particular items ought to be omitted to the sense of the majority of the shareholders. As I say, it does not mean that section 107 is not to be applied at all. Section 107 is made compulsory but the extent to which it is made applicable is left to the majority of the shareholders. How can it be suggested, with any sense of logic, that, if the shareholders are convinced that, it is to their interests to have any particular item disclosed in the profit and loss account, that they will or the majority of them will come and pass a resolution authorising the evasion of the disclosure of that item. From that point of view, I think this amendment is not at all so horrible as it has been painted to be. Sir, before I sit down, I cannot help making some reference to the report which I made and to which reference has been made by my Honourable friend, Pandit Govind Ballabh Pant. I still maintain, and I think Government has accepted my recommendations to that extent, that a profit and loss account is an indispensable document. I did ask for a standard form but I made no recommendation to adopt clause 107 as a compulsory Article. By the amendment, so far as particular items which it is necessary to disclose in a profit and loss account they have been left to the majority of the shareholders. They are surely the best persons to decide, if it is to their interest to disclose the particulars given in clause 107, or not.

Dr. F. X. DeSouza (Nominated Non-Official): Sir, on a point of information, I should like to ask whether Regulation 107 goes beyond the provisions of the English law or whether it is in accordance with it ?

Mr. Susil Chandra Sen : There is a corresponding section in Table A of the English law but the English law also has not made it compulsory.

Mr. M. A. Jinnah : Sir, it seems to me that article 107, as far as I can follow it, merely insists upon three things. First, every company has got to submit its profit and loss account and its balance sheet, but as far as I can see, article 107 says this. First of all, you have got to show your gross income. That, of course, you will show in your profit and loss account, but here it says this : " show your gross account, distinguishing the several sources from which it has been derived ". Therefore, it is not merely that you have to show your gross income, but you have to distinguish the several sources from which that gross income is derived. I hope the Law Member will correct me if I am wrong. Then the next one is this. It again says this. The expenditure is to be shown in this way,—the amount of gross expenditure, distinguishing the expenses of establishment, salaries and other like matters. Therefore, article 107 imposes the obligation, first, that over and above the ordinary profit and loss account, you have to show the sources from which the income is derived—you have to distinguish the sources—and you have also got to distinguish the expenses of establishment, such as salaries and other like matters. Then,

[Mr. M. A. Jinnah.]

next, every item of expenditure fairly chargeable against the year's income shall be brought into account; so that a just balance of profit and loss may be laid before the meeting,—and I take it that that will be also in the profit and loss account and balance sheet—but the distinguishing feature seems to be this that, that expenditure you have to show, but, in addition to that, the reason why only a portion of the expenditure is charged against the income of the year. Therefore, article 107 goes beyond the other provisions in the Bill in three respects. First, you have got to show and distinguish the sources from which you have derived your income. Second, you have to show and distinguish the various charges that you have paid for establishment, salaries and other like matters. And, thirdly, not only you must say what you have spent, spread over so many years, but also state the grounds,—as to how you have done it, and why you have done it. As far as I understand, the objection coming from the European Group is really more to the last item. It is not so much that you would be afraid of giving in your profit and loss account the sources from which your income has been derived. Nor would you be afraid of stating in more particular points such as salaries, expenditure on establishment, and so on, but the apprehension is that, in undertaking some big expenditure on the development of the company or any department of that company, although it may be even shown that so much has got to be spent, they feel themselves that, in addition to the reasons why only a portion of such expenditure is charged against the income of the year, they may have to show the full amounts. Therefore, taking the opinion which the Law Member expressed, that may apply to some companies—not all—and it may be detrimental to the interests of the shareholders, whose interests we are guarding as much as anybody else's, should not that company be allowed, with the sanction or approval of the shareholders, to say that that particular item should not be disclosed? That, I understand, is the objection. Therefore, should we make it obligatory and beat every company with the same stick, or should we not—and here I am influenced by the view the Law Member expressed, that there is a very strong opinion and there is some force in that opinion, that there may be some individual companies who may find it very detrimental to the interests of the shareholders. Should we, therefore, not leave it to the shareholders to decide,—because, ordinarily, in the balance sheet and the profit and loss account you will have almost all the details, perhaps not with those particulars which are specified in section 107, but you will have them. Therefore, Sir, I am inclined not to oppose this amendment, and I hope the Honourable Member will consider whether you should really oppose it.

Mr. S. Satyamurti : Sir, I offer my Honourable friend, Mr. Sen, my respectful condolences on having to assist in the funeral of one of his most important recommendations. It sometimes happens in this House that, when we have to sit on this side of the House, they on the other side have to take part in some unpleasant ceremony, but on such occasions silence may be more than golden.....

The Honourable Sir Nripendra Sircar : You have never followed that maxim—that silence is golden. (Laughter.)

Mr. S. Satyamurti : I have. I congratulate the Honourable the Law Member on his hit at my expense, but if I speak, I never speak against my convictions. I hope the Law Member is now answered. Sir, my

respectful sympathy still goes out to Mr. Sen. Sir, I can study human psychology, I can study human faces ; and I offer my sympathy again to him ; and I will read his own recommendation, Sir, as we have on the profit and loss account, printed in bold type at the taxpayer's expense, not once, twice, but thrice :

“ As I have already stated, this is the account by which the directors disclose to the shareholders the result of the actual working of the company. It serves to give to the shareholders an idea of the earning capacity of the company in relation to its capital and is an important factor in enabling them to judge about the administration and management of the affairs of the company by the directors.”

Now, Sir, I leave out the next paragraph. The paragraph after that says :

“ The Act gives a form of the Balance Sheet but not of the Profit and Loss Account. As a necessary corollary of the recommendations I have made, I recommend that a *standardised* form of the Profit and Loss Account should be appended in the Third Schedule of the Act, along with the form of the Balance Sheet.”

Now, the whole thing goes :

“ In connection with the compilation of the said account I make the following recommendations, *viz.*—

That in the case of trading companies the item as to expenses should be divided into four sub-heads, *viz.*—

- (i) Manufacturing Expenses,
- (ii) Selling Expenses,
- (iii) Administrative Expenses, and
- (iv) General Expenses.

The amount spent for maintenance and repairs of plants, machinery, buildings, etc., should be shown under the heading of Manufacturing Expenses.”

Then, he gives various forms for administrative expenses, and he concludes by saying :

“ Remuneration paid to manager or managing agents, showing separately office allowances, etc., etc.”

Therefore, it seems to me that, if my friend, Mr. Susil Sen, has to swallow his recommendation, he may give the process of swallowing his own recommendation to somebody else.

I now come to the point made by the Leader of the Independent Party, namely, that it may be, in some cases, that the disclosure of the profit and loss account as laid down in Article 107 may be against the interests of the shareholders themselves, and therefore the majority must decide. That is proving too much. At that rate, Mr. President, I suggest that the entire clause 7 is unnecessary because, as the Act today stands, all these articles are in the Appendix—Table A, and it is open to any company by a majority vote to adopt any, all or none of them. Therefore, to say that, in respect of article 107 alone, the majority of the shareholders of each company should decide and not the majority of this House proves too much. What does clause 7 say :

“ To sub-section (2) of section 17 of the said Act the following shall be added, namely :

‘ and shall in any event be deemed to contain regulations identical with or to the same effect as regulation 56, etc. ’”

[Mr. S. Satyamurti.]

Why should not the majority of shareholders of each company be allowed to decide with regard to all these regulations ? There is a method in this. There is a feeling on the part of the majority of this House that it is not wise to leave to the majority of the shareholders of each company the decision with regard to all these regulations. Therefore, my friend must make out and the House must accept the position that there is something peculiar, unique, in regulation 107 which does not apply to all the 7 or 8 regulations which have already been made compulsory by a vote of this House. May I ask what is the peculiarity about this regulation 107 ? My friend, the Leader of the Independent Party, said that there may be a case where it is not to the interests of the shareholders to disclose.

Mr. M. A. Jinnah : Disclose what ?

Mr. S. Satyamurti : The information asked for in Regulation 107.

Mr. M. A. Jinnah : No ; the reasons.

Mr. S. Satyamurti : The difference between us is a very small one.

Mr. M. A. Jinnah : It is not.

Mr. S. Satyamurti : The Leader of the Independent Party concedes that, according to his judgment, all the information in regulation 107 can be usefully and safely given, without affecting the interests of any shareholders, excepting in the last two lines. Now, look at the last clause. It says :

“ Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting, and, in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.”

Now, they will have to give some reasons as to why only a portion of the expenditure is charged against the income of the year. The only example given was about some coal mining company extending its activities and spending money in the year which ought regularly be chargeable to more than one year. Is it suggested that, if a company opens a new branch or extends its operations, it is going to be such a private affair, that nobody will know about it ? Is it going to be a hole-and-corner affair ? I want to know what is the real objection to this information being given. After all, when you open big coal mining operations, it is not going to be done in a manner, in which nobody else will know any thing about it. At any rate, it seems to me that regulation 107, as it stands, must be there, otherwise clauses 65, 66 and 67 become meaningless. I would invite the attention of my friend, the expert member on this Indian Companies (Amending) Bill, to these clauses. Clause 65 says :

“ The directors of every company shall at some date not later than eighteen months after the incorporation of the company and subsequently once at least in every calendar year lay before the company in general meeting a balance-sheet and profit and loss account.”

What is this account going to be ? Let us now look at the amendment of the European Group. It says :

“ Provided further that Regulation 107 shall not be deemed to form part of the Articles of Association of any company if the company in general meeting shall so determine.”

Now, I want to put to my friend, the Leader of the Independent Party, that this amendment goes very much further, than what he seems to support.

Mr. F. E. James (Madras : European) : No, no.

Mr. S. Satyamurti : Please do not say "No, no". Mr. Jinnah knows better than you do. I take it, Sir, that Mr. Jinnah's objection is merely to the last two lines of regulation 107.

Mr. M. A. Jinnah : It is not my objection, but I recognise the force of the objection.

Mr. S. Satyamurti : I stand duly corrected. I merely want to say this that the object of the European Group's amendment is much bigger, much wider than the narrow point which my friend, the Leader of the Independent Party, supports.

Mr. F. E. James : No.

Mr. S. Satyamurti : He knows better than you. Please do not speak for others : it is bad enough you speak for yourselves here. I suggest that regulation 107 can be practically repealed, under that amendment. I put it to my friend, the expert member, to lay his hand on his heart and get up and say that I am not correct. The proviso says that in a general meeting a bare majority can say : We do not want regulation 107. Then, what is left ? The profit and loss account. I want to put it to all unprejudiced Members of this House, whose votes are not already committed to this or to that side, and I want to put it to my friend, the expert Member, also that this proviso, if it is accepted by this House, means this that regulation 107 will go out altogether, and what remains ? Profit and loss account means so much income and so much expenditure—*Qui bono* ? Profit and loss—gross income and gross expenditure. Is that the profit and loss account ? Is that what my Honourable friend, Mr. Jinnah, wants ? I know he wants much more.

Mr. M. A. Jinnah : I think my Honourable friend, **Mr. Satyamurti**,
 5 P.M. is not really appreciating what I said. It will be as I understand a profit and loss account fully with two exceptions and that is they will not, so far as they show the income, distinguish the sources from which they derive the income, that is number one, similarly in showing the expenditure, they will not distinguish each item, salaries paid so much or for this particular part of the establishment so much, and so on. Therefore, the profit and loss account will be there in the ordinary sense of the word, a full one, not giving this particular particulars. Therefore, it is not correct to say that there will be no profit and loss account because the law as you are now enacting compels them to present the profit and loss account.

Mr. S. Satyamurti : Therefore, we have got to examine Regulation 107, and satisfy ourselves as to whether there are any items in Regulation 107, to which any one can reasonably take exception, except the last two lines. Even assuming my Honourable friend is right that there will be a profit and loss account, I put it to him and those who agree with him that there will be nothing lost, and a good deal gained, by getting in every item, except the last two lines even according to them. Indeed, he

[Mr. S. Satyamurti.]

ought to vote against this amendment, and he may give notice of another amendment, if he gets an opportunity, bringing out his ideas. It is not for him and those who agree with him or think with him.

Mr. M. A. Jinnah : I will not, because I do not attach so much importance to those details as to the last part which we want to compel.

Mr. S. Satyamurti : Then, there is a clear difference of opinion. I would however, respectfully invite the Leader of the Independent Party to consider the opinion of the Expert, the opinion of the Government of India, and the opinion of the Select Committee, until we came before the House.

Mr. M. A. Jinnah : I have no objection if it is agreed upon.

Mr. S. Satyamurti : I am trying to persuade the Government once again to follow their first judgment, and not yield to their second judgment. I know I am hoping against hope in this matter, but I submit that the decision which was arrived at by the Expert, by the special Committee which went into this matter, by the Government Member himself, and by the Select Committee, should be stuck to, unless there are very good reasons to go against it.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can proceed with his speech tomorrow. The House will adjourn now.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th September, 1936.

Index to the Legislative Assembly Debates

Volumes VI to IX—31st August to 16th October, 1936.

A

AARON, MR. SAMUEL—

Question *re*—

- Agitation in Ceylon to repatriate Malayalees. 2606-07.
- Anti-Indian agitation in Ceylon. 2754.
- Anti-Indian and Anti-Malayalees agitation in Ceylon. 2755.
- Construction of an overbridge at the Railway level crossing in Gannanore. 2607.
- Protection of the interests of Malayalees in Ceylon. 2754.
- Representation of Indians in Ceylon on the Immigration Commission. 2754-55.

ABDOOLA HAROON, SETH HAJI—

Question *re*—

- Alleged harassment of local Baluchistan employees by their officers. 2650-51.
- Baluchis from Sind and Baluchistan in the Indian Army Reserve of Officers. 1033-34.
- Difference between the old lower division and new second grade clerical cadres in the Posts and Telegraphs Department. 3323-24.
- Disability pensions of Military Employees invalidated during the Great War. 1010-13.
- Employment of Baluchis in Sind in superior services in case suitable Baluchistanis are not available. 2651.
- Employment of local persons in the inferior services in Baluchistan. 2651.
- Examination for appointment of clerks in the Allahabad General Post Office. 3322-23.
- Examinations for recruitment of clerks in the Delhi General Post Office. 3180.
- Legislation to restrict the number of trains on any railway. 2819.

ABDOOLA HAROON, SETH HAJI— *contd.*

Question *re*—*contd.*

- Local persons employed in Baluchistan due to earthquake. 2651.
- Non-eligibility of temporary Government servants to become members of recognised unions and associations. 3324-25.
- Recruitment in the Baluchistan Police force. 2652.
- Reduction of one set of certain sections of the Railway Mail Service. 3317-18.
- Removal and transfer of orderly peons by the Postmaster, Delhi. 3181.
- Representation of Muslim Sindhis and Baluchistanis in railway services. 2651-52.
- Seasonal assistant mistries in the Posts and Telegraphs Department. 3324.
- Termination of the Ottawa Trade Agreement. 1153-54.
- Question (Supplementary) *re* Indo-Ceylon Trade Relations. 575-76.

ABDUL GHAFFAR KHAN, KHAN—

- Motion for Adjournment *re* order served on — not to enter the North-West Frontier Province and the Punjab. 521.

ABDUL HAMID, KHAN BAHADUR SIR—

- Oath of office. 123.

ABDUL MATIN CHAUDHURY, MR.—

- Indian Tea Cess (Amendment) Bill—
Motion to consider. 2893-94.
- Nomination of — to the Panel of Chairmen. 109.
- Question *re* externment of one Mr. M. Samiullah from the Delhi Province. 2856-57.

ABDULLA KUFU, SHAIKH—

Question *re* refusal to permit —, a well-known *Muallim*, from entering India. 3371.

ABDULLAH, MR. H. M.—

Question *re*—

Introduction of the "Communal Representation Formula" in the Income-tax Department. 2959.

Investigation to find out the cost of cultivation of crops. 2759-51.

Rates for the sale of ice and aerated waters on the East Indian and North Western Railways. 2756-57.

Tenders for the sale of ice and aerated waters on the East Indian Railway. 2757-59.

ABOLITION—

Question *re* — of classification of political prisoners. 3310.

Motion for adjournment *re* — of the Tariff Board. 190-91. 222-36.

ABYSSINIA—

Question *re*—

Expenses on troops sent from India to — during the Italo-Abyssinian War. 245-46.

Indian feelings regarding Italy's conquest of —. 846.

Loss of life or property of Indians in —. 247.

Speech delivered by the ex-Emperor of — in the League of Nations. 1152-53.

ABYSSINIAN DELEGATE(S)—

Motion for adjournment *re* non-representation of — in the meeting of the League of Nations. 1625-27.

ABYSSINIAN/ITALO WAR—

Question *re* loss of Indian lives or properties in the —. 188-89.

ACADEMY(IES)—

Question *re*—

Constitution of — of National Arts and Literature. 902.

Possibility of improving the quality of candidates for the Indian Military —. 1236.

ACCESSION—

Question *re*—

Draft of the Instrument of —. 2579.

Model Instrument of —. 2576-77.

ACCIDENT(S)—

Question *re*—

— at Sogaoli on the Bengal and North Western Railway. 1909-10.

— at the Niluripathra colliery in the Jharia coalfield. 2521-22.

Minor — on the Madras and Southern Mabratta Railway. 1902-03.

Prevention of — in the construction of Buildings. 2625-26.

Railway servants and passengers killed in the — at Sogaoli. Bengal and North Western Railway. 3053-54.

ACCOUNTS—

Question *re*—

Exemption of the East Indian Railway — Department from the operation of certain instructions. 1037.

Inspection of the — of the Tata Iron and Steel Company, Limited. 244.

ACCOUNTS AND TRAFFIC DEPARTMENT—

Question *re* joint inquiry by — of the North Western Railway in the Electric Department. 2981.

ACCOUNTS DEPARTMENT—

Question *re* Muslim representation in the Electrical and — of the North Western Railway. 2645.

ACCOUNTS OFFICE—

Question *re* confirmation of qualified members of the minority community in the Chief —, North Western Railway. 2984.

ACCOUNTS OFFICER(S)—

Question *re*—

Counting of period spent in certain capacities towards seniority by the Chief —, East Indian Railway. 3138.

Creation of a post of Assistant —, travelling, on the East Indian Railway. 3345.

ACCOUNTANT(S)—

Question *re*—

Ineligibility of certain staff to officiate as — on the East Indian Railway. 1034-36.

Recruitment to the cadre of Divisional —. 70.

ACQUIESCENCE—

Motion for adjournment *re* alleged active — of the Government of India in the recent political activities of Sir Sikandar Hayat Khan, a Deputy Governor of the Reserve Bank of India. 364.

ACT(S)—

Bengal Public Security—

Motion for adjournment *re* extension by the Government of Bengal of the provisions of chapters II and III of the —, 1932 to the Town of Calcutta and the Districts of 24-Parganas and Howrah. 772-74.

Child Marriage Restraint—

Question *re*—

Extension of the — to Cantonment Areas. 1843.

Non-applicability of the — to Cantonments in Central India. 2750.

Non-applicability of the — to non-regulated provinces, administered areas and Cantonments. 2749-50.

Criminal Law Amendment—

Question *re* action taken under the —, 1935. 1494.

Government of India—

Question *re*—

Agreement between His Majesty's Government and His Exalted Highness the Nizam about Berar referred to in section 47 of the —, 1935. 1002-04.

Enforcement of — X of 1858 in portion of the Delhi District which was under the Punjab Government. 3332.

Indian Electricity—

Question *re* licence under the — applied for by the Delhi Municipal Committee. 913.

Indian Income-tax—

Question *re* effect of the amendment of section 4(2) of the —. 1479.

Indian Railways—

Question *re*—

Amount forfeited under sections 93 and 102 of the —. 3142.

Authorities prescribed under section 71-E. (1) (b) of the —. 2844.

Notification investing the Railway Board with the power of the officer referred to in section 47 of the —. 2843.

Notifications regarding the cancellation, recession or variation of a rule under section 47 of the —. 2845-46.

Punishment inflicted under section 71-H. of the —. 2844-45.

ACT(S)—*contd*

Indian Trade Union—

Question *re* extension of the — to the Bangalore Cantonment. 2986-87.

Payment of Wages—

Question *re* working of the — in Burma. 1466.

Punjab excise—

Question *re* application of the — and Excise Rules to the Delhi Province. 94.

Question *re*—

Non-supply of the copies of — and of Budgets, as finally passed by the Legislative Assembly to the members of the Assembly. 1866-67.

Statute or — governing the conduct of railway servants. 2769.

Sea Customs—

Question *re* books confiscated under the —. 3309-10.

Tea Control—

Question *re* tea estates which applied for special treatment under the —. 854.

ACTING ALLOWANCE—

See "Allowance(s)".

ACTION—

Question *re*—

Disciplinary — against non-gazetted railway staff. 1036.

Subsidiary rules regarding disciplinary — framed by the Agent, Eastern Bengal Railway. 1013-14.

ACTIVITY (IES)—

Motion for adjournment *re* alleged active acquiescence of the Government of India in the recent political — of Sir Sikandar Hayat Khan, a Deputy Governor of the Reserve Bank of India. 364.

ADDIS ABABA—

Motion for adjournment *re* refusal of the British Delegation in — to give protection to the Indians there. 190.

Question *re*—

Bravery of Sikhs in —. 1146-47.
British Indian subjects in —. 1239.

Denial of facilities to Indians in —. 264-65.

Indian sepoys in —. 651-55.

Indian soldiers in —. 689, 1239.

Position of Indians in —. 579-80.

Refusal of the British Delegation at — to protect Indians. 2015.

ADDIS ABABA—*contd.*Question *re—contd.*

- Refusal of the British Legation to give protection to Indians in —
 Rewards given to Indian Soldiers for meritorious services in —
 2752.
 Sufferers from Italian Gas Bombs in — 1146.

ADEN—

- Question *re* duty on the imports of —salt into India after separation. 2096.

ADJOURNMENT(S)—

Message from His Excellency the Viceroy and Governor General disallowing Mr. Mohan Lal Saksena's motion for — *re* Secrecy of vote in the rural areas of the United Provinces. 2280.

Message from His Excellency the Viceroy and Governor General disallowing Qazi Muhammad Ahmad Kazmi's motion for — *re* prohibition of the recital of *Madhe-Nahaba* in Lucknow. 2380.

Motion for — *re—*

Abolition of the Tariff Board. 190-91, 222-36.

(Withdrawn 236.)

Alleged active acquiescence of the Government of India in the recent political activities of Sir Sikandar Hayat Khan, Deputy Governor of the Reserve Bank of India. 364.

(Not moved. 364.)

Alleged frivolous nature of motions of — 1243-44.

(Declared out of order.)

Arrest of public workers in the North-West Frontier Province. 605.

(Disallowed. 605.)

Arrests and detentions of public workers in the Punjab. 603-04.

(Disallowed 604.)

British policy in Palestine. 932-33.

(Disallowed by the Governor General. 947-48.)

Cancellation of the Press Gallery Pass of the correspondent of the *Amrita Bazar Patrika*. 2664-65.

(Disallowed. 2665.)

Control of the soldiers on the football ground at Annandale. 2189-91, 2224-33.

(Negatived. 2233.)

Death of Detenu Naba Jiban Ghosh. 2345-47.

ADJOURNMENT(S)—*contd.*Motion for — *re—contd.*

(Disallowed by the President. 2347.)

Disallowance of adjournment motions. 1154-55.

(Ruled out of order. 1156.)

Election of the provincial legislature in Bihar. 373-79.

(Ruled out of order. 379.)

Extension by the Government of Bengal of the provisions of chapters II and III of the Bengal Public Security Act, 1932, to the Town of Calcutta and the Districts of 24 Parganas and Howrah. 772-74.

(Disallowed. 774.)

Extermment of Mr. M. R. Massani from the Punjab. 606.

(Disallowed by the Governor General. 631.)

Extermment of Mr. M. R. Massani from the Punjab. 693.

(Disallowed. 693.)

Failure of the Government of India to secure secrecy of ballot in the Punjab as recommended by the Assembly. 2773.)

(Disallowed. 2773.)

Freedom of individual members of Government to express personal opinions. 1155-61.

Government's breach of promise. 379-81.

(Disallowed. 381.)

Government's Currency Policy. 2097-98.

(Disallowed by the Governor General. 2129.)

Indian-owned shipping service between India and Europe. 2242-45.

(Ruled out of order. 2245.)

Interference by the Government of the United Provinces with the Sunni Muslims of Lucknow. 604-05.

(Disallowed. 605.)

Introduction of the system of nomination in the selection of candidates for the Indian Civil Service in England. 190.

(Barred. 190.)

Mr. Subhash Chandra Bose. 381-82.

(Not moved 382.)

Murder of Mail Guard Golam Sattar on a Calcutta Sirajganj train between Ranaghat and Chudanga. 772.

(Disallowed. 772.)

New rules for recruitment to the Indian Civil Service. 109-10, 140-60.

(Adopted. 160.)

ADJOURNMENT(S)—*contd.*

Motion for — *re—contd.*

- Non-representation of Abyssinian Delegates in the meeting of the League of Nations. 1625-27. (Ruled out of order. 1627.)
- Order served on Khan Abdul Ghaffar Khan not to enter the North-West Frontier Province and the Punjab. 521. (Disallowed by the Governor General. 536-37.)
- Prohibition of the assembling of five or more persons within a radius of two miles of certain cotton mills at Cawnpore. 1562. (Ruled out of order. 1562.)
- Prohibition of the printing of pictures of Mahatma Gandhi and others, etc., on cards and covers. 364. (Not moved. 364.)
- Prohibition of the recital of *Madhe-Sahaba* in Lucknow. 2347-49. (Disallowed by the Governor General. 2380.)
- Protection of female passengers travelling in female compartments of trains. 2665-67. (Disallowed. 2667.)
- Reduction of the duty on British textiles without consulting the Legislative Assembly. 272, 305-30. (Talked out. 330.)
- Reduction of the import duty on Grey Cotton Goods on bordered and bleached cotton goods imported from the United Kingdom. 365. (Withdrawn. 365.)
- Refusal of the British Delegation in Addis Ababa to give protection to the Indians there. 190. (Not moved. 190.)
- Restrictions by the United Provinces Government on the movements of the general public at Lucknow. 1244-46. (Ruled out of order. 1246.)
- Revision of the Indian Currency and Exchange policy. 2667-68, 2700-20. (Negatived. 2720.)
- Secrecy of vote in the rural areas of the United Provinces. 2245-47. (Disallowed by the Governor General. 2280.)
- Shifting of the Provincial Headquarters of Orissa from Cuttack. 190. (Not moved. 190.)
- Sir Otto Neimeyer's Report. 190. (Not moved. 190.)

ADJOURNMENT(S)—*concl.*

Motion for — *re—concl.*

- Situation in Palestine. 774-76. Ruled out of order. 775-76.)
- Strict neutrality on the part of Local Governments in respect of provincial elections. 365-73. (Disallowed by the Governor General. 365.)
- Strict neutrality on the part of local Governments in respect of provincial elections. 452. (Disallowed by the Governor General. 457.)
- Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting 3203-06. (Postponed. 3206.)
- Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting 3388-89. (Ruled out of order. 3389.)
- Withdrawal of the Government of India from the League of Nations. 189-90. (Not moved. 190.)
- Question *re* withholding of a telegram regarding motion for — to discuss the conduct of the Governor of Bihar for his taking active part in organising parties to fight the elections. 2316-17.
- Ruling on the motion for — *re* freedom of individual members of Government to express personal opinions. 1457-58. (Ruled out of order. 1458.)
- ADJUTANT GENERAL—
- Question *re* certain clerks of the —'s Branch on deputation. 1048.
- ADMINISTERED AREA(S)—
- Question *re* non-applicability of the Child Marriage Restraint Act to non-regulated provinces, — and Cantonments. 2749-50.
- ADMINISTRATION(S)—
- Question *re—*
- Article entitled “— of the Andamans” published in the *Madras Mail*. 762.
- Complaints about the — of the Central Telegraph Office, Calcutta. 3379.
- Connotation of the expression “Railway —”. 2978.
- Gazettes published by Railway —. 3140.
- Giving back of the — of Berar to His Exalted Highness the Nizam. 591-93.

ADMINISTRATION OF JUSTICE—

Demand for Excess Grant. 3259.

ADMINISTRATIVE OFFICER(S)—

Question re dismissal or discharge of an employee by a senior scale of — on State Railways. 83.
See also under "Officer(s)".

ADULTERATED TEA—

See "Tea".

ADULTERATION—

Question re—
— in milk and ghee. 3162.
— of drugs. 586-87.

ADVANCE(S)—

Demand for Excess Grant in respect of "Interest-free —". 3265.
Question re rates of commission charged by the Imperial Bank of India and — made by it. 3143-45.

ADVERTISEMENT(S)—

Question re—
East Indian Railway — in the *Aj* and *Pratap* newspapers 826-27.
Railway — in the Indian newspaper. 76.

ADVISER(S)—

Question re function of the unofficial — to Government in connection with the Indo-British Trade Agreement. 2849-50.

ADVISORY COUNCIL—

Question re—
Conclusion arrived at by the Transport —. 758-59.
Conclusions arrived at by the Transport —. 1504-07, 2342-43, 2504-06.

AERATED WATER—

Question re—
Contract for ice and — on the East Indian Railway. 1621-23.
Price of — on the East Indian Railway. 2869.
Rates for the sale of ice and — on the East Indian and North Western Railways. 2766-57
Tenders for the sale of ice and — on the East Indian Railway. 2757-59.

AERODROME(S)—

Question re landing grounds, — and runways made and air ports fitted out for night flying 1855-57.

AEROPLANE(S)—

Question re—
— used by Government. 2516-17.
Manufactures of — in India. 1857.

AFGHAN REFUGEE(S)—

See "Refugee(s)".

AGA KHAN, HIS HIGHNESS THE—

Question re speech of — on the growing criticisms in India of the League of Nations. 593-94.

AGE(S)—

Question re—
Acceptance of Baptism and University Certificates in support of applications for changes in — of the East Indian Railway staff. 97.
— for examination for recruitment to the clerical cadre in the Postal Department. 3352.
Alteration in the — of railway employees. 3138-39.
Alteration in the recorded — of the employees on the East Indian Railway. 50.
Policy regarding alteration of the — of employees on the North Western Railway. 1494-95.
Scheme to retire Government servants at the — of 50. 3327.

AGE LIMIT—

Question re — for Government servants for the Indian Audit and Accounts Service Examination. 2725.

AGE OF SUPERANNUATION—

See "Superannuation".

AGENCY(IES)—

Question re contracts of — for purchase of grains for Military and the management of Grains Depots at certain places. 2617-19.

AGENCY REBELLION—

See "Rebellion".

AGENCY SUBJECTS—

Demand for Excess Grant in respect of "Payments to Provincial Governments on account of Administration of —". 3258.

AGENT(S)—

Question re—

- Appeal to the Governor General in Council against an order of the — of a State Railway. 2769.
- Circular No. 11 of 1932 of the —, Rohilkund and Kumaon Railway. 3170.
- Delegation of powers by the — of the East Indian Railway to his subordinate. 45.
- Extension of a building to house the Personnel Section of the —'s Office, East Indian Railway. 46-47.
- Forwarding agents at the Howrah Goods Sheds. 2635.
- Low percentage of Muslims in the Opium —'s Office, Ghazipur. 349.
- Non-appointment of an Indian as Deputy — of the South Indian Railway. 819-22.
- Notification amending the word "Manager" to the word "—" as used on State Railways. 2844.
- Powers given to — of State Railways to modify the rules for the grant of allowances. 3367-68.
- Reduction of Muslim Clerks in the Opium—'s Office, Ghazipur. 346-49.
- Relationship between the — and certain other staff on State Railways. 82.
- Responsibility of the Governor General-in-Council for the actions of the — of State Railways. 3183.
- Responsibility of the Secretary of State for India in Council for the actions of the — of State Railways. 3183.
- Strength of clerks in the Opium —'s Office, Ghazipur. 343.
- Subsidiary rules regarding disciplinary action framed by the —, Eastern Bengal Railway. 1013-14.

AGITATION—

- Question re—
- in Ceylon to repatriate Malayalees. 2606-07.
- Anti-Indian and Anti-Malayalees — in Ceylon. 2755.
- Anti-Indian — in Ceylon. 2754.

AGRA—

- Question re running of the Bombay-Calcutta Mail via Allahabad and Benares and through railway service between Delhi and Calcutta via Muttra, —, etc. 825.

AGREEMENT(S)—

Question re—

- between His Majesty's Government and His Exalted Highness the Nizam about Berar referred to in section 47 of the Government of India Act, 1935. 1002-04.
- Alleged monetary — between England, France and America. 3521-22.
- Demands to put off all negotiations by fresh — between the United Kingdom and India. 586.

AGRICULTURAL IMPROVEMENT(S)—

- Question re article entitled "Full Speed Ahead" regarding — published in the *Amrita Bazar Patrika*. 1932-33.

AGRICULTURAL INDEBTEDNESS—

- Question re — in the Delhi Province. 907.

AGRICULTURAL PRODUCE—

- Question re insufficiency of —. 845-46.

AGRICULTURE—

- Question re recommendations of the Royal Commission on — given effect to. 843-45.

AGRICULTURIST(S)—

- Question re grievances and demands of the — of the Delhi Province. 906.
- Resolution re indebtedness of — 1795-1840.

AHMAD NAWAZ KHAN, MAJOR NAWAB SIR—

- Arya Marriage Validation Bill—
- Consideration of clauses. 2798, 2808.
- Motion for adjournment re new rules for recruitment to the Indian Civil Service. 149.
- Resolution re interference from public servants in the ensuing elections. 2677-79.

AHMED, MR. K.—

- Arya Marriage Validation Bill—
- Motion to consider. 1638-1644.
- Consideration of clauses. 1662, 2043, 2055-60, 2065-60, 2061, 2774, 2775, 2792, 2798, 2802, 2807.
- 'Cantonments (Amendment) Bill—
- Consideration of clauses. 1568-69.
- Code of Civil Procedure (Amendment) Bill—
- Motion to consider. 3077, 3080, 3082-83.

AHMED, MR. K.—*contd.*

- Code of Criminal Procedure (Amendment) Bill (Amendment of Section 167)—
 Motion to continue. 1630-31.
 Code of Criminal Procedure (Amendment) Bill (Amendment of Section 205)—
 Motion to continue. 1633, 1634.
 Code of Criminal Procedure Amendment) Bill (Amendment of Section 386)—
 Motion to continue. 1635, 1636.
 Durgah Khawaja Saheb Bill—
 Consideration of clauses. 3393-94.
 Motion to pass. 3405, 3406.
 Expunction of certain passages in a question put by —. 2413.
 Indian Companies (Amendment) Bill—
 Motion to consider. 629, 630, 646, 649, 726, 735.
 Consideration of clause 37. 1199, 1437, 1444.
 Consideration of clause 40. 1754-55.
 Consideration of clause 75. 2416.
 Indian Tea Cess (Amendment) Bill—
 Motion to consider. 2899, 2900.
 Consideration of clauses. 2914, 2915, 2925, 2926-27, 2929.
 Manœuvres Field Firing and Artillery Practice Bill—
 Motion to circulate. 3271, 3272, 3276, 3280.
 Point of order raised by — whether identical questions can be asked. 819.
 Question *re* repairs to feeder roads connecting the railway stations. 2782-84.
 Question (Supplementary) *re*—
 Additional Postal facilities provided for rural areas. 2081.
 Alleged brutal treatment of Indians in Manchuria by the Japanese authorities. 1988.
 Article entitled "Racialism in East Africa", published in the *Hindu*. 1592.
 Article entitled "Ryots and Research" published in the *Hindu*. 1602.
 Article entitled "The Crisis in South Africa" published in the *Hindu*. 597-98.
 Attachment of a third class bogie for servants to the East Indian Railway Punjab Mail. 671-73.
 British policy in Palestine. 832.
 Case of one Ratnasabbapathi Gounder of the Coimbatore District. 1136-41.
 Collection and utilisation of public subscriptions. 657-58.
 Communiqué issued by the Royal Consul-General for Italy, Calcutta. 9.

AHMED, MR. K.—*contd.*

- Question (Supplementary) *re—contd.*
 Coronation of King Edward VIII in India. 1143-44.
 Differentiation made by the vendors of food-stuffs at Railway Stations. 2158, 2159.
 Employment of Indians in the office of the High Commissioner for India. 1470-72.
 Feeling of Muslims on the Happenings in Palestine. 2187.
 Foreign experts invited to examine the Government of India Departments. 1129-31.
 Giving back of the administration of Berar to His Exalted Highness the Nizam. 591-93.
 Grant of passports. 832-33.
 Help to the handloom weavers. 2077.
 High proportion of the number of medical officers of the British Army in India and the Indian Army. 1612.
 Importation of vegetable ghee into India. 1611.
 Inauguration of Federation. 334.
 India's withdrawal from the membership of the League of Nations. 1766.
 Introduction of the Bihar Cess (Amendment) Bill in the Bihar Legislative Council. 2, 3.
 Levy of local cess on industries. 1134.
 Marks for *viva voce* in the Indian Civil Service Examination. 1767.
 Negotiations with the British Government for a new trade agreement. 2070.
 Pacts entered into between the Government of Great Britain and the Communistic Government of Soviet Russia. 842.
 Passages in certain books derogatory to the Jews and their religion. 832.
 Prohibition against Government pensioners standing as congress candidates to the Provincial Legislatures. 2167.
 Propaganda for Muslim religion through the Delhi Broadcasting Station. 1617.
 Proposed retrenchment of railway staff and the lowering of wages and salaries. 2083.
 Ratification of the International Labour convention regarding forced labour. 2076.
 Relief given to the peasants of Bengal in the famine-ridden areas. 1606, 1607.

AHMED, MR. K.—*concl.*

Question (Supplementary) *re—concl.*

- Remission of sentence passed on the accused in the Coimbatore Extortion Case. 1134-36.
- Reported massing of the Mohmand Tribes on the Frontier. 852-53.
- Reservation of four first class berths on payment of one fare on railways. 2161.
- Rules framed by the Governor General in Council and the Local Governments under section 401 (6) of the Code of Criminal Procedure. 2084.
- Safeguarding of the interests of Indians *re* Clove Trade in Zanzibar. 588.
- Statement of the Under Secretary of State for India about Mr. Subhash Chandra Bose's arrest. 581-82.
- Suppression of immoral traffic in women in Delhi and the centrally administered areas. 2318.
- Uniformity in the office hours in the Civil Secretariat and the Army Headquarters. 2937.
- Views of the Finance Member on industrialisation by a protective policy. 427-29.
- Zanzibar Indian National Association's memorandum submitted to the Riot Inquiry Commission. 512.
- Resolution *re—*
Indebtedness of agriculturists. 1797. 1805-07.
- Interference from public servants in the ensuing elections. 2192, 2194, 2202, 2682, 2683, 2688, 2692, 2693, 2694, 2700.

AHMEDABAD—

- Question *re—*
Failure of crops in — and other districts of Gujerat. 85.
- Situation arising out of the closing of the — Mills. 2946-47.

AINDRI—

- Question *re* delay in enforcing the sanitary rules in — near Simla. 2836-37.

AIRCRAFT(S)—

- Question *re—*
Provision of — depots or parks in Western or Southern India. 1469-70.
- Restriction of the number of — operating between various centres in India. 2093.

AIRCRAFT (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

AIR FORCE—

- Question *re* article entitled "Indian —" published in the *Statesman*. 1921-22.

AIR GUN(S)—

- Question *re* practising of rifle shooting with an — by the volunteers of the Hindustani Seva Dal. 661-62.

AIR MAIL(S)—

- Question *re—*
Alleged disappearance of — letters at Karachi. 1779-80.
- Higher postal charges on outgoing —. 1485-86.
- Postal charges by —. 2241.

AIR PORT(S)—

- Question *re* landing grounds, aerodromes and runways made and — fitted out for night flying. 1856-57.

AIRWAY(S)—

- Question *re—*
Indianisation of Ground Engineers employed by the Indian National —, Limited. 3178-79.
- Payments made to certain —. 2515.

AIRWAYS COMPANY(IES)—

- Question *re* Indianisation and economy in the Indian National —. 1843-46.

AISHRAGH—

- Question *re* non-provision of quarters at — Junction, Bareilly and Mailani for the members of the Traffic and Loco. Department. 3173.

AJ—

- Question *re* East Indian Railway advertisements in the — and *Pratap* newspaper. 826-27.

AJMER—

- Question *re—*
Admission of — students in the Medical Colleges of other provinces. 1907-08.
- Indianisation of the senior subordinate services in the carriage and wagon shops at —. 3340.
- Period of supersession of the — Municipality. 3065-66.

AJMER—contd.**Question re—contd.**

- Prosecution of prostitutes in — 3067.
- Satta gambling in — 3339-40.
- Thefts committed in the — city. 3066.
- Tuberculosis in — 1907.

ALIGARH—

- Motion for Adjournment *re* suspension of some Patwaris of the — District for alleged attending an election meeting. 3203-06, 3388-89.
- Question *re* strike of students in the — Muslim University. 2580-81.

ALL-INDIA BROADCASTING SERVICE—

- Question *re* change of the name “—” to “All India Radio Service”. 850.

ALL-INDIA RADIO SERVICE—

- Question *re*—
- Change of the name “All India Broadcasting Service” to “—”. 850.
- News agencies patronised by the —. 1789-91.

ALL-INDIA VILLAGE INDUSTRIES ASSOCIATION—

- Question *re* —. 2178-79.

ALLAHABAD—

- Question *re*—
- Appeals, memorials, or petitions submitted to the Governor General in Council by the staff in the — Division, East Indian Railway. 2764.
- Examination for appointment of clerks in the — General Post Office. 3322-23.
- Running of the Bombay-Calcutta Mail *via* — and Benares and through railway service between Delhi and Calcutta *via* Muttra, Agra, etc. 825.

ALLEGATION(S)—

- Question *re*—
- against an Inspector, Railway Mail Service. 3361.
- against a Police Sub-Inspector at the Moradabad Hindu Refreshment Room. 2819.
- against certain employees of the Bengal Nagpur Railway. 3156.

ALLEGATION(S)—contd.**Question re—contd.**

- against the magisterial checking at Samastipur Station on the Bengal and North Western Railway. 2731-33.
- against the Members of the Port Haj Committee. 3128-29.
- against the staff at the Kamalagar Station on the Eastern Bengal Railway. 262-63.
- against the staff of the Rohilkund and Kumaon Railway. 3170-72.

ALLOTMENT(S)—**Question re—**

- for civil aviation in the budgets. 1042.
- of quarters in the Moradabad Division of the East Indian Railway. 3336-37.
- Invidious treatment in the — of residences to the staff of the Locomotive Department at Calcutta. 2644-46.
- Racial discrimination in the — of quarters to railway staff. 2597-99.

ALLOWANCE(S)—**Question re—**

- Acting — of the *ex*-Company staff of the East Indian Railway. 81-82.
- fixed for wives of Indian Officers in the Indian Army Veterinary Corps. 3178.
- given to the members of the Railway Advisory Committees. 2073-74.
- of camp clerks in the Punjab and North-West Frontier Postal Circle. 3362.
- of the representatives of the *ex*-King of Burma. 2824-25.
- to detenues for replacing utensils, beddings and warm clothings, etc. 3256.
- Applicability of fundamental and supplementary rules to gazetted staff on State Railways in respect of pay, —, leave, etc. 2763.
- Clerks in the India Army Corps and the Military Engineering Services getting Shorthand —. 105.
- Compensatory — of postal employees stationed at Simla. 3355-56.
- Consolidated — of Travelling Ticket Inspectors, etc., on the East Indian Railway. 2772.

ALLOWANCE(S)—*contd.*

Question *re—contd.*

- Continuance of the cut on — of the Railway staff at Calcutta and Howrah. 96.
- Continuation of the cut on — of the Railway staff at Howrah and Calcutta. 1030-31.
- Details of certain — of His Excellency the Viceroy's household. 509-10.
- Grant of acting — to the employees of the East Indian Railway Company taken over by the State. 1018.
- Grant of an — to the clerks in the City Booking Offices, Calcutta. 3344.
- Grant of livery — to the dufftaries in the Government of India Offices. 3359-60.
- Grant of rickshaw — to the Members of the Legislative Assembly in Simla. 2337-38.
- Halting — sanctioned to the Inspectors and Superintendents of Post Offices in the Hill Districts of the Bengal and Assam Circle. 2879.
- Hill — paid to Railway staff at Simla. 3184.
- Inadmissibility of officiating — to non-gazetted staff on State Railways. 2841.
- Maintenance — for the inheritants of the property under the Court of Wards management in Delhi. 3328.
- Malaria — paid to railway staff at Lhaksar. 3336.
- Mileage — granted for crew staff on the Eastern Bengal Railway. 3366.
- Mileage — of ticket checking staff on the East Indian Railway. 2769-70.
- Mileage — paid to the road van clerks on the North Western Railway.
- Pay and — of Travelling Ticket Inspectors on the East Indian Railway. 2771-72.
- Period for claiming the travelling — on the North Western Railway. 2842.
- Permanent travelling — for Travelling Ticket Examiners of the East Indian Railway. 2600-01.
- Powers given to Agents of State Railways to modify the rules for the grant of —. 3367-68.
- Recovery of overdrawn leave — from the inferior staff of the Central Telegraph Office, Calcutta. 2657.

ALLOWANCE(S)—*concl.*

Question *re—concl.*

- Relieving — to staff sent to out-stations to relieve Station Masters, signallers and clerks. 3364.
- Rules and conditions governing — admissible to gazetted staff on State Railways. 2763.
- Travelling — of persons attending meetings of the Indian Railway Conference Association. 2767-68.
- Travelling — of staff of State Railways attending meetings of the Indian Railway Conference Association. 2768.
- Travelling — to staff on State Railways for attending meetings of their Trade Unions. 2768.
- Uniformity of rules for pay, —, appeals and seniority on State Railways. 2762.

ALMORA—

Question *re—*

- Cutting of trees by the owners of bungalows in the — Cantonment. 1768-69.
- Reduction of staff expenses and undertaking of civic amenities in the — Cantonment. 1769.

AMALGAMATION—

Question *re—*

- of booking offices and extension of waiting rooms at Waltair. 1903-04.
- of the London Stores Department with the Indian Stores Department. 253.
- of the Madras and Southern Mahratta and the South Indian Railway Companies. 269-70.
- of two grades in the superior traffic service of the Posts and Telegraphs Department. 3382-83.

AMENDMENT(S)—

Question *re—*

- of the law governing the transactions in Government securities. 517.
- Committee to consider — to insurance legislation. 165.

AMERICA—

Question *re—*

- Alleged monetary agreement between England, France and —. 3321-22.
- Convict settlements in Europe and —. 989.
- See also under "United States of —".

AMERY TRIBUNAL—

See "Tribunal(s)".

AMIR ALI, MR. JUSTICE—

Question *re* judgment of — reproduced in the *Hindustan Times*. 2169.

AMNESTY—

Question *re* — to State and Political Prisoners at the time of the inauguration of the provincial autonomy. 841.

AMRAVATI—

Question *re* protection of the monuments of the ancient — Buddhist Stupa in the Guntur District. 2987.

AMRITA BAZAR PATRIKA—

Motion for Adjournment *re* cancellation of the Press Gallery Pass of the correspondent of the —. 2664-65.

Question *re*—

Article entitled "A Suicidal Policy" published in the — *re* earnings of Railways. 1459.

Article entitled "Full Speed Ahead" regarding agricultural improvements published in the —. 1832-33.

Article entitled "Indian Sugar Industry" published in the —. 1596-98.

Article entitled "Lord Linlithgow and Milk Diet" published in the —. 1598-99.

Article entitled "The Indian Steel Industry" published in the —. 2174-75.

AMRITSAR—

Question *re*—

Embezzlement cases in the Lahore Engineering Division and the — Telegraph Exchange Office. 3167.

Petition from the — Commercial Association to the Board of Inland Experts for Enquiry into the Indian Income-tax System. 441-42.

ANDAMANS—

Question *re*—

Appointment of non-official visitors for the Cellular Jail and Convict Settlement in the —. 999-1000.

ANDAMAN(S)—*contd.*

Question *re*—*contd.*

Article entitled "Administration of the —" published in the *Madras Mail*. 762.

Certain facilities provided to the convicts sent to the —. 985-88.

Chittagong Armoury Raid prisoners in the —. 3069.

Condition of health of political prisoners in the Cellular Jail in the —. 3063-64.

Defects in the jail life of the — found by the Home Member. 1119-20.

Invitation to the member of the Legislative Assembly to visit —. 759-60.

Male and female prisoners in the convict settlement in the —. 985.

Object in transporting terrorist prisoners to the —. 990-91.

Political prisoners confined in the Cellular Jail in the —. 535-41.

Visit of a deputation of the Members of the Legislative Assembly to the —. 2884.

Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the —. 3070-71.

ANDHRA—

Question *re* advisability of establishing a Central Museum for — Country in Bezwada. 2967-88.

ANDHRA PASSENGER'S ASSOCIATION—

Question *re* recognition of the —, Bezwada, by the Madras and Southern Mahratta Railway. 2079-80.

ANEY, MR. M. S.—

Arya Marriage Validation Bill—

Motion to consider. 1638-39, 1641, 1642-45, 1657.

Consideration of clauses. 1664-65, 1667, 2025-27, 2033, 2037, 2038, 2043, 2045, 2057, 2781-87, 2804.

Cantonments (Amendment) Bill—

Consideration of clause 4. 530, 531, 535-36.

Consideration of clause 46. 560.

Consideration of clause 48. 565-66.

Code of Civil Procedure (Amendment) Bill—

Motion to consider. 3081-82.

Hindu Women's Rights to Property Bill—

Motion to refer to Select Committee. 3284.

ANEY, MR. M. S.—*contd.*

- Indian Companies (Amendment) Bill—
 Motion to consider. 629, 704, 727, 781, 810.
 Consideration of amendment to add new clause after clause 4. 941.
 Consideration of clause 37. 1442-44.
 Insertion of new clause after clause 40. 1756.
 Consideration of clause 42. 1962-64, 2125-26, 2137-38, 2267, 2260, 2262, 2268, 2275, 2292.
 Consideration of clause 44. 2357.
 Consideration of clause 52. 2371.
 Consideration of clause 55. 2379, 2380.
 Consideration of clause 75. 2418.
 Consideration of new clause 81. 2446, 2446.
 Consideration of clause 97. 2452.
 Consideration of clause 111. 2470, 2472, 2473.
 Clause 113. 2556.
 Clause 114. 2559.
 Motion to pass. 2569-70.
 Manœuvres Field Firing and Artillery Practice Bill—
 Motion to circulate. 3277-79.
 Motion for Adjournment *re* reduction of the duty on British textiles without consulting the Legislative Assembly. 308, 310.
 Nomination of — to the Panel of Chairmen. 109.
 Question *re*—
 Agreement between His Majesty's Government and His Exalted Highness the Nizam about Berar referred to in section 47 of the Government of India Act, 1935. 1002-04.
 Memorial of the first grade pleaders of the Central Provinces and Berar against payment of a certain stamp duty. 2953-55.
 Question (Supplementary) *re*—
 Absence of sheds on the platforms of the Balamau Junction and Nirmar Station on the East Indian Railway. 923.
 British Troops in India and their cost of maintenance. 497-99.
 Carriage of mails between Kalka and Simla on motor lorries. 2745.
 Giving back of the administration of Berar to His Exalted Highness the Nizam. 591-93.
 Placing of prescribed books in the library of the Legislative Assembly. 1776.
 Plight of Indians in Iraq. 580.
 Production of quinine in India. 2017.

ANEY, MR. M. S.—*concl.*

- Question (Supplementary) *re*—*contd.*
 Recommendations of the Royal Commission on Agriculture given effect to. 843-45.
 Unemployment problem. 1930.
 Resolution *re* interference from public servants in the ensuing elections. 2669, 2673.
 Statement *re* demonstrations against the ruling of the Chair. 460.

ANGLO-INDIAN(S)—

- Question *re*—
 Churches established by certain railways for the use of their European and — employees. 1493-94.
 Reduction of scales of pay in the Railway and the Posts and Telegraphs Departments and its effect on —. 505-06.
 Schools for the education of the girls of European and — employees maintained by the Bengal and North Western Railway. 3074.
 Use of the word "Cooly" in respect of Indians and "Labour" in respect of Europeans and —. 100.

ANGLO-VERNACULAR HIGH SCHOOL—

- Question *re*—
 Reduction in the grant-in-aid of the East Indian Railway —, Tundla. 98.
 Stoppage of the touching of Sanskrit and Persian in the East Indian Railway —, Tundla. 98-99.

ANIMAL(S)—

- Question *re* permission for dogs and domestic — to travel on metal passes issued to Railway Gazetted staff. 3139-40.

ANIMAL HUSBANDRY—

- Question *re*—
 Imperial Institute of — and Dairying at Bangalore. 3130.
 Teaching staff of the Imperial Institute of — and Dairying at Bangalore. 3130-32.
 Transfer of the Imperial Institute of — and Dairying from Bangalore to Delhi. 3132.

ANIMAL NUTRITION—

- Question *re* transfer of the control of the — section at Bangalore. 3133-34.

ANIMALS, SOCIETY OF PREVENTION OF CRUELTY TO—

Question *re* complaints of the owners of horse and bullock-drawn conveyances and carts in Delhi against the — 1490-91.

ANNANDALE—

Motion for Adjournment *re* control of the soldiers on the football ground at — 2189-91, 2224-33.

ANSWER(S)—

Question *re* question and — in the House of Commons regarding revision of the Ottawa Trade Agreement. 1218-19.

ANTI-INDIAN AGITATION—

Question *re* — and boycott of Indian Malayalees in Ceylon. 2315-16.
See also under "Agitation".

ANTI-MALAYALEES AGITATION—

See "Agitation".

ANWAR-UL-AZIM, MR. MUHAMMAD—

Question *re*—

Acting arrangement as Postmaster General, Patna. 3163-64.

Approved candidates of each community examined and declared successful in the Punjab and North-West Frontier Postal Circle. 3318.

Communal composition of candidates declared successful in the examination for recruitment of wireless operators. 3319.

Communal composition of the staff in the Simla Head Post Office. 3318-19.

Embezzlement cases in the Lahore Engineering Division and the Amritsar Telegraph Exchange Office. 3167.

Muslim Medical Officers and Compounds, etc., on the Assam Bengal Railway. 1478.

Muslims in the Survey of India. 3356.

Muslims recruited as telephone operators in the Lahore Engineering Division. 3164-65.

Non-observance of orders regarding model rotation by the Superintendent of Post Offices, Rohtak. 3165.

Non-observance of orders regarding reservation on the Delhi Engineering Division for the cadre of telephone operators and mistries. 3155.

ANWAR-UL-AZIM, MR. MUHAMMAD—contd.

Question *re*—contd.

Postal clerks in the Punjab and North-West Frontier Postal Circle required to pass a test in Gurmukhi. 3165-66.

Preponderance of Hindus in Postal Circles and the posts and telegraphs Directorate. 3167.

Recruitment of Muslims as Engineering Supervisor, Telegraphs. 3164.

Reservation of a percentage for the Muslims and other minorities in the Punjab Circle. 3166-67.

Safeguarding of the interests of Muslims in the Posts and Telegraphs Department in observance of new rules for recruitment. 3157-68.

Task messengers employed in the Lahore Telegraph Office. 3319.

APPEAL(S)—

Question *re*—

Abuses of power in regard to — from Railway servants on the East Indian Railway. 80.

— against the discretion of the Divisional Superintendent on the East Indian Railway. 3372.

— against the orders of the Divisional Superintendents on the East Indian Railway. 2770.

— against the removal of cooly Jamadar or a cooly on State Railways. 68.

— to the Governor General in Council against an order of the agent of a State Railway. 2769.

— memorials, or petitions submitted to the Governor General in Council by the staff in the Allahabad Division, East Indian Railway. 2764.

Assistance given by Income-tax Officers to Income-tax Commissioners in cases of — in open courts. 2155.

Delay in the disposal of — regarding construction of buildings lying in the Municipal Committee, Delhi. 3387.

Dealing of representations and — of staff in the Posts and Telegraphs Directorate. 2739-40.

Disposal of — against orders of discharge on dismissal on State Railways. 2629.

Disposal of — from Railway servants on the East Indian Railway. 81.

APPEAL(S)—contd.

Question *re*—contd.

- Period of submission of — from subordinate railway staff. 3338.
- Refusal to forward — of staff by Officers on State Railways. 2766-67.
- Rules regulating discipline and rights of — of the non-gazetted Railway servants. 1023-24.
- Uniformity of rules for pay, allowances, — and seniority on State Railways. 2762.

APPELLATE JURISDICTION—

- Question *re* separation of the appellate jurisdiction of the Assistant Commissioner of Income-tax from his administrative functions. 2973.

APPLICANT(S)—

Question *re*—

- Refund of fees of — not admitted to competitive examination of the Public Service Commission. 3309.
- Rules regarding the selection of — for admission to Public Service Commission examinations. 3309.

APPLICATION(S)—

Question *re*—

- for nominations to the Indian Civil Service in England. 1211-12.
- for the grant of export quotas of tea by the Tawnpeng and other States. 1614-15.

APPLICATION COMMITTEE—

- Question *re* report of the — on Financial Adjustment between India and Burma. 3357.

APPLICATION FORMS—

- Question *re* supply on payment of — for the post of a typist in the Divisional Superintendent's Office, Moradabad. 2506-07.

APPOINTMENT(S)—

Question *re*—

- of a committee to examine the working of the Ottawa Trade Agreement. 738.
- Appointment of a Sikh officer in the — under the control of the Home Department. 3196-99.
- discharge and dismissal of staff in the East Indian Railway Schools. 448-49.

APPOINTMENT(S)—contd.

Question *re*—contd.

- made to the Indian Medical Services. 3154-55.
- of apprentices on the East Indian Railway. 682-83.
- Cancellation of the — of Muslim Inspectors in the Crew Department, Eastern Bengal Railway. 76.
- Non-interference of Government with the Commissioners of Income tax in the matter of —, promotions and discipline. 2648.
- Non-pensionable — in the Telegraph Department. 2654-55.

APPRENTICE(S)—

Question *re*—

- Appointment of — on the East Indian Railway. 682-83.
- Appointment of successful technical ex — of the Lillooah Workshops. 685.
- Ex — of the Jamalpur Technical School, East Indian Railway. 683-84, 685-86.
- Special class — of superior railway service. 3303-04.
- Successful ex — of the Lillooah Workshops. 75, 684-85.

ARAMBAGH—

- Question *re* allotment made for the Burdwan — Road from the Road Development Fund. 2340-41.

ARCHAEOLOGICAL DEPTT.—

- Question *re* training of Indians in field work in the —. 1040.

ARCHAEOLOGICAL EXCAVATION—

- Question *re* — by foreigners in India. 1039-40.

ARCHAEOLOGICALLY TRAINED SUBORDINATES—

- See "Subordinate(s)".

ARCHAEOLOGY—

- Demand for Excess Grant. 3259.
- Question *re*—
- Investigation in — in the Chhota Nagpur Division. 1040.
- Departmental publications to the credit of the Deputy Director General of —. 68-69.

AREA(S)—

- Question *re* re-distribution of income-tax —. 2974-75.

ARMY—

Question re—

Effect given to the Resolution re appointment of a Joint Standing — Committee. 1485.

Indian commissioned officers in the — passing promotion examination and reported fit for promotion. 3306.

Indianisation and mechanisation of the Indian —. 1491-93.

Indianisation of the —. 438-39, 3304-05.

Indians sent away from the — under War Block Scheme. 3305-06.

Mechanisation in the — in India. 2490-91.

ARMY HEADQUARTERS—

Question re—

Appointment to the Post of the Financial Adviser at —. 355-56.

Uniformity in the office hours in the Civil Secretariat and the —. 2937.

ARMY ORDNANCE CORPS—

Question re promotion of the storemen of the Indian — as Assistant Storekeepers. 2336-37.

ARMY RESERVE OF OFFICERS—

Question re Baluchis from Sind and Baluchistan in the Indian —. 1033-34.

ARMY SERVICE CORPS—

Question re clerical and store-keeping appointments in the Royal Indian —. 2649.

ARMY VETERINARY CORPS—

Question re—

Allowances fixed for wives of Indian Officers in the Indian —. 3178.

Indianisation of the Indian —. 1229.

ARREAR(S)—

Question re — in Nazul revenue in Delhi. 2817.

ARREST(S)—

Motion for Adjournment re—

— and detentions of public workers in the Punjab. 603-04.

— of public workers in the North-West Frontier Province. 605.

ARREST(S)—contd.

Question re—

— and detention of certain persons of the Mohmand Tribe residents of Peshawar District. 3322.

— and detention of Sardar Gurucharan Singh. 3327-28.

— of Mr. Subhash Chandra Bose. 514-15.

— of persons in connection with the "Agency Rebellion" in the Madras Presidency. 446-47.

Statement of the Under-Secretary of State for India about Mr. Subhash Chandra Bose's —. 581-82.

ARTICLE(S)—

Question re—

— entitled "A Suicidal Policy" published in the *Amrita Bazar Patrika* re earnings of Railways. 1459.

— entitled "Administration of the Andamans" published in the *Madras Mail*. 762.

— entitled "Broadcasting in England and India" published in the *Hindustan Times*. 594-95.

— entitled "Development of Road Transport" published in the *Hindustan Times*. 1923-24.

— entitled "Full Speed Ahead" regarding agricultural improvements published in the *Amrita Bazar Patrika*. 1932-33.

— entitled "Greed of Kenya Whites" published in the *Bombay Sentinel*. 2006-08.

— entitled "Health and Nutrition" published in the *Indian Express*. 1599-600.

— entitled "India as a Naval Power" published in the *Statesman*. 510-11.

— entitled "Indian Air Force" published in the *Statesman*. 1921-22.

— entitled "India's Defence" published in the *Statesman*. 432-34.

— entitled "Indians not wanted" published in the *National Call* regarding Indians in Ceylon. 503-04.

— entitled "Indians Overseas" published in the *Hindustan Times*. 520.

— entitled "Indo-Japanese Trade Talks" published in the *Statesman*. 2004.

ARTICLE(S)—*contd.*

Question *re—contd.*

- entitled "Inter-related problems" published in the *Hindustan Times* regarding unemployment problem. 499-500.
- entitled "Kenya" published in the *Hindu*. 416-17.
- entitled "Madras and Neimeyer Report" regarding borrowing arrangements of provinces. 655-56.
- entitled "On the Frontier" published in the *Statesman*. 589.
- entitled "Provincial Autonomy and the Centre" published in the *Hindu*. 1236.
- entitled "Railway Coal Ramp" published in the *Bombay Sentinel*. 515.
- entitled "Road and Rail Position throughout the World" published in the *Hindustan Times*. 1999-2000.
- entitled "Road Rail Problems" published in the *Statesman*. 1931.
- entitled "Ryots and Research" published in the *Hindu*. 1601-02.
- entitled "Secondary Education in India" published in the *Hindu*. 762-65.
- entitled "The Crisis in South Africa" published in the *Hindu*. 597-98.
- entitled "The Indian Steel Industry" published in the *Amrita Bazar Patrika*. 2174-75.
- entitled "The Madras Budget" published in the *Madras Mail*. 442-44.
- entitled "The Neimeyer Order-in-Council" published in the *Hindu*. 762.
- entitled "The Zanzibar Enquiry" published in the *Hindu*. 431.
- entitled "Transport Advisory Council Meeting" regarding Railways published in the *Roy's Weekly*. 2167-68.
- entitled "Unemployment" published in the *Hindu* regarding educational reconstruction. 1593-96.
- Rates charged for — of necessity in the precincts of railways. 1678-80.
- Writing of — for press and publication of books by Government servants. 3369.
- on the Indian Medical Service published in the *Hindu*. 595-96.
- on the working of the British Department of Overseas Trade published in the *Hindu*. 596-97.

ARTICLE(S)—*concl'd.*

Question *re—concl'd.*

Insistence by the Railway Department to purchase a particular brand and trade mark of —. 96.

ARUVANKADU—

Question *re* resolutions passed by the Cordite Factory Labour Union, —. 3072.

ARYA MARRIAGE VALIDATION BILL—

See "Bill(s)".

ASAF ALI, MR. M.—

Arya Marriage Validation Bill—

Consideration of clauses. 2789, 2796-2801, 2812, 2813.

Indian Companies (Amendment) Bill—
Consideration of clause 37. 1422-26, 1440.

Indian Railways (Amendment) Bill—
Motion to refer to Select Committee and to circulate. 202, 204, 219, 288, 385, 390, 391.

Motion for adjournment *re—*

New rules for recruitment to the Indian Civil Service. 109-10, 151.

Reduction of the duty on British textiles without consulting the Legislative Assembly. 319, 327.

Question *re—*

Abolition of the Military Control of the Fort Zone Area in Delhi. 915.

Absence of storm water and sillage drains in Karol Bagh, Delhi. 1612.

Aeroplanes used by Government. 2516-17.

Agricultural indebtedness in the Delhi Province. 907.

Bhonsla School of Military Training. 1612-14.

Broadcasting of election speeches. 1791-92.

Broadcasting on short waves and travelling radio service. 899-900.

Change of the name "All India Broadcasting Service" to "All India Radio Service". 850.

Circulation of Bills affecting women's rights. 1792-93.

Complaints of the owners of horse and bullock-drawn conveyances and carts in Delhi. 1490-91.

Constitution of Academies of National Arts and Literature. 902.

Contamination of certain water reservoirs in Delhi. 907-08.

ASAF ALI, MR. M.—*contd.*

- Question *re—contd.*
- Curtailment of the existing franchise by the Delhi Municipal Committee. 1908.
 - Customs revenue realised on foreign radio sets. 900.
 - Development of a minimum of common vocabulary of "basic Hindustani" in Broadcasting. 901-02.
 - Discontinuance of the use of castor oil as lubricant on State Railways. 2237-38.
 - Drainage system of New Delhi and Old Delhi. 909-10, 3387.
 - Establishment of an Improvement Trust in Delhi. 908-09.
 - Extension of the Child Marriage Restraint Act to Cantonment Areas. 1843.
 - Fires in certain parts of Delhi. 907.
 - Grant for broadcasting. 849-50.
 - Grievances and demands of the agriculturists of the Delhi Province. 906.
 - High proportion of the number of medical officers of the British Army in India and the Indian Army. 1612.
 - Higher postal charges on outgoing mails by air. 1485-86.
 - Holding of three or four posts by the Divisional Engineer of the Central Public Works Department. 910.
 - Housing of radio studios. 901.
 - Improvement of the sanitation of villages in the Delhi Province. 2755-56.
 - India's Industrial possibilities. 1848-50.
 - Indian feelings regarding Italy's conquest of Abyssinia. 846.
 - Indianisation and economy in the Indian National Airways Company. 1843-46.
 - Indianisation and mechanisation of the Indian Army. 1491-93.
 - Insufficiency of agricultural produce. 845-46.
 - Interception of correspondence and tapping of telephones of political workers of Delhi. 1851-54.
 - Interception of correspondence of certain classes of persons. 1854-55.
 - Irregularities connected with the acceptance of tenders for the Irwin Hospital, New Delhi. 910-12.
 - Landing grounds, aerodromes and runways made and air-ports fitted out for night flying. 1856-57.

ASAF ALI, MR. M.—*contd.*

- Question *re—contd.*
- Licence under the Indian Electricity Act applied for by the Delhi Municipal Committee. 913.
 - Listeners' licences and subscribers to the *Indian Listener*. 900.
 - Manufacture of cheap radio sets in India. 900.
 - Manufactures of aeroplanes in India. 1857.
 - Measures to combat unemployment. 1847-48.
 - New rules of the Central Public Works Department about tenders. 913.
 - News agencies patronised by the All-India Radio Service. 1789-91.
 - Payments made to certain airways. 2515.
 - Postal charges on mails by Air. 2241.
 - Provision of drainage, etc., in the developed areas of Delhi. 913-14.
 - Provisions of radio sets in villages. 1788-89.
 - Recommendations of the Royal Commission on Agriculture given effect to. 843-45.
 - Regulation or control of broadcasting by Indian States and Provincial Governments. 550-51.
 - Reports of the Special Officer (Mr. Hume) and Kilokhri Sewage Farm Committee. 906.
 - Restraint and externment Orders on Shrimati Satyavati of Delhi and Ratan Parkash Gupta. 1850-51.
 - Restrictions on the possession and carrying swords and sword-sticks in the Delhi Province. 2514-15.
 - Searches in connection with political suspects or proscribed literature or terroristic activities in Delhi. 1855-56.
 - Short-comings in the scheme of cattle improvement and reduction of the canal water rate. 1023.
 - Tax on wells in the Delhi Province. 904-06.
 - Termination of the sanctions against Italy. 846-47.
 - Trunk telephone call bills. 1486.
 - Utilisation of the rural development grants. 903-04.
 - Views regarding the British Government's Policy in Palestine. 847-49.
 - Question (Supplementary) *re—*
Article entitled "Indian Air Force" published in the *Statesman*. 1922.

ASAF ALI, MR. M.—*concl'd.*

- Question (Supplementary) *re—cont'd.*
 Invitations to the members of the Legislative Assembly to visit Andamans. 739-60.
 Note entitled 'Frontier Post Attacked' published in the *Statesman*. 2001.
 Provision of aircraft depots or parks in Western or Southern India. 1469-70.
 Tenders for the re-building of Quetta. 2185.
 Use of Broadcasting Stations for political propaganda. 169
 Resolution *re—*
 Indebtedness of agriculturists. 1810, 1811, 1838.
 Interference from public servants in the ensuing elections. 2207, 2699.
 Statement *re* demonstrations against the ruling of the Chair. 459.

ASHRAM(S)—

- Question *re* removal of ban on certain — in Bardoli and Surat. 3158.

ASPERSION(S)—

- Question *re* — flog on the Muslim community in the *Postal Observer*. 18-19.

ASSAM—

- Question *re—*
 Amount allotted to the Village Reconstruction Fund for —. 2621-22
 Deforestation of Jamguri Reserve in the Borpathar Development area in Golaghat, —. 2619-20.
 Opening of recruiting depots at certain places in —. 2972.
 Privileges enjoyed by the inhabitants of Borpathar *Mouza* in —. 2620.
 Recommendation for a Second Chamber in —. 40, 2019-20.
 Transfer of Borapathar *Mouza* in the Golaghat sub-division in — to the Mikir Hill Tracts. 98.

ASSAM BENGAL RAILWAY—

See "Railway(s)".

ASSAM RIFLES—

- Question *re—*
 Battalions of the —. 678-80.
 Recruitment of Assamese in the —. 680.
 Recruitment of Gurkhas in the —. 2971-72.
 Retirement of officers who have served their usual terms in the —. 680-81.

ASSAMESE—

- Question *re—*
 Appointment of — in the superior service of the Assam Bengal Railway. 3314-15.
 Recruitment of — in the Assam Rifles. 680.

ASSAULT(S)—

- Question *re—*
 — on a girl in the Bhopal Ujjain Passenger Train. 3331-32.
 — on the inhabitants of a village near Garha (Jubbulpore) by British soldiers. 2168.

ASSEMBLY—

- Question *re* part played by India in the meetings of the Council or the — of the League of Nations after the conquest of Ethiopia by Italy. 494-95.

ASSENT—

- Governor General's — to Bills. 110.

ASSESSMENT(S)—

- Question *re—*
 — of annual value of property in the Nasirabad Cantonment. 1713.
 — of income-tax from Income-tax Officers. 659-60.

ASSISTANT(S)—

- Question *re—*
 Classification of duties of — and clerks in the Posts and Telegraphs Directorate. 2738.
 Duties of — and clerks in the Posts and Telegraphs Directorate. 2738-39.
 Promotions to the upper time-scale posts of — in the Railway Board. 3348.
 Supernumeraries in the cadre of — in the Posts and Telegraphs Directorate. 2737.

ASSISTANT ACCOUNTS OFFICER

See "Accounts Officer".

ASSISTANT COMMISSIONER OF INCOME-TAX—

See "Commissioner of Income-tax".

ASSISTANT FOREMAN—

See "Foreman(en)".

ASSISTANT LOCO. FOREMEN—

See "Loco. Foreman".

ASSISTANT MANAGER(S)—

See "Manager(s)".

ASSISTANT MISTRIES—

See "Mistry(ies)".

ASSISTANT SECRETARY(IES)—

See "Secretary(ies)".

ASSISTANT STATION MASTER—

See "Station Master(s)".

ASSISTANT STOREKEEPER(S)—

Question re promotion of the storemen of the Indian Army Ordnance Corps as —. 2336-37.

ASSISTANT SURGEON(S)—

Question re—

Indianisation of the Military — Class. 1783.

Pay, house rent and electricity charges, etc., paid to — on State Railways. 3332.

Qualifications of — on State Railways. 3052.

Ratio in the recruitment of — for Railways. 3062.

ASSISTANT WIREMEN—

Question re promotion of non-Muslims as — in the Karachi Division of the North Western Railway. 2645-46.

ASSOCIATION(S)—

Question re—

All-India Village Industries —. 2178-79.

Amount paid by the Indian Railway Conference — for their *dak* from Delhi to Simla. 3062.

Civil Liberties — started by Pandit Jawaharlal Nehru. 3304.

Communication of official documents or information by a Government servant to his service — Union or Federation. 3335.

Enquiry into the working of the Clove Growers' — in Zanzibar and reservation of Kenya Highlands for Europeans. 753-54.

Memorandum submitted by the Indian National — of Zanzibar to Mr. G. H. Binder. 2001-03.

Non-eligibility of temporary Government servants to become members of recognised unions and —. 3324-25.

Petition from the Amritsar Commercial — to the Board of Inland Experts for enquiry into the Indian Income-tax system. 441-42.

ASSOCIATION(S)—contd.

Question re—contd.

Publication of the report of Mr. S. S. Markham, Empire Secretary, Museum —, on the Museums in India. 1040.

Recognised Service Unions and — of the staff of the Posts and Telegraphs Department. 3384-85.

Recognition of the Andhra Passengers' —, Bezvada, by the Madras and Southern Mahratta Railway. 2079-80.

Rent paid by the Indian Railway Conference — for Government buildings at Delhi. 3062.

Representation of individual cases by service unions and —. 2654.

Staff of State Railways attending meetings of the Indian Railway Conference —. 2768.

Staff of the Indian Railway Conference —. 3060.

Travelling allowances of persons attending meetings of the Indian Railway Conference —. 2767-68.

Travelling allowances of staff of State Railways attending meetings of the Indian Railway Conference —. 2768.

Use of service stamps by the Indian Railways Conference —. 47-48.

Withdrawal of the circular prohibiting Government servants from co-operating with certain —. 599.

Zanzibar Indian National — Memorandum, submitted to the Riot Inquiry Commission. 431-32, 512.

ATTACHE CASE(S)—

Question re permission to intermediate class passengers to carry — and handbags free of charge. 929-30.

ATTACHED OFFICE(S)—

Question re examination for recruitment of clerks in the Government of India Secretariat and —. 3374-77.

AUDIT (RAILWAYS)—

Demand for Excess Grant. 3263.

AUDIT AND ACCOUNTS SERVICE—

Question re representation of Muslims in the —. 27-29.

AUDIT OFFICE(S)—

Question re transfer of a portion of the Postal —, Madras to Rangoon. 2960-61.

AUTHORITY(IES)—

Question re—

- prescribed under section 71-E. (1) (b) of the Indian Railways Act. 2844.
- Competent — empowered to inflict penalties on staff on State Railways. 3135-36.
- Final — in the matter of grant of passports. 1859.
- Officer next in — to a Divisional Superintendent on State Railways. 3142.

AVIATION—

- Demand for Excess Grant. 3260.
- Question re allotment for civil — in the budgets. 1042.

AVIATION SHARE—

- Statement laid on the table showing the objects on which the — of the Petrol Tax Fund was expended during 1935-36. 110-11.

AYYANGAR, MR. M. ANANTHA-SAYANAM—

- Arya marriage Validation Bill—
Consideration of clauses. 1666, 2030-33, 2782.
- Chittagong Port (Amendment) Bill—
Motion to consider. 3039, 3040.
- Code of Civil Procedure (Amendment) Bill—
Consideration of clauses. 3065-86, 3089, 3097-98.
- General Clauses (Amendment) Bill—
Motion to consider. 3036.
- Geneva Convention Implementing Bill—
Motion to consider. 2998-99.
Consideration of Clauses. 3002-03, 3004, 3005.
- Indian Companies (Amendment) Bill—
Motion to consider. 621-30, 641, 711, 725.
Consideration of a new clause after clause 2. 880, 881.
Consideration of clause 3. 890-92.
Consideration of amendment to add new clauses after clause 4. 939, 940.
Consideration of clause 7. 965-67.
Consideration of clause 10. 1072, 1073-74.
Consideration of clause 14. 1075-76.
Consideration of clause 15. 1087-89.
Consideration of clause 16. 1096, 1097-98, 1099-1100.
Consideration of clause 21. 1101.
Consideration of clause 27. 1105-06.
Consideration of clause 30. 1107-09, 1111, 1112.

AYYANGAR, MR. M. ANANTHA-SAYANAM—contd.

Indian Companies (Amendment) Bill—
contd

- Consideration of clause 32. 1164-65, 1175-77.
- Consideration of clause 35. 1190-91.
- Consideration of clause 37. 1449, 1456.
- Consideration of clause 40. 1523-25, 1531, 1541-42, 1587, 1733-36, 1741, 1742.
- Consideration of clause 41. 1767-58.
- Consideration of clause 42. 2123-24, 2126, 2139, 2140, 2141, 2151-52, 2248-49, 2250-51, 2277-78, 2282.
- Consideration of clause 44. 2359.
- Consideration of clause 48. 2364-65, 2365, 2366-67, 2368, 2368-69.
- Insertion of new clause after clause 52. 2374-75.
- Consideration of clause 65. 2396-87.
- Consideration of clause 68. 2394.
- Consideration of clause 69. 2398.
- Consideration of clause 70. 2399.
- Consideration of clause 75. 2399-2401, 2440-41.
- Consideration of clause 101. 2454.
- Consideration of clause 111. 2466, 2469, 2530, 2536.
- Insertion of new clauses after clause 94. 2539.
- Consideration of clause 113. 2554, 2555, 2557.
- Consideration of clause 114. 2558, 2559, 2561.
- Consideration of clause 116. 2563-64, 2564-65, 2565-66.
- Consideration of Council of State amendments. 3252.
- Indian Railways (Amendment) Bill—
Motion to refer to Select Committee and to circulate. 385, 388.
- Indian Rubber Control (Amendment) Bill—
Motion to consider. 3015, 3016.
- Motion for adjournment re—
Election of the provincial legislature in Bihar. 379.
- Protection of female passengers travelling in female compartments of trains. 2665-67.
- Reduction of the duty on British textiles without consulting the Legislative Assembly. 308.
- Revision of the Indian Currency and Exchange policy. 2700-03, 2711, 2712.
- Sir Otto Neimeyer's Report. 190.
- Question re—
Abolition of the Tariff Board 916-17.
Alleged disappearance of air mail letters at Karachi. 1779-80.
Alleged rude behaviour of a bus conductor towards an Indian in London. 2610.

AYYANGAR, MR. M. ANANTHA-SAYANAM—contd.

Question re—contd

- Alteration in the recorded age of the employees on the East Indian Railway. 50.
- Amalgamation of the Madras and Southern Mahratta and the South Indian Railway Companies. 269-70.
- Anti-Indian agitation and boycott of Indian Malayalees in Ceylon. 2315-16.
- Applications invited for storage accommodation at the Howrah Goods Sheds. 49.
- Appointment of a Commission on Immigration in Ceylon. 2590.
- Appointment of an expert from England to consider the question of improving the railway finances. 271-72.
- Appointment of an Indian as the Director General, Indian Medical Service. 2492-93.
- Appointment of Indian Consuls and Trade Commissioners in foreign countries. 265-66.
- Appointment of Indian Trade Commissioners in Japan and East Africa. 2497.
- Article entitled "Borrowings of Local Bodies" published in the *Indian Finance*. 2487-88.
- Article entitled "Indian Interests First" published in the *Bimbaray Sentinel* regarding negotiations to replace the Ottawa Trade Agreement. 2304.
- Article entitled "Roads and Road Transport" published in the *Madras Mail*. 2312.
- Article entitled "The Courts and the Executive" published in the *Hindu*. 2577.
- Article entitled "The Privilege of Contempt" published in the *Hindustan Times*. 2489-90.
- Article entitled "The Secret Agent" published in the *Statesman*. 2491-92.
- Article entitled "Trusteeship and Discrimination" published in the *Hindu*. 2590.
- Article entitled "Unemployment" published in the *Hindu* regarding educational reconstruction. 1595, 1596.
- Bilateral Trade Agreements with England and other countries. 917-18.
- Books, periodicals and films prohibited from entering India. 2602-03.
- Cabinet Secretary and his duties. 2587.

AYYANGAR, MR. M. ANANTHA-SAYANAM—contd.

Question re—contd

- Competition between certain shipping companies plying between Rangoon and the ports in Bengal. 2496-97.
- Compulsory insurance for the Postal and Railway Mail Service Staff. 1779.
- Conclusions arrived at by the Transport Advisory Council in Simla. 2504-06.
- Conclusions arrived at in the conference of financial experts in Simla. 2488-89.
- Construction of a railway line from Tanjore to Pattukottai. 2306-07.
- Continuance of the membership of the League of Nations by India. 1778-79.
- Convention re establishment of a machinery for fixing minimum wages. 259-60.
- Coronation of His Majesty the King Emperor. 334-36.
- Cut in pay or special pay on the East Indian Railway. 41-42.
- Delegation of powers by the Agent of the East Indian Railway to his subordinate. 45.
- Denial of facilities to Indians in Addis Ababa. 264-65.
- Detenus under Regulation III of 1818. 919-20.
- Development of an All-India policy for Indian Ports. 2591.
- Discontent among the universities of India regarding grants made to them. 2497-98.
- Draft of the Instrument of Accession. 2579.
- Duties of the Deputy Agent, Personnel, and the Welfare Officer of the Eastern Bengal Railway. 38-39.
- Exhibition of Indian products in the third Annual Exhibition of Mombasa. 336-37.
- Expenditure incurred by the Government of India on Delegates sent to League of Nations, etc. 449-50.
- Expenses on troops sent from India to Abyssinia during the Italo-Abyssinian War. 245-46.
- Extension of a building to house the Personnel Section of the Agent's Office, East Indian Railway. 46-47.
- Extermment of Mr. V. V. Giri by the Pondicherry Government. 259.

AYYANGAR, MR. M. ANANTHA-SAYANAM—contd.

Question re—contd

- Facilities given to the staff to sit for the Goods Accounts Examination on the East Indian Railway. 40-41.
- Films, books and other publications in foreign countries calculated to lower India in the eyes of the world. 91.
- Five-year programme of broadcasting. 663-66.
- Freedom of speeches to the Members of the Legislative Assembly in their constituencies. 2045-46.
- Functions of the unofficial advisers to Government in connection with the Indo-British Trade Agreement. 2849-50.
- Government's policy in respect of Treasury Bills. 2589.
- Government's quinine policy. 2302-04.
- Grant of extensions to superannuated persons and re-appointment of retired Government servants. 2514.
- Grievances of Indians in Malaya. 2306.
- Grievances of the old East Indian Railway staff on the Delhi-Umbala-Kalka section placed under the North Western Railway Administration. 37-38.
- Health of Mr. Subash Chandra Bose. 2307-09.
- Help to private flying clubs in India. 2503-04.
- Impartiality of Officers in the Provinces re legitimate activities of constitutional parties. 2581-82.
- Improvement of finances and reduction in the deficit in the railway finance. 270-71.
- Inauguration of the Federation. 334, 2503.
- India's withdrawal from the membership of the League of Nations. 246.
- Indian Delegation to Malaya to study labour immigration conditions. 2991.
- Indians in Zanzibar. 2587-89.
- Introduction of compulsory military training in India. 272.
- Introduction of the revised scales of pay on certain State Railways. 48.
- Introduction of the revised scales of pay on the Eastern Bengal Railway. 48.
- Judgment of the Sessions Judge of East Godavari in Madras in a Customs Seizure Case. 2498-99.

AYYANGAR, MR. M. ANANTHA-SAYANAM—contd.

Question re—contd

- Labour conditions on the Madras and Southern Mahratta Railway. 920-22.
- Leave granted to the Governors of Madras and the Central Provinces. 662-63.
- Loss of life or property of Indians in Abyssinia. 247.
- Loss of trade suffered by India by adopting the sanctions against Italy. 246-47.
- Marks for *Viva Voce* in the Indian Civil Service Examination. 1766-67.
- Mechanisation in the Army in India. 2490-91.
- Model Instrument of Accession. 2576-77.
- Negotiations for a fresh trade agreement with Great Britain in place of the Ottawa trade agreement. 2494.
- Negotiations for a trade agreement in place of the Ottawa Trade Agreement. 2582-85.
- Negotiations for an Indo-British Trade Agreement. 2501-03.
- Negotiations for an Indo-Japanese Trade Agreement. 335-336, 2493-94.
- Negotiations for the Tungabhadra Project. 250-51.
- Observance of the procedure laid down in Rule 34 of the Railway Service (Classification, Control and Appeal) Rules. 43-44.
- Organisation of public works in connection with the relief of unemployment. 256-58.
- Paddy imported from Siam to India. 247-50.
- Permission to provincial executive councillors to stand for election. 2499-2500.
- Placing of proscribed books in the Library of the Legislative Assembly. 1775-77.
- Political propaganda by Executive Councillors intending to contest the elections. 2577-78.
- Post of the Cabinet Secretary. 2312, 2490.
- Preparations for war by the European nations. 1780-82.
- Problems affecting Indians in Malaya. 2311.
- Procedure in the matter of promotions observed in the Howrah Division of the East Indian Railway. 47.
- Production of quinine. 2586-87.
- Promotion of employees in the Howrah Division of the East Indian Railway. 42-43.

AYYANGAR, MR. M. ANANTHA-SAYANAM—*contd.*

Question *re—contd*

- Promotions of the non-gazetted staff in certain Departments of the East Indian Railway. 36.
- Proper treatment of Indians in Ceylon. 2500-01.
- Proposals for educational reforms and measures to fight against unemployment. 263-64.
- Protection of the rights of Indians in Ceylon. 2301-02.
- Protection to the coconut industry. 2575-76, 2579-80.
- Publication of the report of Sir Otto Niemeyer. 266.
- Raising of the Rupee Loan of 1948-52, 665-66.
- Ratification of the International Labour Convention of forty hours a week. 256.
- Reduction of freight on yarn on the South Indian Railway. 333-34.
- Refusal by the Post Office to deliver a post card containing Mr. Gandhi's Picture. 915-16.
- Regulations regarding disciplinary action against railway staffs. 49.
- Release of Mr. Subhash Chandra Bose. 252-53.
- Remission of sentence of one Ratnasabhapathi Gounder of the Coimbatore District. 2319-27.
- Remission of sentence passed on the accused in the Coimbatore Extortion Case. 1134-36.
- Remodelling of the Howrah Railway Station. 45-46.
- Removal of Indian Philosophy from the list of optional subjects for the Indian Civil Service Examination. 1777-78.
- Re-organisation of establishment work on the East Indian Railway. 1007-08.
- Report on the health of Mr. Subhash Chandra Bose. 2990-91.
- Reservation of one bay of No. 4 shed within the Howrah Goods sheds. 1008.
- Rules regarding conduct of elections under the coming reforms. 2976-77.
- Rumoured resignation of his office by Sir Osborne Smith, Governor of the Reserve Bank of India. 2495-96.
- Schemes for the relief of unemployment suggested by the Sapra Committee. 258-59.
- Seizure by Customs authorities of certain books. 2309.
- Signature of passengers on monthly tickets on the East Indian Railway. 37.

AYYANGAR, MR. M. ANANTHA-SAYANAM—*contd.*

Question *re—concl'd.*

- Sir Montague Webb's Book on the trade depression and fall in prices in India. 1782-83.
- Situation arising out of the closing of the Ahmedabad Mills. 2946-47.
- Special qualifications of Sir Otto Nejmeyer for conducting the Financial Enquiry in India. 686.
- Speech of Mr. Khaitan on non-business like running of railways. 2312-15.
- Speeches of Members of Government against the policy of the Government in their personal capacity. 2944-45.
- State control of the Madras and Southern Mahratta Railway. 268-69.
- Statement on Indian interests in Tanganyika by Mr. H. Vellani. 2304-05.
- Statement on the renewal of the Indo-Japanese Trade Agreement by Mr. M. P. Gandhi. 2305.
- Steps taken to reduce the consumption of opium in India. 260-61.
- Stoppage of traders from Chinese Turkestan from proceeding to India *via* Leh. 2495.
- Strike of students in the Aligarh Muslim University. 2580-81.
- Students trained in the Indian Territorial Force. 918-19.
- Subsidy for distribution among the sugar-cane centres in the Madras Presidency. 16-18.
- Suppression of immoral traffic in women in Delhi and the centrally administered areas. 2317-18.
- Ticketless travellers charged and punished in India. 251-52.
- Torture of an Indian and his wife by Japanese in Manchukuo. 1774-75.
- Trade license bye-laws passed in Marikburg, South Africa, curtailing Indian interests. 337.
- Transfer of a portion of the Postal Audit Office, Madras, to Rangoon. 2960-61.
- Use of service stamps by the Indian Railways Conference Association. 47-48.
- Views on the Covenant of the League of Nations. 3142-43.
- Work done by the Central Market ing Board. 266-67.
- Question (Supplementary) *re—*
- Abolition of the Military Control of the Fort Zone Area in Delhi 915.
- Afghan refugees deported from Persia. 2820.

AYYANGAR, MR. M. ANANTHA-SAYANAM—*contd.*

- Question (supplementary) *re—contd.*
 Alleged kidnapping of a Hindu girl in Peshawar. 598-99.
 Allotment of residential buildings to the State Railway Staff. 2842.
 Allowances of the representatives of the ex-King of Burma. 2824.
 Amount allotted for the economic development of Tribal Areas. 2822.
 Article entitled "Broadcasting in England and India" published in the *Hindustan Times*. 594-95.
 Article entitled "India as a Naval Power" published in the *Statesman*. 510-11.
 Article entitled "Indian Sugar Industry" published in the *Amrita Bazar Patrika*. 1598.
 Article entitled "Ryots and Research" published in the *Hindu*. 1602.
 Bill affecting Indians passed in Iraq. 188.
 Books forfeited under a certain notification of the Finance Department. 674-75.
 Change in the cypher code. 32.
 Collision of special *mela* trains at Kalat railway station, North Western Railway. 2841.
 Construction of a huge railway station at Jamalpur, East Indian Railway. 1773.
 Duty and function of the police force on railway stations. 2815, 2816.
 Ecclesiastical Department of Government. 2826, 2827.
 Economy effected by the appointment of Indians in place of Europeans in the higher branches of public service. 1708.
 Editorial comments entitled "Sterling Loan" published in the *Indian Finance*. 2171.
 Enquiry into the grievances of the employees of the Bengal and North Western Railway. 2863.
 Enrolment of qualified voters by the system in operation in Great Britain. 1223-25.
 Floatation of loans. 174.
 Importation of foreign experts to examine the various Departments of Government. 599-600.
 India's contribution during the Great War to Great Britain. 2508.

AYYANGAR, MR. M. ANANTHA-SAYANAM—*contd.*

- Question (supplementary) *re—contd.*
 Indian delegation to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2174.
 Indianisation of the army. 438-39.
 Indigenous supplies of raw materials for the glass industry. 1481.
 Instruments of accession for Indian States to join the Federation. 162, 164.
 Interception of correspondence of certain classes of persons. 1854-55.
 Interview of Sir Sikandar Hayat Khan, Deputy Governor of the Reserve Bank, with the Finance Member. 2009.
 Investigation to find out the cost of cultivation of crops. 2761.
 Invitations to the members of the Legislative Assembly to visit Andamans. 759-60.
 Leave rules governing the teachers in State Railway schools. 2963, 2964.
 Letter entitled "Transport Advisory Council Meeting" published in the *Roy's Weekly*. 1927-29.
 Manufacture of cheap radio sets. 516-17.
 Measures to combat unemployment. 1847-48.
 Negotiations for an Indo-Japanese Trade Agreement. 12, 2170.
 New Rules for recruitment to the Indian Civil Service. 358-60.
 Non-acceptance of currency notes with cracks by the Currency Offices. 671.
 Non-appointment of Indians in the Cypher Bureau. 31-32.
 Non-supply of accurate forecasts of quantities by the Railway Board *re* purchase of paints and varnishes. 2877.
 Notice of termination of the Ottawa Trade Agreement. 175.
 Old coaching and goods carriages and wagons on the Bombay, Baroda and Central India Railway. 3065.
 Persons paid from Indian Revenues in the United Kingdom and the British Colonies. 2162.
 Position of Indians in Zanzibar. 33.
 Proposals for concluding Reciprocal Trade Agreements between India and Ceylon. 422-23.

AYYANGAR, MR. M. ANANTHA-SAYANAM—concl'd.

- Question (supplementary) *re—concl'd.*
 Quota principle of regulating trade between India and Japan. 2592.
 Rail-road competition. 167.
 Recruitment of Indians in the Government of India Departments. 32.
 Reduction of third class fare between Bezwada and Masulipatam on the Madras and Southern Mahratta Railway. 2340.
 Refugees and State Prisoners in Bihar and Orissa. 2820, 2821.
 Report of Sir Otto Neimeyer. 172, 173.
 Report of the Sapru Committee on unemployment. 35.
 Report of the Special Tariff Board. 500-01.
 Report of the Wheeler Committee. 242, 2939.
 Retrenchment on railways. 1901.
 Rules relating to the conditions of service of Government servants. 2855.
 Sale of quinine in England and other countries. 2344.
 Spending of the amount allotted under the head "Secret Expenditure". 2823.
 State control of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway. 181.
 System of Railway Raid for detecting ticketless passengers on the Bengal and North Western Railway. 2852.
 Tax on wells in the Delhi Province. 904-06.
 Termination of the Ottawa Trade Agreement. 1229-30.
 Treatment of Chettiers in Burma. 2177.
 Unemployment problem. 1930.
 University Training Corps. 185.
 Use of Broadcasting Stations for political propoganda. 168.
 Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3070.
 Red Cross Society (Allocation of Property) Bill—
 Motion to consider. 3031, 3033.

AZHAR ALI, MR. MUHAMMAD—**Arya Marriage Validation Bill—**

- Motion to consider. 1647.
 Consideration of clauses. 2039, 2810-11.

AZHAR ALI, MR. MUHAMMAD—concl'd.

- Code of Civil Procedure (Amendment) Bill—
 Motion to consider. 3082, 3083.
 Indian Companies (Amendment) Bill—
 Consideration of clause 3. 884, 886, 887, 888.
 Consideration of clause 37. 1441.
 Consideration of clause 42. 1985.
 Consideration of clause 111. 2532, 2534.
 Consideration of clause 113. 2553-54.
 Motion for Adjournment *re—*
 Reduction of the duty on British textiles without consulting the Legislative Assembly. 309.
 Restrictions by the United Provinces Government on the movements of the general public at Lucknow. 1244-46.
 Question *re—*
 Absence of a shed on the platform of the Hardwar Railway Station. 80.
 Amount forfeited under sections 93 and 102 of the Indian Railways Act. 3142.
 Amount paid by the Indian Railway Conference Association for their *dak* from Delhi to Simla. 3062.
 Application of the Punjab Excise Act and Excise Rules to the Delhi Province. 94.
 Appointment of a Director for village programme at the Delhi Broadcasting Station. 3350-51.
 Appointment of a *girdawar qanungo* as Manager of the Court of Wards. 3329.
 Arrangements for education in rural science in the rural areas of the Delhi Province. 3329-30.
 Boys peons, office and delivery peons of the Posts and Telegraphs Department. 3300.
 Brakemen on the East Indian Railway. 3200.
 Claims of Shahzada Saleem Muhammad Shah's debtors. 3328.
 Costs of litigation for execution of decrees on the side of the Court of Wards. 3328-29.
 Educational assistance to the children of the Railway staff reading in the Hindu and Muslim Unities. 3061.

**AZHAR ALI, MR. MUHAMMAD—
contd.**

Question re—contd.

- Electricity supply in the Shahdara town of the Delhi Province. 447.
- Employment of Muslim clerks in the Opium Agent's Office, Ghazipur. 344-46.
- Exemption of the Running Staff from the operation of the Hours of Employment Rules on State Railways. 2968-69.
- Gazettes published by Railway Administrations. 3140.
- Grant of licences for vending foreign liquor in Delhi. 94-96.
- Hardwar station on the East Indian Railway. 84.
- Honorary Magistrates on the East Indian Railway. 3059.
- Initiation of a new grade of clerks for supervisory duties in Telegraph Offices. 3313-14.
- Installation of "Carrier System" in the Posts and Telegraphs Department. 2880-81.
- Levy of water charges from the inferior servants of the Posts and Telegraphs Department in Delhi and New Delhi. 2882-83.
- Low percentage of Muslims in the Opium Agent's Office, Ghazipur. 349.
- Maintenance allowance for the inheritants of the property under the Court of Wards management in Delhi. 3328.
- Mileage allowance paid to the road van clerks on the North Western Railway. 3061.
- Non-prosecution of *sadhuis*, *jakirs* and beggars travelling without tickets on the East Indian Railway. 89.
- Officer next in authority to a Divisional Superintendent on State Railways. 96, 3142.
- Passengers detected travelling without tickets. 3140-41.
- Pensionary benefits for mechanics and mistries in the Posts and Telegraphs Department. 3301.
- Promotion of clerical staff to the posts of Transportation Inspectors and lower gazetted officers. 3062.
- Reduction of Muslim clerks in the Opium Agent's Office, Ghazipur. 346-49.
- Rent paid by the Indian Railway Conference Association for Government buildings at Delhi. 3062.

**AZHAR ALI, MR. MUHAMMAD—
concl'd.**

Question re—concl'd.

- Sale of postage stamps on holidays and Sundays. 3060.
- Sanitation of Shahdara, Delhi. 75.
- Seniority of transportation and commercial staff on the East Indian Railway. 3142.
- Staff of the Indian Railway Conference Association. 3060.
- Strength of clerks in the Opium Agent's Office, Ghazipur. 343.
- Ticket checking staff on the East Indian and North Western Railways. 3060.

Question (Supplementary) re—

- Manufacture of cheap radio sets. 516-17.
- Possibilities of industrialization in India. 518-19.
- Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3071.

B

BABUGARH—

- Question re* land taken for — Re-mount Depot. 3332-33.

BADI-UZ-ZAMAN, MAULVI—

Question re—

- Basis for anticipated reduction in staff on railways. 2983-84.
- Breaches on the Quetta Division of the North Western Railway. 2988.
- Confirmation of qualified members of the minority community in the Chief Accounts Office, North Western Railway. 2984.
- Discharge of Muslim employees on the North Western Railway due to economy campaign. 2983.
- Filling up of a post of higher grade clerk in the Railway Clearing Accounts Office. 2979.
- Filling up of vacancies of coolies and wiremen in the Electric Department of the North Western Railway, Delhi. 3310.
- Hardship and inconvenience of the travelling public on the District Railway Branch line running from Siliguri to Kishunganj. 3072-73.

BADI-UZ-ZAMAN, MAULVI—contd.**Question re—contd.**

Joint inquiry by Accounts and Traffic Department of the North Western Railway in the Electric Department. 2981.

Methods of recruitment in the Railway Board. 2981-82.

Promotions to the post of Sub-Heads in the Railway Clearing Accounts Office. 2979-80.

Recruitment of staff for electric stations to be opened at Meerut City, Muzaffarnagar and Saharanpur. 3310-11.

Special Ticket Examiners in the Headquarters Office, North Western Railway. 2989.

Stoppage of recruitment of matriculates and under-graduates in the Railway Clearing Accounts Office. 2980-81.

Stoppage of recruitment of pensionable hands to non-pensionable establishment of State Railways. 2982-83.

Vacancies of stenographers in Headquarters and Divisional Offices on the North Western Railway. 2989.

BADRUL HASAN, MAULVI—**Question re—**

Absence of a waiting room or shed at the Phulwari Sharif Station on the East Indian Railway. 2067.

Contract for building the Postal Superintendent's and Overseer's quarters at Muzaffarpur. 2067.

Enforcement of Government of India Act XI of 1858 in portion of the Delhi District which was under the Punjab Government. 3332.

Grievances of the travelling public against the Bengal and North Western Railway. 2065-66.

Percentage of Bihari Hindus and Muslims in the East Indian Railway. 2067.

Percentage of Bihari Hindus and Muslims in the Indian Medical Service. 2068.

Reduction in the staff of the Railways. 2066-67.

BAISAKHI—

Question re holiday for — in the Government of India Offices. 98.

BAJORIA, BABU BAIJNATH—**Arya Marriage Validation Bill—**

Motion to consider. 1638, 1651 55, 1658.

Consideration of clauses. 1659, 1660, 1664, 2020-21, 2028, 2031, 2033, 2037, 2043, 2044, 2045, 2048-54, 2062, 2063, 2789, 2790, 2797.

Indian Companies (Amendment) Bill—

Motion to consider. 620, 645, 702, 711, 713, 734-35, 776-83.

Consideration of clause 3. 893, 894-95, 896, 935, 1067, 1068.

Insertion of new clause after clause 3. 937-39.

Consideration of—

Clause 5. 950.

Clause 7. 959.

New clause 16. 1094, 1095.

Clause 22. 1103.

Clause 32. 1174-75, 1177.

Clause 36. 1191-92.

Clause 37. 1200, 1201.

Clause 40. 1585, 1740-42.

Clause 42. 1874, 1894, 1951,

2109-10, 2116, 2143, 2294, 2299.

Clause 55. 2378, 2379.

Clause 65. 2389.

Clause 75. 2438-39.

Clause 81. 2445.

Clause 114. 2561.

Clause 116. 2562-63, 2566.

Motion for adjournment re abolition of the Tariff Board. 225.

Question re—

Congestion on trunk telephone lines between certain cities in India. 2409-10.

Enquiry regarding working of the Income-tax Department. 3320.

Reduction of Telephone Trunk Call charges. 3320-21.

BAJPAI, SIR GIRJA SHANKAR—**Indian Lac Cess (Second Amendment) Bill—**

Motion for leave to introduce. 1562.

Oath of Office. 1557.

Resolution re indebtedness of agriculturists. 1807-13.

Statement laid on the table by — re payments for Sugar Excise Duty to Sugar Manufacturing Provinces. 111-12.

BALAMAU—

Question re absence of sheds on the platforms of the — Junction and Nimsar Station on the East Indian Railway. 923-24.

BALLOT(S)—

Motion for Adjournment *re* failure of the Government of India to secure secrecy of — in the Punjab as recommended by the Assembly. 2773.

BALUCHI(S)—

Question *re*—

— from Sind and Baluchistan in the Indian Army Reserve of Officers. 1033-34.

Employment of — in Sind in superior services in case suitable Baluchistanis are not available. 2651.

BALUCHISTAN—

Question *re*—

Alleged harassment of local — employees by their officers. 2650-51.

Baluchis from Sind and — in the Indian Army Reserve of Officers. 1033-34.

Employment of local persons in the inferior services in —. 2651.

Local persons employed in — due to earthquake. 2651.

Recruitment in the — Police Force. 2652.

BALUCHISTANIS—

Question *re*—

Employment of Baluchis in Sind in superior services in case suitable — are not available. 2651.

Representation of Muslim Sindhis and — in railway services. 2651-52.

BAN(S)—

Question *re*—

— on Indian students in Great Britain. 2175-76.

— on institutions and organisations during the Civil Disobedience Movement. 3159.

— on Mr. Subhash Chandra Bose. 689-91.

— on Prem Maha Vidyalaya of Brindaban. 676.

Removal of — on certain *Ashrams* in Bardoli and Surat. 3158.

BANERJEE, DR. P. N.—

Question *re*—

Facilities to the employees of the Railway Institutes in certain matters on State Railways. 74.

Leave, holidays and pay, etc., of industrial workers of railways. 853.

BANERJEE, DR. P. N.—contd.

Question *re*—contd.

Libraries and institutes subsidised by State Railways. 76.

Payment for holidays to the employees of the East Indian Railway Press. 69.

Works Committee of the East Indian Railway Press. 69.

BANGALORE—

Question *re*—

Extension of the Indian Trade Union Act to the — Cantonment. 2986-87.

Imperial Institute of Animal Husbandry and Dairying at —. 3130.

Purchase of Sindhi cattle for — Farm and issue of breeding bulls. 3134.

Strike in the — Tobacco Factory. 2984-86.

Teaching staff of the Imperial Institute of Animal Husbandry and Dairying at —. 3130-32.

Transfer of the control of the Animal Nutrition section at —. 3133-34.

Transfer of the Imperial Institute of Animal Husbandry and Dairying from — to Delhi. 3132.

BANGALORE HUBLI SECTION—

Question *re* transfer of the — of the Madras and Southern Mahratta Railway to the Mysore Government. 1709.

BANGALORE INSTITUTE—

Question *re* administration of the —. 1704.05.

BANGALORE MARRIAGES VALL DATING BILL—

See "Bill(s)".

BANKING BUSINESS—

Question *re* legislation to regulate —. 3325.

BAPTISM CERTIFICATES—

Question *re* acceptance of — and University Certificates in support of applications for changes in ages of the East Indian Railway staff. 97.

BAR SECTION(S)—

Question *re* reduction in the prices of steel materials in — in the Madras market by the Tata Iron and Steel Company, Limited. 2968.

BARDOLI—

Question *re* removal of ban on certain *Ashrams* in — and Surat. 3158.

BAREILLY—

Question *re—*

Condition of health of State Prisoner Bhopendra Kishore Rakshit Roy detained in the — Central Jail. 3353-54.

Frauds in the supply of coal to the Loco. Department in — City. 3175.

Non-provision of quarters at Aishbagh Junction, — and Mailani for the members of the Traffic and Loco, Department. 3173.

BARTLEY, MR. J.—

Oath of office. 1591, 1899, 2409.

BATHING ARRANGEMENT—

Question *re —* for Hindu and Muslim railway employees at Sukkur. 2646-47.

BATHROOM(S)—

Question *re* want of a — and a lavatory in the Second Class Waiting Room at Moghal Sarai. 1771-72.

BATTALION(S)—

Question *re —* of the Assam Rifles. 678-80.

BAY—

Question *re* reservation of one — of No. 4 shed within the Howrah Goods Shed. 1008.

BEAM SERVICE—

Question *re* inauguration of direct wireless — between India and Japan. 1043.

BEATS—

Question *re* fixation of the length of — of postmen in hilly tracts. 3350.

BEAWAR MILLS—

Question *re* strike in the —. 851-52.

BED SHEETS—

Question *re* provision of mosquito curtains, mattresses and — in the running rooms of drivers on State Railways. 3365.

BEDDING(S)—

Question *re* allowance to detenues for replacing utensils, — and warm clothings, etc. 3296.

BEGGARS—

Question *re—*

Free journeys enjoyed by —, *fakirs* and *sadhus* on State Railways. 1630-81.

Non-prosecution of *sadhus*, *fakirs* and — travelling without tickets on the East Indian Railway. 89.

BENARES—

Question *re—*

Availability of the Dufferin Bridge near — for vehicular traffic. 670-71.

Construction of a new Post Office building at Bisheshwargunj in —. 2660-61.

Provision of proper roads and lighting in the Saddar Bazar area of the — Cantonment. 1767-68.

Running of the Bombay-Calcutta Mail *via* Allahabad and — and through railway service between Delhi and Calcutta *via* Muttra, Agra, etc. 825.

BENARES CANTONMENT—

Question *re—*

Closing of the level crossing near the — Railway Station. 90, 827.

Construction of covered platforms on the — Railway Station. 2156-57.

Waiting room for intermediate class passengers at the — Railway Station. 670.

Want of an intermediate class waiting room at the — Railway Station. 2745-46.

BENDA—

Question *re* persons convicted in connection with the raid on the — village. 560-61.

BENGAL—

Question *re—*

Competition between certain shipping companies plying between Rangoon and the ports in —. 2496-97.

Depression in the coal industry of — and Bihar. 5-6.

Official Trustee of —. 2850-51.

BENGAL—contd.Question *re—contd.*

Relief given to the peasants of — in the famine-ridden areas. 1604-07.

Salt concessions availed of in the famine-stricken areas in Bengal. 2486.

BENGAL AND ASSAM POSTAL CIRCLE—Question *re—*

Halting allowance sanctioned to the Inspectors and Superintendents of Post Offices in the Hill Districts of the —. 2879.

Sanction of leave reserve clerks in the — and other postal circles. 2878-79.

BENGAL AND NORTH WESTERN RAILWAY—

See "Railway(s)".

BENGAL, GOVERNMENT OF—Motion for adjournment *re* extension by the — of the provisions of chapters II and III of the Bengal Public Security Act, 1932, to the town of Calcutta and the districts of 24 Parganas and Howrah. 772-74.**BENGAL NAGPUR RAILWAY—**

See "Railway(s)".

BENGAL NATIONAL CHAMBER OF COMMERCE—Question *re* views expressed by the — on the Indo-Japanese Trade Agreement. 583.**BENGAL PUBLIC SECURITY ACT—**

See "Act(s)".

BENJAMIN, MR. H. D.—

Oath of officer. 1899.

BERAR—Question *re—*

Agreement between His Majesty's Government and His Exalted Highness the Nizam about — referred to in section 47 of the Government of India Act, 1935. 1002-04.

Giving back of the administration of — to His Exalted Highness the Nizam. 591-93.

Memorial of the first grade pleaders of the Central Provinces and — against payment of a certain stamp duty. 2953-55.

BERTH(S)—Question *re* reservation of four first class — on payment of one Fare on railways. 2160-61.**BEWOOR, MR. G. V.—**

Oath of office. 2409.

BEZWADA—Question *re—*

Advisability of establishing a Central Museum for Andhra Country in —. 2987-88.

Construction of an overbridge at — Railway Station. 2487.

Recognition of the Andhra Passengers' Association, —, by the Madras and Southern Mahratta Railway. 2079-80.

Reduction of third class fare between — and Masulipatam on the Madras and Southern Mahratta Railway. 2339-40.

BHAGALPURQuestion *re* want of an intermediate class waiting room at — Railway Station. 2825.**BHAGAVAN DAS, DR.—**

Arya Marriage Validation Bill—

Motion to consider. 1651.

Consideration of clauses. 2034-25, 2027, 2040, 2774-81.

Resolution *re* indebtedness of agriculturists. 1814, 1815.**BHAG CHAND SONI, RAI BAHADUR SETH—**

Indian Companies (Amendment) Bill—

Motion to consider. 794-96.

Consideration of clause 37. 1428.

Question *re—*

Admission of Ajmer students in the Medical Colleges of other provinces. 1907-08.

Tuberculosis in Ajmer. 1907.

BHAT, MR. M. D.—

Oath of office. 1.

BHOJEEPURA—Question *re* absence of an overbridge at the — Railway Station. 3173.**BHONSLA SCHOOL—**Question *re* — of Military Training. 1612-14.

BHOPAL UJJAIN PASSENGER TRAIN—

Question *re* assault on a girl in the — 3331-32.

BHUTTO, MR. NABI BAKSH ILLAHI BUKSH—

Question *re*—

Appointment of qualified and archaeologically trained subordinates in Sind. 3059.

Bathing arrangement for Hindu and Muslim railway employees at Sukkur. 2646-47.

Conservation of protected monuments in Sind. 3058.

Conservation of protected monuments in the Bombay Presidency and in Sind. 3058-59.

Money spent for conservation of protected monuments in Sind. 3058.

Muslim representation in the electric sub-station opened at Jacobabad. 2646.

Muslim representation in the Electrical and Accounts Departments of the North Western Railway. 2645.

Promotion of non-Muslims as Assistant Wiremen in the Karachi Division of the North Western Railway. 2645-46.

Protected monuments in the Western Circle. 3057.

BIHAR—

Motion for adjournment *re* election of the provincial legislature in — 373-79.

Question *re*—

Alleged neglect of Road Development Schemes in — 1047-48.

Depression in the coal industry of Bengal and — 5-6.

Floods in — 3156.

Introduction of the — Cess (Amendment) Bill in the — Legislative Council. 2-4.

Licences for guns to cultivators in forest areas in Chhota Nagpur and — 3069-70.

Taxation proposals of provincial Governments and coal cess in — 1133-34.

Transshipment of postal articles from cities in — connected with the Bengal and North Western Railway. 2747.

Withholding of a telegram regarding motion for adjournment to discuss the conduct of the Governor of — for his taking active part in organising parties to fight the elections. 2316-17.

BIHAR AND ORISSA—

Question *re*—

Appointment of a Muslim as a Commissioner of Income-tax in — 2648-49.

Determination of seniority among the staff of the — Income-tax Department. 2648.

Gazetted Muslim officers in the — Income-tax Department. 2647.
Refugees and State Prisoners in — 2820-21.

BIHAR-BUKHTIARPUR LIGHT RAILWAY—

See "Railway(s)".

BIHAR CESS (AMENDMENT) BILL—

See "Bill(s)".

BIHARI(S)—

Question *re*—

— employees in the superior service of the Bengal and North Western Railway. 1909.

Recruitment of — and Uriyas in the Dead Letter Office, Calcutta. 2831-32.

BIHARI HINDUS—

See "Hindu(s)".

BIHARI MUSLIMS—

See "Muslim(s)".

BILATERAL TRADE AGREEMENT—

See "Trade Agreement".

BILL(S)—

Arya Marriage Validation—

Presentation of the Report of the Select Committee. 191.

Motion to consider. 1637-59.

Consideration of clauses. 1659-73, 2020-63, 2774-2813.

Bangalore Marriages Validating—
Introduced. 934.

Considered and passed. 3018-21.

Passed by the Council of State. 3389.

Bihar Cess (Amendment)—

Question *re*—

Introduction of the — in the Bihar Legislative Council. 2-4.

Opinions on the —. 4-5.

Cantonments (Amendment)—

Motion to consider. 483-89, 522-27.

Consideration of clauses. 527-59, 1563-77.

Motion to pass. 1936-42.

Passed. 1942.

Passed by the Council of State. 2522.

BILL(S)—*contd.*

- Child Marriage Restraint (Amendment)—
 Petitions laid on the table. 1629, 3244.
- Chittagong Port (Amendment)—
 Introduced. 113.
 Considered and passed. 3038-46.
 Passed by the Council of State. 3389.
- Cochin Port—
 Assent of Governor-General. 110.
- Code of Civil Procedure (Amendment) — (Amendment) of Section 51, etc.)—
 Considered and passed. 3074-99.
 Passed by the Council of State. 3389.
- Code of Criminal Procedure (Amendment) — (Amendment of Section 103)—
 Motion to continue. 1633.
 Adopted. 1633.
- Code of Criminal Procedure (Amendment) — (Amendment of Section 167)—
 Motion to continue. 1629-32.
 Adopted. 1632.
- Code of Criminal Procedure (Amendment) — (Amendment of Section 205)—
 Motion to continue. 1633-34.
 Adopted. 1634.
- Code of Criminal Procedure (Amendment) — (Amendment of Section 386)—
 Motion to continue. 1635-36.
 Adopted. 1636.
- Code of Criminal Procedure (Amendment) — (Amendment of Section 406)—
 Message from the Council of State intimating about the rejection of the motion to consider the —, as passed by the Legislative Assembly. 2349.
- Decrees and Orders Validating—
 Assent of Governor-General. 110.
- Durgah Khawaja Sahab—
 Passed by the Council of State (laid on the table). 2668.
 Motion to consider. 3285-91, 3389-90.
 Consideration of clauses. 3390-3401.
 Motion to pass. 3401-07.
 Passed as amended. 3407.
- Factories (Amendment)—
 Assent of Governor-General. 110.

BILL(S)—*contd.*

- General Clauses (Amendment)—
 Introduced. 112.
 Considered and passed. 3035-37.
 Passed by the Council of State. 3389.
- Geneva Convention Implementing—
 Introduced. 522.
 Considered and passed. 2994-3005.
 Passed by the Council of State. 3389.
 Governor General's assent to —. 110.
- Hindu Marriage Validity —
 Petitions laid on the table. 1627-29.
- Hindu Women's Rights to Property—
 Motion to refer to Select Committee. 3284-85.
 Adopted. 3285.
- Indian Aircraft (Amendment)—
 Assent of Governor-General. 110.
- Indian Companies (Amendment)—
 Presentation of the Report of the Select Committee. 112.
 Motion to consider. 606-49, 693-735, 776-815, 854-61.
 Adopted. 861.
- Consideration of—
 Clause 2. 862-78.
 New clause after clause 2. 278-83.
 Clause 3. 883-97, 934-37, 1067-69.
 New clause after clause 4. 939-44.
 Clause 5. 944-52.
 Clause 6. 952.
 Clause 7. 952-80, 1063-67, 2573.
 Clause 10. 1070-74.
 Clause 13. 1074-75.
 Clause 14. 1075-77.
 Clause 15. 1077-94.
 New clause 16. 1094-95.
 Clause 16. 1095-98.
 Clause 17. 1099-1100.
 New clause 20-A. 1100-01, 1186-87.
 Clause 21. 1101-02.
 Clause 22. 1102-05.
 Clause 27. 1105-07.
 Clause 30. 1107-13, 1161-63.
 Clause 32. 1164-82.
 Clause 33. 1182-86.
 Clause 35. 1187-91.
 Clause 36. 1191-96.
 Clause 37. 1196-1205, 1417-57, 1507-12.
 Clause 40. 1512-49, 1577-89, 1717-55, 2573-74.
 Insertion of a new clause after clause 40. 1755-56.

BILL(S)—*contd.*Indian Companies (Amendment)—*contd.*Consideration of—*contd.*

Clause 41. 1756-59.
 Clause 42. 1759-62, 1869-96, 1943-86, 2098-2154, 2247-2300, 2352-54.

Clause 44. 2354-60.

Clause 45. 2360-61.

Insertion of new clause after clause 47. 2361-64.

Consideration of clause 48. 2364-68.

Insertion of new clause after clause 48. 2368-69.

Consideration of clause 52. 2370-74, 2441-43.

Insertion of new clause after clause 52. 2374-77.

Consideration of clause 55. 2377-80.

Insertion of new clause after clause 63. 2381-83.

Consideration of—

Clause 64. 2383-86.

Clause 65. 2386-90.

Clause 67. 2390-92.

Clause 68. 2392-96.

Clause 69. 2396-99.

Clause 70. 2399.

Clause 75. 2399-2408, 2413-41.

New clause 81. 2444-47.

Insertion of new clauses after clause 94. 2538-39.

Consideration of—

New clause 94-A. 2448-49.

New clauses 94-B. and 94-C. 2449-50.

Clause 97. 2450-52.

Clause 98. 2452-54.

Clause 101. 2454.

Clause 105. 2455.

Clause 109. 2455-60, 2540-47.

Clause 110. 2460-63.

Clause 111. 2463-77, 2523-37.

Clause 113. 2548-57.

Clause 114. 2557-62.

Clause 116. 2562-67.

Motion to pass. 2567-73, 2574. Passed. 2574.

Amendments made by the Council of State (laid on the table). 3242-44.

Amendments made by the Council of State agreed to. 3245-53.

Indian Lac Cess (Amendment)— Assent of Governor-General. 110.

Indian Lac Cess (Second Amendment)— Introduced. 1562.

Indian Mines (Amendment)— Assent of Governor-General. 110.

BILL(S)—*contd.*

Indian Motor Vehicles (Amendment)—

Introduced. 394.

Motions to refer to Select Committee and to circulate. 394 413, 461-83.

Motion to circulate adopted. 483.

Indian Railways (Amendment) —

Motions to refer to Select Committee and to circulate. 113-40, 191-222, 272-305, 383-94.

Motion to circulate adopted. 394.

Indian Rubber Control (Amendment)—

Introduced. 934.

Considered and passed. 3005-18.

Passed by the Council of State. 3389.

Indian Tariff (Amendment)—

Assent of Governor-General. 110.

Indian Tariff (Second Amendment)—

Assent of Governor-General. 110.

Indian Tea Cess (Amendment) —

Considered and passed. 2984-2936.

Passed by the Council of State. 3389.

Indian Tea Control (Amendment)—

Introduced. 1562.

Considered and passed. 3021-29.

Passed by the Council of State. 3389.

Italian Loans and Credits Prohibition—

Assent of Governor-General. 110.

Manœuvres Field Firing and Artillery Practice—

Introduced. 2993.

Motion to circulate. 3265-83.

Adopted. 3283.

Parsi Marriage and Divorce—

Assent of Governor-General. 110.

Payment of Wages—

Assent of Governor-General. 110.

Question re—

— affecting Indians passed in Iraq. 188.

Circulation of — affecting women's rights. 1792-93.

Government's policy in respect of treasury —. 2589.

Method of circulation of — for eliciting public opinion. 1705-07.

Trunk telephone call —. 1486.

Red Cross Society (Allocation of Property)—

Introduced. 934.

Considered and passed. 3030-34.

Passed by the Council of State. 3389.

Repealing and Amending —

Introduced. 112-13.

BILL(S)—concltd.

Salt Additional Import-duty (Extending)—
Assent of Governor General. 110.
Trade Dispute (Amendment)—
Introduced. 113.
Motion to circulate. 3099-3123.
Adopted 3123.

BINDER(S)—

Question *re* — in the East Indian
Railway Press. 2608-09.

BINDER, MR. G. H.—

Question *re*—
Memorandum submitted by the
Indian National Association of
Zanzibar to —. 2001-03.
—'s enquiry in Zanzibar. 750.

BINDING STAFF—

Question *re* stoppage of increments
of the — of the East Indian
Railway Press. 2608.

BISHESHWARGUNJ—

Question *re* construction of a new
Post Office building at — in
Benares. 2960-61.

BITUMINOUS SOLUTION—

Question *re* purchase of —. 2835-36

BLACK PAINT—

See "Paint(s)".

BOARD(S)—

Question *re* — indicating the destina-
tions of trains fitted on through
compartments on the East Indian
Railway. 1489-90.

BOARD OF INLAND EXPERTS—

See "Expert(s)".

BOARD OF TRADE—

Question *re* appointment of Sir
Charles Innes and Sir Fredrick
Whyte as Commissioners to assist
the Commercial Relations and
Treaties Department of the —
Negotiations. 1237-38.

BOGIE(S)—

Question *re* attachment of a third
class — for servants to the East
Indian Railway Punjab Mail. 671-
73.

BOMB(S)—

Question *re* sufferers from Italian Gas
— in Addis Ababa. 1146.

BOMBAY—

Question *re*—

Communication sent by the Secre-
tary, Indian Merchants' Cham-
ber to the Secretary, Lancashire
Indian Cotton Committee, —.
589-90.

Kalka-Delhi-Calcutta and the
Calcutta — Mails run between
Howrah and Moghal Sarai. 1115-
16.

Representations held up for claims
of old scales of pay by the Post-
master General, —. 3350.

Withdrawal of Italian Consul from
—. 1238.

**BOMBAY, BARODA AND CENTRAL
INDIA RAILWAY—**

See "Railway(s)".

BOMBAY-CALCUTTA MAIL—

Question *re* running of the — *via*
Allahabad and Benares and through
railway service between Delhi and
Calcutta *via* Muttra, Agra, etc.
825.

**BOMBAY PERSIA STEAM NAVI-
GATION COMPANY, LIMITED—**

Question *re* subsidy paid to the —.
3050.

BOMBAY POSTAL CIRCLE—

Question *re*—

Confirmations of officials and in-
ferior servants in the —. 450.

Officials in the — allowed to con-
tinue in service after attaining
the age of superannuation. 3349.

BOMBAY PRESIDENCY—

Question *re*—

Conservation of protected monu-
ments in the — and in Sind.
3058-59.

Grant of concession rate for trans-
port of fodder by rail into
famine-stricken areas in the —.
1793.

BOMBAY SENTINEL—

Question *re*—

Article entitled "Greed of Kenya
Whites" published in the —
2006-06.

BOMBAY SENTINEL—contd.Question *re—contd.*

- Article entitled "Indian Interests First" published in the — regarding negotiations to replace the Ottawa Trade Agreement. 2304.
- Article entitled "Railway Coal Ramp" published in the —. 515.

BOOK(S)—Question *re—*

- confiscated under the Sea Customs Act. 3309-10.
- forfeited under a certain notification of the Finance Department. 674-75.
- in the Cellular Jail Library. 928-998.
- , periodicals and films prohibited from entering India. 2602-03.
- Fixation of the value of a shilling in Indian Currency for the sale of English — at the Wheeler's stalls on Railway Stations. 2626.
- Films, — and other publications in foreign countries calculated to lower India in the eyes of the world. 91.
- Placing of proscribed — in the Library of the Legislative Assembly. 1775-77.
- Seizure by Customs authorities of certain —. 2309-11.
- Sir Montague Webb's — on the trade depression and fall in prices in India. 1782-83.
- Writing of articles for press and publication of — by Government servants. 3359.

BOOK-BINDER(S)—

Question *re—* in the Calcutta General Post Office and its Town Sub-Office. 2830-31.

BOOKING OFFICE(S)—Question *re—*

- Amalgamation of — and extension of waiting rooms at Waltair. 1903-04.
- Cabinets of Ross Patent Ticket Cases purchased for use at the Howrah —. 76-77.
- Grant of an allowance to the clerks in the City — Calcutta. 3344.

BORPATHAR—Question *re—*

- Deforestation of Jamuguri Reserve in the — Development area in Golaghat, Assam. 2618-20.

BORPATHAR—contd.Question *re—contd.*

- Privileges enjoyed by the inhabitants of — Mouza in Assam. 2620.
- Transfer of — in the Golaghat Sub-Division in Assam to the Mikir Hill Tracts. 98.

BORROWINGS—Question *re—*

- Article entitled "— of Local Bodies" published in the *Indian Finance*. 2487-88.
- Article entitled "Madras and Neimeyer Report" regarding — arrangements of provinces. 655-56.

BOSE, MR. SUBHASH CHANDRA—

Motion for adjournment *re—*. 381-83.

Question *re—*

- Alleged suppression of a letter written by Pandit Jawaharlal Nehru to —. 2947-48.
- Arrest of —. 514-15.
- Ban on —. 689-91.
- Commend of the *Reynold's Weekly* on the arrest of —. 427.
- Health of —. 2307.
- Internment of —. 12-16, 426.
- Permission to Mr. Gandhi to visit —. 2947.
- Release of —. 252-53, 353-54, 581, 744-45.
- Report on the health of —. 2990-91, 3049, 3157-58, 3168.
- Seizure of the passport of — at Port Said. 421-22.
- Statement of the Under Secretary of State for India about —'s arrest. 581-82.

BOX(ES)—

Question *re* provision of — *khalasies* to carry the — of Indian drivers. 3365.

BOX KHALASIES—

See "Khalasies".

BOY(S)—

Question *re* alleged throwing out from a moving train of an Uriya — by a Travelling Ticket Collector of the Bengal Nagpur Railway. 3155-56.

BOY PEON—

See "Peon(s)".

BOYCOTT—

Question *re—*

Anti-Indian agitation and — of Indian Malayalees in Ceylon. 2315-16.

Circular regarding letters bearing photos of leaders and slogans of —. 1865-66.

BRAHMIN(S)—

Question *re* representation made on behalf of the — of the United Provinces by the — Sabha, Ferozepur. 2950.

BRAHMIN SABHA—

Question *re* representation made on behalf of the Brahmins of the United Provinces by the —, Ferozepur. 2950.

BRAKESMAN(EN)—

Question *re—*

— on the East Indian Railway. 3200.

Supernumerary — of the Old Oudh and Rohilkund Railway. 71-72.

BRANCH POSTMASTERS—

See "Postmaster(s)".

BREACH(ES)—

Motion for adjournment *re* Government's — of promise. 379-81.

Question *re* — on the Quetta Division of the North Western Railway. 2988.

BREACH(ES) OF TRUST—

See "Trust(s)".

BREAK OF JOURNEY—

Question *re—*

Rules on the East Indian Railway *re* alternate routes for through travelling and —. 674.

Permission for a — at Mirzapur or Chunar. 673.

BREEDING BULL(S)—

Question *re* purchase of Sindhi cattle for Bangalore Farm and issue of —. 3134.

BRIDGE(S)—

Question *re—*

Availability of the Dufferin — near Benares for vehicular traffic. 670-71.

Construction of an over — at the Gudur Junction Station. 2072-73.

BRIDGE(S)—*contd.*

Question *re—contd.*

Construction of an over — at the Railway level crossing in Cannanore. 2607.

Contract for the construction of the Howrah —. 572-75, 1763-64, 1990-92, 2992-93.

Provision of a — over the Gandak river at Saidpur Ghat near Pasa 3054.

BRINDABAN—

Question *re* ban on Prem Maha Vidyalaya of —. 676.

BRITISH ARMY—

Question *re* high proportion of the number of medical officers of the — in India and the Indian Army. 1612.

BRITISH COLONIAL POLICY—

Question *re* article entitled "— and Racial Discrimination" published in the *Hindu* regarding Kenya Highlands. 1603.

BRITISH COLONIES—

Question *re* persons paid from Indian Revenues in the United Kingdom and the —. 2161-62.

BRITISH DELEGATION—

Motion for adjournment *re* refusal of the — in Addis Ababa to give protection to the Indians there. 190.

See also "Delegation(s)".

BRITISH DEPARTMENT—

Question *re* article on the working of the — of Overseas Trade published in the *Hindu*. 596-97.

BRITISH EMPIRE FORESTRY CONFERENCE—

Question *re* — held in South Africa 60.

BRITISH GOVERNMENT—

Question *re—*

Loans taken by the Indian States from the —. 768-70.

Negotiations with the — for a new trade agreement. 2069-71.

Views regarding the —'s Policy in Palestine. 847-49.

BRITISH GUIANA—

Question *re* condition of Indians in Transvaal and —. 1934.

BRITISH INDIA—

Question *re* persons prohibited from entering —. 3159.

BRITISH INDIAN(S)—

See "Indian(s)".

BRITISH LEGATION—

Question *re* refusal of the — to give protection to the Indians in Addis Ababa. 340.

BRITISH MANUFACTURE—

See "Manufacture".

BRITISH POLICY—

Motion for adjournment *re* — in Palestine. 932-33.
Question *re* — in Palestine. 931-32.

BRITISH SOLDIERS—

See "Soldier(s)".

BRITISH TEXTILES—

See "Textiles".

BRITISH TROOP(S)—

Question *re* serving of — under the command of an Indian. 590-91,
See also "Troop(s)".

BRITISHER(S)—

Question *re* rules governing the recruitment of — to the Indian Civil Service. 1477-78.

BROADCASTING—

Question *re*—

Appointment of a foreign expert to advise Government on —. 1043-44.

Article entitled "— in England and India" published in the *Hindustan Times*. 594-95.

— of election speeches. 1791-92.

— on short waves and travelling radio service. 899-900.

Change of the name "All-India — Service" to "All-India Radio Service". 850.

Development of a minimum of common vocabulary of "basic Hindustani" in —. 901-02.

Five-year programme of —. 663-65, 761.

Grant for —. 849-50.

Programmes issued by the Delhi — Station and securing of the services of Sikhs. 3199-3200.

Regulation or control of — Indian States and Provincial Governments. 850-51.

BROADCASTING DEPARTMENT—

Question *re* interview of candidates for certain posts in the —. 2750-52.

BROADCASTING STATION—

Question *re*—

Appointment of a Director for village programme at the Delhi —. 3330-31.

Appointment of Mr. Pothan Joseph as editor of programme at the Delhi —. 1911-12.

Present position held by Mr. Franks, formerly News Editor in the Delhi —. 1473.

Propaganda for Muslim religion through the Delhi —. 1617.

Use of — for political propaganda. 167-69.

BRUTAL TREATMENT—

Question *re* alleged — of Indians in Manchuria by the Japanese authorities. 1987-88.

BUDDHISTIC STUPA—

Question *re* protection of the monuments of the ancient Amaravati — in the Guntur District. 2987.

BUDGET(S)—

Question *re*—

Allotment for civil aviation in the —. 1042.

Article entitled "The Madras —" published in the *Madras Mail*. 442-44.

Non-supply of the copies of Acts and of —, as finally passed by the Legislative Assembly to the members of the Assembly. 1866-67.

BUILDING(S)—

Question *re*—

Allotment of residential — to the State Railway Staff. 2842.

Construction of a new Post Office — at Bisheshwargunj in Benares. 2960-61.

Delay in the disposal of appeals regarding construction of — lying in the Municipal Committee, Delhi. 3387.

Disposal of applications for the construction of private — in Delhi. 101-02.

Employment of the Printing Superintendent as the caretaker of the head office — of the East Indian Railway. 1019.

BUILDING(S)—contd.**Question re—contd.**

Extension of a — to house the Personnel Section of the Agent's Office, East Indian Railway. 46-47.

Letting out of — in Connaught Circus, New Delhi, 60.

Orders for the demolition of — issued by the Delhi Municipal Committee. 450.

Prevention of accidents in the construction of —. 2625-26.

Rent paid by the Indian Railway Conference Association for Government — at Delhi. 3062.

Rent recovered for residential — from State Railway staff and outsiders. 2843.

Rules for residential — on State Railways. 81.

Rules governing the allotment of residential — to State Railway staff. 2843.

Rules governing the occupation of residential — on State Railways. 2842.

BUILDING COMMITTEE—

Question re supersession of the — of the Nasirabad Cantonment. 1714.

BULB(S)—

Question re manufacture of electrical — in India. 1482-83.

BULL(S)—**Question re—**

Improvement in the breeding of cattle and maintenance of pedigree —. 3160-61.

Purchase of Sindhi cattle for Bangalore Farm and issue of breeding —. 3134.

BULLET(S)—

Question re communiqué issued by the Royal Consul General for Italy about the supply of Dum Dum — to Ethiopian troops. 745-49.

BULLOCK(S)—

Question re complaints of the owners of horse and — drawn conveyances and carts in Delhi. 1490-91.

BULLOCK CART(S)—

See "Cart(s)".

BUNGALOW(S)—**Question re—**

Cutting of trees by the owners of — in the Almora Cantonment. 1768-69.

Repairs to private — in the Jhelum Cantonment. 1768.

BURDWAN—

Question re intermediate class passengers travelling from Howrah to — and vice versa. 2952.

BURDWAN-ARAMBAGH ROAD—

Question re allotment made for the — from the Road Development Fund. 2340-41.

BURMA—**Question re—**

Defence of — and Burmanization of the defence forces, etc., 3357.

Effect of the separation of — on the Defence expenditure. 2951.

Exclusion of — in the negotiations for a fresh trade agreement with Japan. 3358.

Report of the Application Committee on Finance Adjustment between India and —. 3357.

Report of the Committee on Financial Settlement between — and the Shan States. 3357-58.

Treatment of Chettians in —. 2177.
Working of the Payment of Wages Act in —. 1466.

BURMA, EX-KING OF—

Question re allowances of the representative of the —. 2824-35.

BURMANIZATION—

Question re defence of Burma and — of the defence forces, etc. 3357.

BUS(ES)—

Question re private — and lorries. 635.

BUS CONDUCTOR—

Question re alleged rude behaviour of a — towards an Indian in London. 2610.

BUSINESS—

See "Statement of —".

BUSS, MR. L. C.—**Indian Companies (Amendment) Bill—****Consideration of—**

- Clause 7. 963-64, 1066.
 Clause 32. 1164.
 Clause 40. 1527, 1531, 1532,
 1724.
 Clause 42. 2102.
 Clause 67. 2390, 2391.

BUXAR—

Question *re* inconvenience and hardship caused by silting up of a certain waterway between — and Chausa Railway Station on the East Indian Railway. 2978-79.

BYE-LAWS—

Question *re* trade license — passed in Marikburg, South Africa, curtailing Indian interests. 337.

C

CABINET(S)—**Question re—**

- of Ross Patent Ticket Cases purchased for use at the Howrah Booking Offices. 76-77.
 Introduction of Ross Patent Ticket — on the Eastern Bengal Railway. 77.

CABINET SECRETARY—

Question *re* post of the —. 2312, 2490.
See also "Secretary(ies)".

CABINET SYSTEM—

Question *re* deputation of Sir Eric Mieville to England to study the —. 2951.

CABINMAN—

Question *re* supply of necessary uniforms for a — officiating as a guard on the Great Indian Peninsula Railway. 83-84.

CADET(S)—**Question re—**

- Employment of "Dufferin" —. 584-85, 1918-19.
 Employment of the "Dufferin" — as officers. 3299-3300.
 Trained — of the "Dufferin". 1483-84.

CALCUTTA—**Motion for adjournment re—**

Extension by the Government of Bengal of the provisions of chapters II and III of the Bengal Public Security Act, 1932, to the Town of — and the Districts of 24-Parganas and Howrah. 772-74.
 Murder of Mail Guard Golam Sattar on a — Sirajganj train between Ranaghat and Chaudanga. 772.

Question re—

Book-binders in the — General Post Office and its Town Sub-Offices. 2630-31.

Candidate postmen in —. 2830.

Certain statements circulated by the Royal Consul General for Italy, —. 440-41.

Close observation by the Postal and Police Authorities in — on the subscribers of the *Railway Labour*. 92.

Communiqué issued by the Royal Consul-General for Italy, —. 8-9.

Complaints about the administration of the Central Telegraph Office, —. 3379.

Continuance of the cut on allowances of the Railway staff at — and Howrah. 96.

Continuation of the cut on allowances of the Railway staff at Howrah and —. 1030-31.

Duties of record suppliers in the Central Forms Store, —. 2615-16.

Employment of the inferior staff of the Imperial Library, —, on clerical duties. 2638-39.

Extensions of service granted to the staff of the Income-tax Department at —. 97.

Grant of an allowance to the clerks in the City Booking Office, —. 3344.

Grant to the Marine Club of —. 3368.

Industrial employees of the Railway Press at —. 2613.

Introduction of new scales of pay in the amalgamated Railway Presses at —. 2613.

Invidious treatment in the allotment of residences to the staff of the Locomotive Department, at —. 2644-45.

Kalka-Delhi— and the —Bombay Mails run between Howrah and Mozhal Sarai. 1115-16.

Leave rules for the industrial employees of the Railway Presses at —. 2614.

CALCUTTA—contd.

Question *re—contd.*

Letters issued from the Royal Consul General of Italy from — 2012.

Memorials from the industrial employees of the Government of India Press, — 2616-17.

Non-appointment of postmen in — in the Lower Division Posts. 2829.

Non-increase in the number of postmen in —. 2830.

Promotion of demoted employees in the Railway Press at —. 2612-13.

Recognition of the Railway Press Workers' Union, —. 2614.

Recovery of overdrawn leave allowances from the inferior staff on the Central Telegraph Office, —. 2657.

Recreation Club of the Central Telegraph Office, —. 2659-60.

Recruitment of Biharis and Uriyas in Dead Letter Office, —. 2831-32.

School established at — to train firemen, shunters and drivers. 3364.

Sorting office of the Imperial Library, —. 2639.

Supervision of work by the Telegraph Master in the Central Telegraph Office, —. 3381.

Tender for paints invited by the Indian Stores Department, — Circle. 2332.

Tenders invited by the Indian Stores Department, — Circle, for Paint Readymixed Lead White. 2329-30.

Traffic in monkeys from the Provinces to — for export to foreign countries. 84.

Transfer of certain industrial employees of the Government of India Press, —, from the temporary to the permanent establishment. 2617.

CALCUTTA CHORD RAILWAY—

See "Railway(s)".

CALCUTTA-KALKA MAIL(S)—

Question *re* lavatories in the new types of Second Class compartments of the — of the East Indian Railway. 833-34.

CAMBRIDGE—

Question *re* pre-historic stone implements taken to —. 1040-41.

CAMP CLERKS—

See "Clerk(s)".

CAMPAIGN(S)—

Question *re* — of fight against malaria scourge. 766-67.

CAMPING PARTY(IES)—

Question *re* railway carriages for shooting and camping —. 1014-15.

CANADA—

Question *re* support of — to the cessation of Sanctions against Italy. 1230-32.

CANAL(S)—

Question *re* short-comings in the scheme of cattle improvement and reduction of the — water rate. 1023.

CANDIDATE(S)—

Motion for adjournment *re* Introduction of the system of nomination in the selection of — for the Indian Civil Service in England. 190.

Question *re—*

Approved — of each community examined and declared successful in the Punjab and North-West Frontier Postal Circle. 3318.

— for Provincial elections with previous conviction. 3294.

Communal composition of — declared successful in the examination for recruitment of wireless operators. 3319.

Interview of — for certain posts in the Broadcasting Department. 2750-52.

Procedure for selection of — for Public Service Commission Examinations. 3308.

Prohibition against Government pensioners standing as Congress — to the Provincial Legislatures. 2167.

Removal of disqualification of — convicted of political offences desiring to contest the ensuing elections. 3321.

Selection of — by the Public Service Commission for admission to examination for certain services. 3354-55.

Selection of — by the Public Service Commission for certain examinations. 3309.

CANDIDATE(S)—contd.**Question re—contd.**

- Selection of — by the Public Service Commission for the Indian Audit and Accounts Service examination. 3308-09, 3327.
 Summoning of — for *Viva Voce* examination by the Public Service Commission. 3067-68.

CANNANORE—

- Question *re* construction of an over-bridge at the Railway level crossing in —. 2607.

CANTONMENT(S)—**Question re—**

- Assessment of annual value of property in the Nasirabad —. 1713.
 — in British India and their respective stations. 1691-97.
 Closing of the level crossing near the Benares — Railway station. 827.
 Construction of covered platforms on the Benares — Railway Station. 2156-57.
 Cutting of trees by the owners of bungalows in the Almora —. 1768-69.
 Enhancement of water tax in the Nasirabad —. 1713.
 Extension of the Child Marriage Restraint Act to — Areas. 1843.
 Extension of the Indian Trade Union Act to the Bangalore —. 2986-87.
 Extensions sanctioned to the engineer of the Meerut — Board. 1010.
 Income and expenditure of each —. 1058-62.
 Increase in the water rates in the Lahore —. 1059.
 Lands owned by private proprietors in —. 1699.
 Non-applicability of the Child Marriage Restraint Act to — in Central India. 2750.
 Non-applicability of the Child Marriage Restraint Act to non-regulated provinces, administered areas and —. 2749-50.
 Pay of the Executive Officer debited to the — Fund of Muttra. 1008-09.
 Provision of proper roads and lighting in the Saddar Bazar area of the Benares —. 1767-68.
 Rate charged for water supply in the Nasirabad —. 1712.

CANTONMENT(S)—contd.**Question re—contd.**

- Reduction of staff expenses and undertaking of civic amenities in the Almora —. 1769.
 Repairs to private bungalows in the Jhelum —. 1768.
 Sadar Bazars in —. 1699.
 Separation of the Deolali — Bazar from the — Area. 1763.
 Supersession of the Building Committee of the Nasirabad —. 1714.
 Taxes levied by the Dehra Dun — from the inhabitants of certain villages. 1714-15.
 Water supply in —. 1698-99.

CANTONMENT BAZAR—

- Question *re* separation of the Deolali — from the Cantonment Area. 1763.

CANTONMENT BOARD(S)—

- Question *re* refund of the amount paid by the Nasirabad — for the supply of water. 1712.

CANTONMENTS (AMENDMENT) BILL—

- See "Bill(s)".

CAPITAL SITE—

- Question *re* selection of the Orissa —. 1717.

CARBON BLACK READY MIXED PAINT—

- Question *re* Indian Stores Department contract for —. 2948-50.

CARD(S)—

- Motion for adjournment *re* prohibition of the printing of pictures of Mahatma Gandhi and others, etc., on — and covers. 364.

CARETAKER(S)—

- Question *re* employment of the Printing Superintendent as the — of the head office buildings of the East Indian Railway. 1019.

CARNIVAL(S)—

- Question *re* stoppage of — used for gambling. 834.

CARRIAGE(S)—

- Demand for Excess Grant in respect of "Working Expenses—maintenance of — and Wagon Stock". 3264.

CARRIAGE(S)—contd.**Question re—**

- Cleaning of — and latrines of trains. 1903.
- Insanitary condition of the third class — attached to the Howrah Express for a through journey to the Punjab. 1487.
- Inspection — used by officers on State Railways. 3337-38.
- Introduction of new type of Third Class —. 1472-73.
- Old coaching and goods — and wagons on the Bombay, Baroda and Central India Railway. 3064-65.
- Railway — for shooting and camping parties. 1014-15.
- Third class — built by the Bengal and North Western Railway. 1910.

CARRIAGE AND WAGON SHOPS—

- Question re** Indianisation of the senior subordinate services in the — at Ajmer. 3340.

“CARRIER SYSTEM”—

- Question re** installation of — in the Posts and Telegraphs Department. 2880-81.

CART(S)—

- Question re** complaints of the owners of horse and bullock-drawn conveyances and — in Delhi. 1490-91.

CASH CERTIFICATE(S)—**Question re—**

- Purchase of — by the Superintendent of Post Offices of Jalpaiguri Division. 2868-69.
- War Bonds and — issued during the Great War remaining unpaid. 2090-91.

CASHEW NUT(S)—

- Question re** popularising of — in Europe and particularly in England. 3304.

CAST IRON SCRAP—

- Question re** disposal of — on the North Western Railway. 3162-63.

CASTOR OIL—

- Question re** discontinuance of the use of — as lubricant on State Railways. 2237-40.

CATCH(ES)—

- Question re** — supplied in Railway Compartments for “Lift-up” window shutters. 1209-10.

CATTLE(S)—**Question re—**

- Adequate supply of fodder and grazing grounds for — and improvement of live stock in a scientific manner. 755-57.
- Dairy sections. 3132.
- Improvement in the breeding of — and maintenance of pedigree bulls. 3160-61.
- Purchase of Sindhi — for Bangalore Farm and issue of breeding bulls. 3134.
- Short-comings in the scheme of — improvement and reduction of the canal water rate. 1023.

CATTLE BYRE(S)—

- Question re** — in New Delhi. 2721, 3387.
- See also “Byre(s)”.

CAWNPORE—

- Motion for Adjournment re** prohibition of the assembling of five or more persons within a radius of two miles of certain cotton mills at —. 1562.

CELLULAR JAIL(S)—

- Question re** condition of health of political prisoners in the — in the Andamans. 3063-64.
- See also “Jail(s)”.

CEMENT—

- Question re** requirements of — and concrete. 817.

CENSORING—

- Question re** — of letters addressed to members of the Legislative Assembly. 1041.

CENSUS—

- Demand for Excess Grant. 3260.

CENTRAL BOARD OF RURAL DEVELOPMENT—

- Question re** constitution of —. 576-77.

CENTRAL FINANCE(S)—

Question *re* contribution to the Durand Tournament Committee from the — 3325-26.

CENTRAL FORMS STORE—

Question *re* duties of record suppliers in the —, Calcutta. 2615-16.

CENTRAL GOVERNMENT—

Question *re*—

Changes to be introduced in the — from the 1st April, 1937. 765-66.

Classification of passes to railways employees on the lines of the — travelling allowances rules. 1785-86.

See also "Government of India".

CENTRAL INDIA—

Question *re* non-applicability of the Child Marriage Restraint Act to Cantonments in — 2750.

CENTRAL JAIL—

See "Jail(s)".

CENTRAL LEGISLATURE—

See "Legislature(s)".

CENTRAL MARKETING BOARD—

Question *re* work done by the — 266-67.

CENTRAL MUSEUM—

See "Museum(s)".

CENTRAL PROVINCES—

Question *re*—

Leave granted to the Governors of Madras and the — 662-63.

Memorial of the first grade pleaders of the — and Berar against payment of a certain stamp duty. 2953-55.

Suffrage of the University electorate in the — 3298-99.

CENTRAL PUBLIC WORKS DEPARTMENT—

Question *re*—

Holding of three or four posts by the Divisional Engineer of the — 910.

New rules of the — about tenders. 913.

See also "Public Works Department".

CENTRAL RESPONSIBILITY—

Question *re* article entitled "Provincial Autonomy and the —" published in the *Hindu*. 1236.

CENTRAL STANDARDS OFFICE—

Question *re* metal sleepers designed in the — of the Railway Board. 1989.

CENTRAL TELEGRAPH OFFICE(S)—

See "Telegraph Office(s)".

CENTRAL UNIVERSITY BOARD—

See "University Board(s)".

CENTRALLY ADMINISTERED AREA(S)—

Question *re*—

Honorary Magistrates in the — 829-30.

Progress made in the village uplift work in the — 2318-19.

Suppression of immoral traffic in women in Delhi and the — 2317-18.

CENTRE(S)—

Question *re* non-inclusion of Patna and Nagpur in the list of — for examinations for appointment to public services. 1046-47.

CERTIFICATE(S)—

Question *re*—

Acceptance of Baptism and University — in support of applications for changes in ages of the East Indian Railway staff. 97.

Character — for service in Departments of the Government. 2601-02.

Fee for — of posting. 1859.

Form of — granted to an employee on termination of service on the Great Indian Peninsula Railway. 3335.

Income-tax realised by — procedure. 2973-74.

CESS(ES)—

Question *re*—

Levy of local — on industries. 1134.

Road — on despatches of coal from railway collieries in the Hazaribagh District. 6-7.

Subjection of Railway collieries to coal — 7-8.

Taxation proposals of provincial Governments and Coal — in Bihar. 1133-34.

CESSATION—

Question *re* support of Canada to the
— of Sanctions against Italy.
1230-32.

CEYLON—

Question *re*—

Agitation in — against Indians and
Malayalees. 2605-06.

Agitation in — to repatriate Malay-
alees. 2606-07.

Anti-Indian agitation and boycott of
Indian Malayalees in —. 2315-16.

Anti-Indian agitation in —. 2754.

Anti-Indian and Anti-Malayalees
agitation in —. 2755.

Appointment of a Commission on
Immigration in —. 2590.

Appointment of a Trade Commis-
sioner for — in India. 1228.

Article entitled "Indians not want-
ed" published in the *National
Call* regarding Indians in —. 503-
04.

— Government Railway contract for
the supply of coal. 2991-92.

Discrimination by Malaya and —
against India. 341.

Indians in —. 352-53.

Indo— Trade Relations. 575-76.

Nomination of a Malayalee to the
State Council and appointment of
a Malayalee officer to look after
the interests of Malayalees in
—. 2606.

Proper treatment of Indians in —.
2500-01.

Proposals for concluding reciprocal
trade agreement between India
and —. 422-23.

Protection of the interests of
Malayalees in —. 2754.

Protection of the rights of Indians
in —. 2301-02.

Representation of Indians in — on
the Immigration Commission.
2754-55.

Trade Agreement between India and
—. 1210.

Trade negotiations with —. 241.

CHAIR—

Statement *re* demonstration against the
ruling of the —. 331-33, 452-56.

CHAIRMAN(MEN)—

Nomination of the Panel of —. 109.

CHAKRAVARTI, ALOKNATH—

Question *re* facilities for treatment of
detenu —. 61.

CHALIHA, MR. KULADHAR—

Indian Tea Cess (Amendment) Bill—
Motion to consider. 2894-98.

Consideration of clauses. 2923.

Question *re*—

Amount allotted to the Village Re-
construction Fund for Assam.
2621-22.

Appointment of Assamese in the
superior service of the Assam
Bengal Railway. 3314-15.

Arrangement for water for guards of
the Assam Bengal Railway. 2621.

Battalions of the Assam Rifles. 678-
80.

Deforestation of Jamuguri Reserve
in the Borpathar Development
area in Golaghat, Assam. 2619-
20.

Determination of the quality of
paints, varnishes and enamels, etc.
2786.

Indian Tea Estates. 854.

Latrines for Third and Intermediate
Class passengers on the Assam
Bengal Railway. 2620-21.

Opening of recruiting depots at cer-
tain places in Assam. 2972.

Privileges enjoyed by the inhabi-
tants of Borpathar *Mouza* in
Assam. 2620.

Railway collision between Tinsukia
and Luming District on the
Assam Bengal Railway. 3314.

Recommendation for a second cham-
ber in Assam. 40, 2019-20.

Recruitment of Assamese in the
Assam Rifles. 680.

Recruitment of Gurkhas in the
Assam Rifles. 2971-72.

Retirement of officers who have serv-
ed their usual terms in the Assam
Rifles. 680-81.

Rules relating to the conditions of
service of Government servants.
2854-55.

Tea estates which applied for special
treatment under the Tea Control
Act. 854.

Termination of the opium traffic in
India. 2726-28.

Test of samples of readymixed red
oxide paints submitted by
certain firms. 2726.

Transfer of Borpathar *Mouza* in
the Golaghat Sub-Division in
Assam to the Mikir Hill Tracts.
98.

CHALIHA, MR. KULADHAR—contd.Question *re—contd.*

Wagons painted black by the East Indian Railway. 2725.

CHAMBER(S)—Question *re* recommendation for a second — for Assam. 2019-20.**CHAMBER OF COMMERCE—**Question *re—*

Letter from the South India — to the Indian Railway Conference Association. 1235-36.

Views expressed by the Bengal National — on the Indo-Japanese Trade Agreement. 583.

CHANGE(S)—Question *re* — to be introduced in the Central Government from the 1st April, 1937. 765-66.**CHANGIGARH—**Question *re* death of one Zamir Ahmad by a train at the Devi Nagar crossing near — Railway Station. 678.**CHAPMAN-MORTIMER, MR. T.—**Indian Companies (Amendment) Bill—
Consideration of—

Clause 7. 958, 967-69.

Clause 30. 1109

Clause 32. 1167-68, 1175.

Clause 40. 1513, 1534-35, 1540.

41, 1547-48, 1549, 1721, 1722.

Clause 42. 1877-79, 2113-14, 2119.

20, 2122-23, 2143, 2147, 2258,

2275-77, 2292, 2295.

Clause 44. 2357-58.

Insertion of new clause after clause 47. 2362-64.

Consideration of—

Clause 68. 2393.

Clause 111. 2526-27, 2528-29, 2529.

30.

Oath of Office. 1.

CHARACTER CERTIFICATE—*See* "Certificate(s)".**CHARGE SHEET(S)—**Question *re* permission to Station Masters on the North Western Railway to issue —. 3185.**CHARGEMEN—**Question *re* promotions and demotions of electricians and —, etc., on the Great Indian Peninsula Railway 71.**CHATTOPADHYAYA, MR. AMABENDRA NATH—**Indian Companies (Amendment) Bill—
Insertion of new clause after clause 63. 2381-82, 2383.Indian Tea Cess (Amendment) Bill—
Motion to consider. 2904-11.Question *re—*

Acceptance of Baptism and University Certificates in support of applications for changes in ages of the East Indian Railway staff. 97.

Alleged mismanagement on the Shahdara-Saharanpur Railway. 3189-90.

Alleged suppression of a letter written by Pandit Jawaharlal Nehru to Mr. Subhash Chandra Bose. 2947-48.

Allotment made for the Burdwan-Arambagh Road from the Road Development Fund. 2340-41.

Allowances fixed for wives of Indian Officers in the Indian Army Veterinary Corps. 3178.

Amnesty to State and Political Prisoners at the time of the inauguration of the provincial autonomy. 841.

Annual contract placed by the Indian Stores Department for the supply of Paint Black Readymixed for underframes and wagon bodies. 2333-34.

Anonymous memoranda making false charges against Hindu and Sikh Railway Officers. 3301-02.

Applicability of certain provisions of the Government Servants' Conduct Rules to Government pensioners. 3340-41.

Applicability of the Civil Services (Classification, Control and Appeal) Rules to the staff of the Imperial Library. 2643-44.

Applicability of the Government Servants' Conduct Rules to the staff on State Railways. 2634-35, 2642-43.

Avenues of economy on the East Indian Railway. 1015-17.

Appointment of a Sikh Officer in the appointments under the control of the Home Department. 3196-99.

Appointment of a Sikh officer in the Railway Board. 3192-95.

Appointment of apprentices on the East Indian Railway. 682-83.

Appointment of successful technical ex-apprentices of the Lillooah Workshops. 685.

CHATTOPADHYAYA, MR. AMAR-
ENDRA NATH—*contd.*Question re—*contd.*

- Arrangements for the supply of food in the Howrah and Dinapore Divisions. 843.
- Binders in the East Indian Railway Press. 2608-09.
- Cabinets of Ross Patent Ticket Cases purchased for use at the Howrah Booking Offices. 76-77.
- Certain improvements on the East Indian, Eastern Bengal and North Western Railways. 842-43.
- Classification of technically trained supervising staff of the Mechanical Department, East Indian Railway. 681-82.
- Commercial and Transportation Departments of the East Indian Railway. 2636.
- Committee to enquire into the grievances of the East Indian Railway Press staff. 2612.
- Committee to enquire into the working of the Government of India Presses and State Railway Presses. 2611.
- Congestion in the office of the Chief Commercial Manager, East Indian Railway. 2637.
- Continuance of the cut on allowances of the Railway staff at Calcutta and Howrah. 96.
- Continuation of the cut on allowances of the Railway staff at Howrah and Calcutta. 1030-31.
- Creation of a post of Assistant Accounts Officer, travelling on the East Indian Railway. 3345.
- Definitions of "clerical", "inferior" and "menial" staff as applied to Government servants. 2644.
- Detenus suffering from tuberculosis at Deoli. 61.
- Disciplinary action against non-gazetted railway staff. 1036.
- Disciplinary action against the non-gazetted staff on the Eastern Bengal Railway. 2640-41.
- Disposal of appeals against orders of discharge or dismissal on State Railways. 2629.
- Disposal of petitions in the East Indian Railway Press. 2609.
- Donations for defending defamation suits on the Eastern Bengal Railway. 3346.
- Duties of record suppliers in the Central Forms Store, Calcutta. 2615-16.

CHATTOPADHYAYA, MR. AMAR-
ENDRA NATH—*contd.*Question re—*contd.*

- Employment of relatives in the supervisory posts in the non-gazetted railway service. 3346.
- Employment of the inferior staff of the Imperial Library, Calcutta, on clerical duties. 2638-39.
- Employment of the Printing Superintendent as the caretaker of the head office buildings of the East Indian Railway. 1019.
- Ex-apprentices of the Jamalpur Technical School, East Indian Railway. 683-84, 685-86.
- Exemption of the East Indian Railway Accounts Department from the operation of certain instructions. 1037.
- Extensions of service granted to the staff of the Income-tax Department at Calcutta. 97.
- Facilities for treatment of detenu Alokcnath Chakravarti. 61.
- Farewell party to be given to the Assistant Superintendent, Howrah Goods. 1024-25.
- Forwarding agents at the Howrah Goods Sheds. 2635.
- Grant of acting allowance to the employees of the East Indian Railway Company taken over by the State. 1018.
- Grant of an allowance to the clerks in the City Booking Offices, Calcutta. 3344.
- Grants from the staff benefit fund on the Eastern Bengal Railway. 1019.
- Halting allowance sanctioned to the Inspectors and Superintendents of Post Offices in the Hill Districts of the Bengal and Assam circle. 2879.
- Indianisation of Ground Engineers employed by the Indian National Airways, Limited. 3178-79.
- Indigenous Signal Red Paint manufactured by the Murarka Paint and Varnish Works, Limited. 2334.
- Industrial employees of the Railway Press at Calcutta. 2613.
- Ineligibility of certain staff to officiate as accountants on the East Indian Railway. 1034-36.
- Installation of a time punching machine in the Railway Board Office. 3143.
- Introduction of new scales of pay in the amalgamated Railway Presses at Calcutta. 2613.

CHATTOPADHYAYA, MR. AMAR-
ENDRA NATH—*contd.*

Question re—*contd.*

Introduction of Ross Patent Ticket Cabinets on the Eastern Bengal Railway. 77.

Invidious treatment in the allotment of residences to the staff of the Locomotive Department at Calcutta. 2644-45.

Irregularities in charging salaries of the subordinates on the East Indian Railway. 60.

Leave reserve clerks in the Jalpaiguri and Coochbehar Head Post Offices. 2878.

Leave reserve clerks in the Post Offices in the Jalpaiguri Division. 2878.

Leave rules for the industrial employees of the Railway Press at Calcutta. 2614.

Liability of railway servants to be dismissed from service for insolvency or habitual indebtedness. 1028-30.

Losses sustained by Government through fraud or negligence on the East Indian Railway. 1028-29.

Meat vendors on the North Western Railway. 3302.

Memorandum issued every month by the Educational Printing Works, Lahore. 3191-92.

Memorial of the first grade pleaders of the Central Provinces and Berar against payment of a certain stamp duty. 2953-55.

Memorials from the industrial employees of the Government of India Press, Calcutta. 2616-17.

Men qualified for first and second divisions awaiting appointment in Government of India Offices and recruitments made in the Foreign and Political Department. 3152.

Mis-declaration of goods on the East Indian Railway. 1027-28.

Monopoly for the supply of paints enjoyed by certain firms. 2327-28.

Non-confirmation of persons officiating in higher grades in the Howrah Division of the East Indian Railway. 138-39.

Non-provision of old scales of pay for retrenched employees of the East Indian Railway Press. 2607-08.

Notice terminating the services of a non-gazetted Railway Employee. 2631-32.

CHATTOPADHYAYA, MR. AMAR-
ENDRA NATH—*contd.*

Question re—*contd.*

Order of the District Magistrate of Midnapore served on —. 434-38

Orders prohibiting the sale of *jhatka* meat on the North Western Railway Stations. 3190-91.

Facts entered into between the Government of Great Britain and the Communistic Government of Soviet Russia. 842.

Passenger earnings fixed for each station on the Eastern Bengal Railway. 1021-22.

Passing of the Goods Accounts Examination by Goods Clerks at Howrah. 2633-34.

Permission to Mr. Gandhi to visit Mr. Subhash Chandra Bose. 2947.

Person suspended in the East Indian Railway Press. 2623.

Political prisoners confined in the Cellular Jail in the Andamans. 835-41.

Posts of Transportation Inspectors sanctioned by the East Indian Railway. 2636-37.

Precautions for the safety of the travelling public. 2638.

Preparation of an establishment manual for the Railway Department. 1615-17.

Private buses and lorries. 835.

Procedure in regard to the convening of Selection Boards on the Howrah Division of the East Indian Railway. 83.

Procedure re condemnation of an employee on the East Indian Railway. 2635-36.

Programmes issued by the Delhi Broadcasting Station and securing of the services of Sikhs. 3199-3200.

Promotion of demoted employees in the Railway Press at Calcutta. 2612-13.

Promotions in the East Indian Railway Press. 2609.

Promotions of the relatives of gazetted officers on the East Indian Railway. 1037-38.

Promotions on the East Indian Railway. 1031-32.

Protection of female passengers in the intermediate and third class compartments on railways. 843.

Provision of garages and pits, etc., for non-gazetted staff on State Railways. 3343-44.

Purchase of coal by staff from the railways for their own use. 2633.

**CHATTOPADHYAYA, MR. AMAR-
ENDRA NATH—contd.****Question re—contd.**

- Purchase of new fittings for the motor trollies by the East Indian Railway. 1017-18.
- Purchase of stores by inviting tenders by the Indian Stores Department. 2330-31.
- Racial discrimination in the allotment of quarters in the Howrah Division of the East Indian Railway. 3342.
- Racial discrimination in the Howrah Division of the East Indian Railway in the matter of placing certain staff under suspension. 1020-21.
- Racial discrimination in the matter of promotions in the Howrah Division of the East Indian Railway. 3342-43.
- Racial discrimination in the Mechanical Department of the East Indian Railway. 2642.
- Railway carriages for shooting and camping parties. 1014-15.
- Re-appointment of retrenched persons borne on the waiting list of Railways. 2612.
- Recognition of the Railway Press Workers' Union, Calcutta. 2614.
- Recruitment of a Sikh in the office of the Superintendent of Vice-regal Estate. 3150-51.
- Reduction of the salaries of the supervising staff and of the workers of the East Indian Railway Press. 2611.
- Refresher Courses of Railways 3346.
- Release of certain classes of prisoners on the occasion of the Coronation of His Majesty the King Emperor. 841-42.
- Replacement of unqualified clerks by qualified ones in the Government of India Offices. 3151-52.
- Report on the health of Mr. Subhash Chandra Bose. 3168.
- Revision of the Free Pass Rules on the East Indian Railway. 684.
- Rules for charging rents from the employees on the East Indian Railway. 2630.
- Rules for the recruitment and training of clerical staff and the avenues for their promotion on the East Indian Railway. 1020.
- Rules for the recruitment and training of non-gazetted staff on the Eastern Bengal Railway. 1022-23.

**CHATTOPADHYAYA, MR. AMAR-
ENDRA NATH—contd.****Question re—contd.**

- Rules on the East Indian Railway preventing the employment of staff suffering from defective vision to certain posts. 1022.
- Rules regulating discipline and rights of appeal of the non-gazetted Railway servants. 1023-24.
- Running of businesses by the wives of railway servants. 3341.
- Sanction of leave reserve clerks in the Bengal and Assam Postal Circle and other postal circles. 2878-79.
- Selection and promotion of guards on the East Indian Railway. 2630-31.
- Sorting office of the Imperial Library, Calcutta. 2639.
- Special pay of employees on State Railways. 1024.
- Staff with defective vision employed as drivers and assistant Loco Foremen, etc., on State Railways. 2632-33.
- Stoppage of carnivals used for gambling. 834.
- Stoppage of increments of the binding staff of the East Indian Railway Press. 2608.
- Submission of petitions of the Railway staff to the Governor General in Council. 1020.
- Subsidiary rules regarding disciplinary action framed by the Agent, Eastern Bengal Railway. 1013-14.
- Successful ex-apprentice mechanics of the East Indian Railway Technical School. 74.
- Successful ex-apprentices of the Lillooah Workshops. 75, 684-85.
- Supplementary tender for the supply of paints invited by the Indian Stores Department. 2328-29.
- Supply of milk to the detenus at Deoli. 61.
- Tender for paints invited by the Indian Stores Department, Calcutta Circle. 2332.
- Tender for the supply of paints invited by the Indian Stores Department. 2331.
- Tenders for contract of motor mail service in the Dooars. 2877-78.
- Tenders for Red Oxide Paint accepted by the Indian Stores Department. 2331-32.
- Tenders invited by the Indian Stores Department, Calcutta Circle, for Paint Ready-mixed Lead White. 2329-30.

**CHATTOPADHYAYA, MR. AMAR-
ENDRA NATH—concl'd.****Question re—concl'd.**

Tenure of an officer of the Railway Board. 3196.

Transfer of certain industrial employees of the Government of India Press, Calcutta, from the temporary to the permanent establishment. 2617.

Treatment of railways as a commercial proposition. 2639-40.

Uniform interpretation and application on all State Railways of the rules framed by the Railway Board. 61.

Unrecorded leave granted to certain drivers on the Eastern Bengal Railway. 3344-45.

Use of office requisites for the benefit of the gazetted officers on the East Indian Railway. 1025-27.

Welfare Committees on State Railways. 2641.

CHAUSA—

Question re inconvenience and hardship caused by silting up of a certain waterway between Buxar and — Railway Station on the East Indian Railway. 2978-79.

CHECK(S)—**Question re—**

— over the work of travelling ticket examiners on the North Western Railway. 3137.

— applied to verify the evidence against the detenus. 1233.

CHELROLE—

Question re historical monuments at — in the Guntur District. 2888.

CHETTIAR(S)—

Question re treatment of — in Burma. 2177.

**CHETTIAR, MR. T. S. AVINASHI-
LINGAM—**

Indian Companies (Amendment) Bill—

Motion to consider. 634-37.

Consideration of—

Clause 2. 867.

Clause 7. 955-56, 961, 962.

Clause 40. 1528, 1530, 1583.

1744-46, 1748, 1754, 1755.

Clause 42. 1967, 1986, 2150,

2252-53, 2255-56, 2257, 2258,

2286-87, 2289, 2290.

**CHETTIAR, MR. T. S. AVINASHI-
LINGAM—concl'd.**

Indian Motor Vehicles (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 400.

Motion for adjournment re—

Order served on Khan Abdul Ghaffar Khan not to enter the North-West Frontier Province and the Punjab. 521.

Prohibition of the printing of pictures of Mahatma Gandhi and others, etc., on cards and covers. 364.

Reduction of the duty on British textiles without consulting the Legislative Assembly. 272, 305-07.

Refusal of the British Delegation in Addis Ababa to give protection to the Indians there. 190.

Question re—

Abolition of duty on Mimosa Extract. 354.

Abolition of the Tariff Board. 1132.

Action taken on the Resolution re Ottawa Trade Agreement. 188.

Alleged monetary agreement between England, France and America. 3321-22.

Amalgamation of the London Stores Department with the Indian Stores Department. 253.

Amendment of rules and standing orders in respect of privileges of the Legislative Assembly. 32-33.

Appointment to the Post of the Financial Adviser at Army Head quarters. 355-56.

Bill affecting Indians passed in Iraq. 188.

Candidates for Provincial elections with previous conviction. 3294.

Change in the cypher code. 32.

Contemplated appointment of a European as Financial Commissioner of Railways. 356-58.

Contract for the construction of the Howrah Bridge. 1763-64.

Delay in giving notice of termination of the Ottawa Trade Agreement. 338.

Deputation of Sir Eric Mieville to England to study the Cabinet System. 2951.

Deputation to Malaya to examine the question of Indians. 3135.

Discrimination by Malaya and Ceylon against India. 341.

Effect of the application of sanctions in India against Italy. 237.

Effect of the separation of Burma on the Defence expenditure. 2951.

CHETTIAR, MR. T. S. AVINASHI-LINGAM—*contd.*Question *re—contd.*

- Effect of the victory of Italy on the Indians settled in Ethiopia. 338-40.
- Encouragement of the cottage and small industries. 342-43.
- End of the Tungabhadra Dispute. 1144.
- Foreign experts invited to examine the Government of India Departments. 1129-31.
- Indian Secretaries, Joint and Assistant Secretaries in the Government of India. 1131-32.
- Indians in Fiji and substitution of nomination for election. 254-56.
- Indians in Spain. 2602.
- India's withdrawal from the membership of the League of Nations. 686, 1764-66.
- Loss of Indian lives or properties in the Italo-Abyssinian War. 188-89.
- Non-appointment of Indians in the Cypher Bureau. 31-32.
- Position of Indians in Zanzibar. 33-34.
- Post of the Private Secretary to the Finance Member. 2961.
- Railway earnings. 1145.
- Recruitment of Indians in the Government of India Departments. 32.
- Refusal of the British Legation to give protection to the Indians in Addis Ababa. 340.
- Release of Mr. Subhash Chandra Bose. 353-54.
- Report of the Income-tax Enquiry Committee. 243.
- Report of the Sapru Committee on unemployment. 34-36.
- Report of the Wheeler Committee. 241-43, 245.
- Report on the health of Mr. Subhash Chandra Bose. 3049.
- Reported massing of the Mohmand Tribes on the Frontier. 852-53.
- Reservation of Kenya Highlands to Europeans. 353.
- Reuter's message headed "Torture of Indians" published in the *Hindu*. 1764.
- Scheme for the creation of a Joint Marketing Board submitted by the Diwan of Cochin. 2990.
- Simla exodus. 354-55.
- Steps taken to improve the Railway Revenues and reduce the Railway Expenditure. 1145.
- Terrorist situation in India. 1993.
- Trade negotiations with Ceylon. 241.

CHETTIAR, MR. T. S. AVINASHI-LINGAM—*contd.*Question (Supplementary) *re—*

- Abolition of the Tariff Board. 1216-18.
- Applications for nominations to the Indian Civil Service in England. 1211-12.
- Appointment of a Committee to enquire into the finances of Railways. 491-92.
- Appointment of the Cabinet Secretary. 1997, 1998.
- Article entitled "Greed of Kenya Whites" published in the *Bombay Sentinel*. 2007, 2008.
- Article entitled "Indian Sugar Industry" published in the *Amrita Bazar Patrika*. 1597.
- Article entitled "Indo Japanese Trade Talks" published in the *Statesman*. 2004.
- Article entitled "Proposed Changes in Rail Rates" published in the *Hindu*. 1460.
- Article entitled "Unemployment" published in the *Hindu* regarding educational reconstruction. 1595.
- Bhonsla School of Military Training. 1613.
- Classification of European prisoners. 1906.
- Collection and utilisation of public subscriptions. 657-58.
- Differentiation made by the vendors of food-stuffs at Railway Stations. 2158.
- Dismissal of certain scavengers at Waltair by the Bengal Nagpur Railway. 1770.
- Economy effected by the appointment of Indians in place of Europeans in the higher branches of public service. 1708.
- Effect of the amendment of section 4 (2) of the Indian Income-tax Act. 1479.
- Employment of "Dufferin" cadets. 584-85.
- Encouragement to the cottage and small industries. 182.
- Enquiry into the condition of railway finances. 1210-11.
- Fixation of time for election to the Provincial Legislatures. 166.
- Honorary Magistrates in the Centrally administered areas. 829-30.
- Indianisation and economy in the Indian National Airways Company. 1846.
- Instruments of accession for Indian States to join the Federation. 164.
- Introduction of new scales of pay for superior services. 1477.
- Measures to combat unemployment. 1847-48.

CHETTIAR, MR. T. S. AVINASHI-LINGAM—concld.**Question (Supplementary) re—contd.**

Negotiations for an Indo-Japanese Trade Agreement. 11, 335-36.

Newspapers supplied to prisoners in the Cellular Jail. 986-99.

Organisation of public works in connection with the relief of unemployment. 257.

Paddy imported from Siam to India. 250.

Placing of railways' finances on a proper footing. 984-85.

Planning of public works. 1225-26.

Plight of weavers in Madras. 1999.

Post of economic advisor to the Government of India. 1215-16.

Post of the Cabinet Secretary. 1475-77.

Protection to Indian coconuts. 1463.

Protection to the handloom industry. 1461.

Release of Mr. Subhash Chandra Bose. 253.

Release of persons detained without trials in jails. 1996.

Renewal of the Indo-Japanese Trade Agreement. 1220.

Rules pertaining to the number of letters to be sent in the same cover. 1208-09.

Share of Indians in the quota of immigration allowed into the United States of America. 1468.

Tenders for the re-building of Quetta. 2185.

Ticketless travellers charged and punished in India. 252.

Trained cadets of the "Dufferin" 1483-84.

University Training Corps. 184.

CHETTY, MR. SAMI VENKATA-CHELUM—

Indian Companies (Amendment) Bill—

Motion to consider. 635, 697, 726-31.

Consideration of clause 3. 893.

Consideration of amendment to add new clause after clause 4. 940.

Consideration of—

Clause 15. 1091-93.

Clause 40. 1742-44.

Clause 42. 1880, 1963, 2269-71.

Clause 52. 2373-74.

Clause 75. 2431.

Clause 111. 2528.

Question re reduction in the prices of steel materials in bar sections in the Madras market by the Tata Iron and Steel Company, Limited. 2968.

CHETTY, MR. SAMI VENKATA-CHELUM—contd.

Question (Supplementary) re case of one Ratnasabhapathi Gounder of the Coimbatore District. 1136-41.

CHETWODE, SIR PHILIP—

Question re speech of — published in the *Madras Mail*. 512-14.

CHHOTA NAGPUR—

Question re—

Archæological investigation in the — Division. 1040.

Licences for guns to cultivators in forest areas in — and Bihar. 3069-70.

CHICHOKI MALIAN—

Question re want of a raised platform on the branch line between *via Jaranwala* on the North Western Railway. 1487.

CHIEF ACCOUNTS OFFICER—

See "Accounts Officer(s)".

CHIEF COMMERCIAL MANAGER—

Question re—

Article written by Mr Hawkes, — North Western Railway, on Rail-Road Competition. 3370.

Congestion in the office of the — East Indian Railway. 2637.

CHILD(REN)—

Question re—

Educational assistance to the — of the Railway staff reading in the Hindu and Muslim Universities. 3061.

Educational Institutions maintained by Railway Administrations for the education of the — of their employees. 63-66.

CHILD MARRIAGE RESTRAINT ACT—

See "Act(s)".

CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL—

See "Bill(s)".

CHINESE TURKESTAN—

Question re stoppage of traders from — from proceeding to India via Leh. 2495.

CHITTAGONG ARMOURY RAID—

Question re — prisoners in the Andamans. 3069.

CHITTAGONG PORT (AMENDMENT) BILL—
See "Bill(s)".

CHUADANGA—

Motion for adjournment *re* murder of Mail Guard Golam Sattar on a Calcutta Sirajganj train between Ranaghat and — 772.

CHUNAR—

Question *re* permission for a break of journey at Mirzapur *or* — 673.

CHUNDER, MR. N. C.—

Arya Marriage Validation Bill—
Consideration of clauses. 2802.
Indian Companies (Amendment) Bill—
Consideration of—
Clause 37. 1201-02.
Clause 41. 1759.
Clause 42. 2296.
Resolution *re* indebtedness of agriculturists. 1795-1800.

CHURCH(ES)—

Question *re* — established by certain railways for the use of their European and Anglo-Indian employees. 1493-94.

CIRCULAR(S)—

Question *re*—
— issued by the Inspector General of Police, Punjab, to regulate the number of passengers in motor buses. 1624.
— No. 11 of 1932 of the Agent, Rohilkund and Kumaon Railway. 3170.
— *re* support to shipping companies. 446.
— regarding letters bearing photos of leaders and slogans of boycott. 1865-66.
Home Department — *re* the Friday Prayer. 105.
Withdrawal of the — prohibiting Government servants from co-operating with certain Associations. 599.

CIRCULATION—

Question *re*—
— of Bills affecting women's rights. 1792-93.
Method of — of Bills for eliciting public opinion. 1705-07.

CIVIC AMENITIES—

Question *re* reduction of staff expenses and undertaking of — in the Almora Cantonment. 1769.

CIVIL AVIATION—

Question *re* allotment for — in the Budgets. 1042.

CIVIL DISOBEDIENCE MOVEMENT—

Question *re* institutions and organisations banned during the — 3159.

CIVIL LIBERTIES ASSOCIATION—

Question *re* — started by Pandit Jawaharlal Nehru. 3304.

CIVIL SECRETARIAT—

Question *re* uniformity in the office hours in the — and the Army Headquarters. 2937.

CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES—

Question *re* applicability of the — to the staff of the Imperial Library. 2643-44.

CIVIL WAR—

See "War".

CLAIMS, CASES OF—

Question *re* enhancement of the pay of the Inspector appointed to investigate — preferred against the East Indian Railway. 100.

CLASSIFICATION—

Question *re*—
Abolition of — of political prisoners. 3310.
— of duties of assistants and clerks in the Posts and Telegraphs Directorate. 2738.
— of European prisoners. 1906-07.
— of political prisoners. 1934-35.
— of prisoners. 1906.
— of technically trained supervising staff of the Mechanical Department, East Indian Railway. 681-82.
— of the members of the Imperial Secretariat Service. 2883.
Poles for — of political prisoners. 2176-77.

CLERICAL APPOINTMENTS—

Question *re* — and store-keeping appointments in the Royal Indian Army Service Corps. 2649.

CLERICAL CADRE(S)—

Question re—

Age for examination for recruitment to the — in the Postal Department. 3352.

Difference between the old lower division and new second grade — in the Posts and Telegraphs Department. 3323-24.

CLERICAL STAFF—

Question re—

Definitions of “—”, “inferior” and “menial” staff as applied to Government servants. 2644.

Promotion of — to the posts of Transportation Inspectors and lower gazetted officers. 3062.

Rules for the recruitment and training of — and the avenues for their promotion on the East Indian Railway. 1020.

See also “Staff(s)”.

CLERICAL VACANCY(IES)—

See “Vacancy(ies)”.

CLERK(S)—

Question re—

Allowances of camp — in the Punjab and North-West Frontier Postal Circle. 3362.

Certain — of the Adjutant General's Branch on deputation. 1048.

Classification of duties of assistants and — in the Posts and Telegraphs Directorate. 2738.

— in the Government of India Secretariat qualified for first and second divisions not yet provided in those divisions. 854.

— in the India Army Corps and the Military Engineering Services getting shorthand allowance. 105.

Duties of assistants and — in the Posts and Telegraphs Directorate. 2738-39.

Duties of the second grade Postal —. 2162-63.

Employment of Muslim — in the Opium Agent's Office, Ghazipur. 344-46.

Employment of the inferior staff of the Imperial Library, Calcutta, as —. 2638-39.

Examination for appointment of — in the Allahabad General Post Office. 3322-23.

Examination for recruitment of — in the Government of India Secretariat and attached offices. 3374-77.

CLERK(S)—contd.

Question re—contd.

Examination for recruitment of — in the Telephone Revenue Accounting Office, Delhi. 818-19.

Examinations for recruitment of — in the Delhi General Post Office. 3180.

Filling up of a post of higher grade — in the Railway Clearing Accounts Office. 2979.

Grant of an allowance to the — in the City Booking Offices, Calcutta. 3344.

Grant of higher initial rates of pay to graduate and intermediate — in the Posts and Telegraphs Department. 2655.

Grant of holidays to Goods and Parcel — on important Indian festivals days. 91-92.

Grant of relaxation on Sundays and holidays to the — in the Sub-Record Office of the Howrah Railway Mail Service. 71.

Initiation of a new grade of — for supervisory duties in Telegraph Offices. 3313-14.

Leave reserve — in the Jalpaiguri and Coochbehar Head Post Offices. 2878.

Leave reserve — in the Post Offices in the Jalpaiguri Division. 2878.

Mileage allowance paid to the road van — on the North Western Railway.

New scales of pay introduced for the second grade postal — and Sub-Postmaster. 2163-64.

Passing of the Goods Accounts Examination by goods — at Howrah. 2633-34.

Postal — in the Punjab and North-West Frontier Postal Circle required to pass a test in Gurmukhi. 3165-66.

Promotion of Third Division — in the Government of India Offices. 88-89.

Reduction of Muslim — in the Opium Agent's Office, Ghazipur. 346-49.

Re-employment of the temporary retrenched — of the Income-tax Department. 3145-46.

Relieving allowance to staff sent to outstations to relieve Station Masters, signallers and —. 3364.

Replacement of unqualified — by qualified — in the Government of India Offices. 3151-52.

Reserve — in the Jalpaiguri Postal Division. 2854.

Rotation of duties of — in the Telegraph Offices. 2657-58.

CLERK(S)—concl'd.Question *re*—concl'd.

Running parcel — on the Eastern Bengal Railway. 3367.

Sanction of leave reserve — in the Bengal and Assam Postal Circle and other postal circles. 2676-79.

Strength of — in the opium Agent's office, Ghazipur. 345.

Supervision of signal room — in telegraph offices. 2660-61.

Transfer of postal — who suffered in the Quetta earthquake to the Punjab Circle. 2335-36.

Transfers of certain — in the Punjab and North-West Frontier Circle. 3362-63.

CLOTH—Question *re* — purchased by the Indian Stores Department for certain Departments. 1901-02.**CLOTHING(S)—**Question *re* allowance to detenus for replacing utensils, beddings and warm —, etc. 3296.**CLOVE(S)—**Question *re*—

Putting of an embargo on the import of Zanzibar —. 582-83.

Safeguarding of the interests of Indians *re* — Trade in Zanzibar. 588.**CLOVE GROWER(S)—**Question *re* Indian — interests in Zanzibar. 440.**CLOVE GROWERS' ASSOCIATION—**Question *re* enquiry into the working of the — in Zanzibar and reservation of Kenya Highlands for Europeans. 753-54.**CLUB(S)—**Question *re* grant to the Marine — of Calcutta. 3368.**COAL—**Question *re*—Article entitled "Railway — Ramp" published in the *Bombay Sentinel*. 515.

"Ceylon Government Railway contract for the supply of —. 2991-92.

Conservation of —. 755.

Depression in the — industry of Bengal and Bihar. 5-6.

Frauds in the supply of — to the Loco. Department in Bareilly City. 3175.

COAL—cont'd.Question *re*—cont'd.

Import and excise duties on — used by Railways. 2094-95.

Purchase of — by staff from the railways for their own use. 2633.

Recommendations of the Committee on conservation of —. 752-53.

COAL CESS—

See "Cess(es)".

COAL MINE(S)—Question *re* measures for prevention of fires in —. 583.**COASTAL SHIPPING—**

See "Shipping".

COCHIN—Question *re* scheme for the creation of a Joint Marketing Board submitted by the Diwan of —. 2997.**COCHIN PORT BILL—**

See "Bill(s)".

COCOANUT(S)—Question *re* protection to Indian —. 1462-63, 2575-76, 2579-80.**CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—**

See "Bill(s)".

CODE OF CRIMINAL PROCEDURE—Question *re* rules framed by the Governor General in Council and the Local Governments under section 401 (c) of the —. 2084.**CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—**

See "Bill(s)".

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL (AMENDMENT OF SECTION 103)—

See "Bill(s)".

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL (AMENDMENT OF SECTION 167)—

See "Bill(s)".

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL (AMENDMENT OF SECTION 205)—

See "Bill(s)".

CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL (AMEND-
MENT OF SECTION 386)—
See "Bill(s)".

COFFEE—

Question re—

Grant of a preference to Indian
— 1237.
Proposal to increase freight on —,
tea and rubber. 1228.

COFFEE CESS COMMITTEE(S)—

Question re —. 85-88.

COIMBATORE—

Question re—

Case of one Ratnasabhapathi
Gounder of the — District. 1136-
41.
Remission of sentence of one Ratna-
sabhapathi Gounder of the —
District. 2319-27.
Remission of sentence passed on
the accused in the — Extor-
tion Case. 1134-36.

COLLECTION—

Question re — and preservation of
ancient Ladian manuscripts. 1041-
42.

COLLEGE(S)—

Question re students passing from
the 'A' class of the MacLagan En-
gineering College, Lahore. 3302-03.

COLLIERY (IES)—

Question re—

Explosion in a — at Sitarampur.
1922-23.
Road cess on despatches of coal
from railway — in the Hazari-
bagh District. 6-7.
Subjection of Railway — to coal
cess. 7-8.

COLLISION(S)—

Question re—

— of special *mela* trains at Kalat
railway station, North Western
Railway. 2841.
— of trains on the occasion of the
Kurukshetra fair. 1128-29.
Railway — between Tinsukia and
Lumding District on the Assam
Bengal Railway. 3314.

COLONY(IES)—

Question re entry of Indians into
States, Dominions and —. 53-59.

COMMAND—

Question re serving of British troops
under the — of an Indian. 590-
91.

COMMENT(S)—

Question re—

— of the Reynold's Weekly on the
arrest of Mr. Subhash Chandra
Bose. 427.
Editorial — entitled "Sterling
Loan" published in the *Indian
Finance*. 2170-71.

COMMERCIAL ASSOCIATION—

See "Association(s)".

COMMERCIAL DEPARTMENT—

Question re—

— and Transportation Department of
the East Indian Railway. 2636.
Making of the Postal Department
partly a — and partly a service
department. 169-70.

COMMERCIAL GROUPS—

Question re appointment for training
in the — and Transportation
Groups on the North Western
Railway. 2867-68.

COMMERCIAL MANAGER—

Question re—

Article written by Mr. Hawkes,
Chief —, North-Western Railway
on Rail-Road Competition. 3370.
Congestion in the office of the
Chief Commercial Manager, East
Indian Railway. 2637.

COMMERCIAL OPINION(S)—

Question re consultation of — and
industrial opinions after giving
notice of termination of the Ottawa
Trade Agreement. 754-55.

COMMERCIAL PROPOSITION—

Question re treatment of railways as
a —. 2639-40.

COMMERCIAL RELATIONS—

Question *re*—

Appointment of Sir Charles Innes and Sir Frederick Whyte as Commissioners to assist the — and Treaties Department of the Board of Trade Negotiations, 1237-38.

— between India and Japan. 1235.

COMMERCIAL STAFF—

Question *re*—

Discharge of — on the North Western Railway. 73.

Seniority of transportation and — on the East Indian Railway. 101, 3142.

COMMISSIONER(S)—

Question *re*—

Appointment of a — on Immigration in Ceylon. 2590.

Committees and — appointed during the last ten years. 1227, 28.

Rates of — charged by the Imperial Bank of India and advances made by it. 3143-45.

Report of the — of Enquiry concerning the Riot in Zanzibar. 1495-1504.

Representation of Indians in Ceylon on the Immigration — 2754-55.

Zanzibar Indian National Association's Memorandum submitted to the Riot Inquiry — 431-32, 512.

COMMISSIONED OFFICER(S)—

Question *re* Indian — in the Army passing promotion examination and reported fit for promotion. 3306.

COMMISSIONER(S)—

Question *re* appointment of Sir Charles Innes and Sir Frederick Whyte as a — to assist the Commercial Relations and Treaties Department of the Board of Trade Negotiations. 1237-38.

COMMISSIONER(S) OF INCOME-TAX—

Question *re*—

Appointment of a Muslim as a — in Bihar and Orissa. 2648-49.

Non-interference of Government with the — in the matter of appointments, promotions and discipline. 2648.

COMMISSIONER(S) OF INCOME-TAX—*contd.*Question *re*—*contd.*

Separation of the appellate jurisdiction of the Assistant — from his administrative functions. 2973.

COMMITTEE(S)—

Presentation of the Report of the Public Accounts —. 1246-1417.

Question *re*—

Absence of an employees' Welfare — on the Rohilkund and Kamaon Railway. 3170.

Allegations against the Members of the Port Haj —. 3128-29.

Allowances given to the Members of the Railway Advisory —. 2073-74.

Appointment of a — to enquire into the finances of Railways. 491-92.

Appointment of a — to enquire into the working of the policy of Protection. 445-46.

Appointment of a — to examine the working of the Ottawa Trade Agreement. 738.

Appointment of — similar to Haj — for those going to places of pilgrimage in India and outside. 3049-50.

Appointment of — to advise the Indian Navigation Co. regarding the complaints of passengers. 922-23.

Coffee Cess —. 85-88.

— and commissions appointed during the last ten years. 1227-28.

— formed for the Posts and Telegraphs Department. 3382.

— to consider amendments to insurance legislation. 165.

— to enquire into the grievances of the East Indian Railway Press staff. 2612.

— to enquire into the working of the Government of India Presses and State Railway Presses. 2611.

Communication sent by the Secretary, Indian Merchants' Chamber, to the Secretary, Lancashire Indian Cotton —, Bombay. 589-90.

Effect given to the Resolution *re* appointment of a Joint Standing Army —. 1485.

Recommendations of the Committee on conservation of coal. 752-53.

Recommendations of the Hides —. 1117.

COMMITTEE(S)—*contd.*

Question re—

Recommendations of the Legislative Assembly on the Hammond —, Report. 1899.

Report of the — that visited a certain school on the East Indian Railway. 3182.

Report of the Income-tax Enquiry —. 245.

Report of the Istamrardars Enquiry —. 3065.

Report of the Misra — on the position and salary of travelling ticket examiners on the East Indian Railway. 2772.

Report of the Sapru — on unemployment. 34-36.

Report of the Wheeler —. 757-58. 2938-39.

Report of the Zanzibar Riot Enquiry —. 491.

Reports of the Special Officer (Mr. Hume) and Kilokri Sewage Farm —. 908.

Welfare — on State Railways. 2641.

COMMITTEE ON FINANCIAL ADJUSTMENT—

Question re report of the Application — between Burma and India. 3357.

COMMITTEE ON FINANCIAL SETTLEMENT—

Question re report of the — between Burma and the Shan States. 3357-58.

COMMITTEE ON PETITIONS—

Appointment of the —. 109.

COMMONS—

Question re question and answers in the House of — regarding Revision of the Ottawa Trade Agreement. 1218-19.

COMMUNAL COMPOSITION(S)—

Question re—

— of candidates declared successful in the examination for recruitment of wireless operators. 3319.

— of certain Military Services. 103-04.

— of the staff in the Simla Head Post Office. 3318-19.

COMMUNAL ORDER(S)—

Question re clerical vacancies in the Dacca Head Post Office filled in contravention of the revised —. 19.

COMMUNAL REPRESENTATION—

Question re population on Fiji and — in the Fiji Legislative Council. 2068-69.

COMMUNAL REPRESENTATION FORMULAE—

Question re introduction of the “—” in the Income-tax Department. 2958.

COMMUNICATION(S)—

Question re—

— of official documents or information by a Government servant to his service Association, Union or Federation. 3335.

— sent by the Secretary, Indian Merchants' Chamber, to the Secretary, Lancashire Indian Cotton Committee, Bombay. 589-90.

COMMUNIQUE(S)—

Question re—

— issued by the Royal Consal-General for Italy, Calcutta. 8-9.

— issued by the Royal Consal-General for Italy about the supply of Dum Dum bullets to Ethiopian troops. 745-49.

COMMUNITY(IES)—

Question re approved candidates of each — examined and declared successful in the Punjab and North-West Frontier Postal Circle. 3318.

COMMUTED VALUE OF PENSIONS—

Demand for Excess Grant. 3352.

COMPANIES (AMENDMENT) BILL—

See “Indian —” under “Bill(s)”.

COMPANY(IES)—

Question re circular re support to Shipping. —. 446.

COMPARTMENT(S)—

Motion for Adjournment re protection of female passengers travelling in female — of trains. 2665-67.

COMPARTMENT(S)—*contd.***Question re—**

Boards indicating the destinations of trains fitted on through — on the East Indian Railway. 1489-90.

Catches supplied in Railway — for "Lift-up" window shutters. 1209-90.

Conditions for travelling of servants with their masters in first and second class railway —. 669-70.

Insanitary condition of the third class — attached to the Howrah Express for a through journey to the Punjab. 1487.

Insufficiency of latrines in third class — on the East Indian Railway. 1207.

Overcrowding in railway —, 831-32.

Provision of fans in the third and intermediate class — of State Railways. 963-94.

Provision of latrines in third class — on the Shabdara-Saharanpur Railway. 1118-19.

Reservation of some — for men only on railways. 660.

Translations from English of the notices pasted on Railway Platforms and inside the —. 1116.

COMPENSATION PENSION—

Question re discharge of Provincial Forest Service Officers by the Punjab Government on —. 3226-97.

COMPENSATORY ALLOWANCE—

See "Allowance(s)".

COMPETITION(S)—**Question re—**

Article written by Mr. Hawkes, Chief Commercial Manager, North Western Railway, on Rail-Road —. 3370.

Motor and lorry traffic — with the railway on the occasion of the Kurukshetra fair. 1122.

Rail-road —. 166-67.

Rail-road — and conveniences for third class passengers. 2006.

Remedies to meet motor — with Railways. 2168-69.

COMPETITIVE EXAMINATION(S)—

Question re fees charged by the Public Service Commission for —. 3176-78.

See also "Examination(s)".

COMPLAINT(S)—

Question re — about the administration of the Central Telegraph Office, Calcutta. 3379.

COMPONENT(S)—

Question re wireless valves and other —. 1044-45.

COMPOUNDER(S)—

Question re Muslim medical Officers and —, etc., on the Assam Bengal Railway. 1478.

COMPULSORY INSURANCE—

See "Insurance".

COMPULSORY MILITARY TRAINING—

See "Military Training".

CONCESSION(S)—**Question re—**

— in telegraph rates allowed to Railways, Press and Indian States. 2655-56.

Expenditure incurred on Lee — passages. 3369.

Permanent extension of the salt — to the North Vizagapatam District. 1467.

Railway — for transport of fodder to the famine-stricken areas in Guzarat and Maharashtra. 2943.

Railway — for transport of food and fodder to the famine stricken areas in the Jhalod Taluka and Pachmahal District. 2943.

Retrospective effect to — granted to railway staff. 3366.

CONCESSION RATE—

See "Rate(s)".

CONCLUSION(S)—

Question re — arrived at by the Transport Advisory Council. 758-59.

CONCRETE—

Question re requirements of cement and —. 617.

CONDEMNATION—

Question *re* procedure *re* — of an employe on the East Indian Railway. 2635-36.

CONDUCT—

Question *re*—

Rules regulating the — of Railway Servants. 2769.

Statute or Act governing the — of railway servants. 2769.

CONDUCTOR(S)—

Question *re*—

Alleged rude behaviour of a bus — towards an Indian in London. 2610.

— employed on State Railways. 2849.

CONFERENCE(S)—

Question *re*—

British Empire Forestry — held in South Africa. 60.

Conclusions arrived at in the — of financial experts in Simla. 2488-89.

Deck Passengers' — held at Vizagapatam. 1464-66.

CONFIDENTIAL REPORT(S)—

See "Report(s)".

CONFIRMATION(S)—

Question *re*—

— of officials and inferior servants in the Bombay Postal Circle. 450.

— of qualified members of the minority community in the Chief Accounts Office, North Western Railway. 2984.

— of Special Ticket Examiners on the North Western Railway. 3311.

Non— of persons officiating in higher grades in the Howrah Division of the East Indian Railway. 1038-39.

CONGESTION—

Question *re*—

— in the office of the Chief Commercial Manager, East Indian Railway. 2637.

— on trunk telephone lines between certain cities in India. 2409-10.

CONGRESS—

Question *re* prohibition against Government pensioners standing as — Candidates to the Provincial Legislatures. 2167.

CONGRESS COMMITTEE(S)—

Question *re* extermment order on one Mr. Ratna Prakash, a member of the Delhi Provincial —. 1994-95.

CONNAUGHT CIRCUS—

Question *re* letting out of buildings in —, New Delhi. 60.

CONNOTATION—

Question *re* — of the expression "Railway Administration". 2978.

CONSERVANCY PLANT(S)—

Question *re* tenders invited for the supply of — in New Delhi. 93.

CONSOLIDATED ALLOWANCE(S)—

See "Allowance(s)".

CONSTITUENCY(IES)—

Question *re* freedom of speeches to the Members of the Legislative Assembly in their —. 2945-46.

CONSTITUTIONAL PARTY(IES)—

Question *re* impartiality of Officers in the Provinces *re* legitimate activities of —. 2581-82.

CONSTRUCTION—

Question *re*—

— of a new Post Office building at Bisheshwargunj in Benares. 2960-61.

— of an overbridge at the Gudur Junction Station. 2072-73.

Contract for the — of the Howrah Bridge. 572-75, 2992-93.

Disposal of applications for the — of private buildings in Delhi. 101-02.

CONSUL(S)—

Question *re*—

Appointment of Indian — and Trade Commissioners in foreign countries. 265-66.

Withdrawal of Italian — from Bombay. 1238.

CONSUL GENERAL(S)—Question *re*—

Certain statements circulated by the Royal — for Italy, Calcutta. 440-41.

Communiqué issued by the Royal — for Italy about the supply of Dum Dum bullets to Ethiopian troops. 745-49.

Communiqué issued by the Royal — for Italy, Calcutta. 8-9.

Letters issued from the Royal — of Italy from Calcutta. 2012.

Propaganda made by the Royal — for Italy through the Post Offices. 688-89.

CONSULTATION(S)—Question *re*—

— of commercial and industrial opinions after giving notice of termination of the Ottawa Trade Agreement. 754-55.

— with Governments concerned in the Ottawa Trade Agreements *re* their continuation. 738-39.

CONTAMINATION—

Question *re* — of certain water reservoirs in Delhi. 907-08.

CONTEMPT, PRIVILEGE OF—

Question *re* article entitled "The —" published in the *Hindustan Times*. 2489-90.

CONTRACT(S)—Question *re*—

Annual — placed by the Indian Stores Department for the supply of Paint Black readymixed for underframes and wagon bodies. 2333-34.

Ceylon Government Railway — for the supply of coal. 2991-92.

— for building the Postal Superintendent's and Overseer's quarters at Muzaffarpur. 2067.

— for ice and aerated water on the East Indian Railway. 1621-23.

— for the construction of the Howrah Bridge. 572-75, 1753-64, 1990-92, 2992-93.

— for the supply of Red Oxide for railway wagons and underframes. 2940-41.

— of agency for purchase of grains for Military and the management of Grain Depots at certain places. 2617-19.

CONTRACT(S)—*contd.*

Indian Stores Department — for Carbon Black Readymixed Paint. 2948-50.

Tenders for — of motor mail service in the Dooars. 2877-78.

CONTRIBUTION(S)—Question *re*—

India's — during the Great War to Great Britain. 2507-08.

India's — to the League of Nations. 2508.

CONVENIENCE(S)—

Question *re* rail-road competition and — for third class passengers. 2006.

CONVENTION(S)—Question *re*—

— *re* establishment of a machinery for fixing minimum wages. 259-60.

Implementing of the — on forced labour. 2622-23.

Indo-Japanese — and protocol. 420-21.

Ratification of the International Labour — of forty-hours a week. 256.

Ratification of the International Labour — regarding forced labour. 2075-77.

CONVERSION(S)—

Question *re* — of the depressed classes belonging to Hinduism to any other religion. 2521.

CONVEYANCE(S)—

Question *re* complaints of the owners of horse and bullock-drawn — and carts in Delhi. 1490-91.

CONVICT(S)—Question *re*—

Appointment of non-official visitors for the Cellular Jail and — Settlement in the Andamans. 999-1000.

Certain facilities provided to the — sent to the Andamans. 985-88.

— settlements in Europe and America. 989.

— settlements in India for the reclamation of Criminal Tribes. 989.

Male and female prisoners in the — settlement in the Andamans. 985.

CONVICTION(S)—

Question re candidates for Provincial elections with previous — 3294.

COOCHBEHAR—

Question re leave reserve clerks in the Jalpaiguri and — Head Post Offices. 2878.

COOKS—

Question re provision of — to drivers on the East Indian Railway. 3365.

COOLY(IES)—

Question re—
Abolition of the use of the word "—" for porters at Railway stations. 659.

Appeals against the removal of — Jamadar or a — on State Railways. 68.

Filling up of vacancies of — and wiremen in the Electric Department of the North-Western Railway, Delhi. 3310.

Use of the word "—" in respect of Indians and "Labour" in respect of Europeans and Anglo-Indians. 100.

COOLY JAMADAR(S)—

See "Jamadar(s)".

CO-OPERATIVE MOVEMENT—

Question re distribution and utilization of the grant for the development of — 2485-86.

CO-OPERATIVE SOCIETY(IES)—

Question re grant of loans to the employees by the East Indian Railway — 2972-73.

CORDITE FACTORY LABOUR UNION—

Question re resolutions passed by the —, Aruvankadu. 2072.

CORONATION—

Question re—
— Durbar in India. 1232.
— of His Majesty the King Emperor. 334-35.
— of King Edward VIII in India. 1143-144.

Release of certain classes of prisoners on the occasion of the — of His Majesty the King Emperor. 841-42.

CORRESPONDENCE—

Question re—

Interception of — and tapping of telephones of political workers of Delhi. 1851-54.

Interception of — of certain classes of persons. 1854-55.

CORRESPONDENT(S)—

Motion for adjournment re cancellation of the Press Gallery Pass of the — of the *Anrita Bazar Patrika*. 2664-65.

CORRUPTION(S)—

Question re alleged — in the Delhi Municipal Committee. 102.

COST(S)—

Question re investigation to find out the — of cultivation of crops. 2759-61.

COTTAGE INDUSTRY(IES)—

Question re—

Action taken on the resolution re protection to — 1904.

Encouragement to the — and small industries. 181-83, 342-43.

Government — Institute, Delhi. 504-05.

COTTON—

Question re—

Export of raw — and raw — purchased by the United Kingdom and Japan. 586.

Giving effect to the recommendations of the Tariff Board on the — Textile Industry. 1237.

Reduction in the protective duty on — and piece-goods of British manufacture. 1482.

COTTON COMMITTEE—

Question re communication sent by the Secretary, Indian Merchants' Chamber, to the Secretary, Lancashire Indian —, Bombay. 589-90.

COTTON GOODS—

Motion for adjournment re reduction of the import duty on grey — and bordered and bleached — imported from the United Kingdom. 365.

COTTON INDUSTRY—

Question *re* interview given by Sir Homi Mehta to the *Manchester Guardian* regarding Indian — 2178.

COTTON MILL(S)—

Motion for adjournment *re* prohibition of the assembling of five or more persons within a radius of two miles of certain — at Cawnpore. 1562.

COTTON TEXTILE INDUSTRY—

Question *re*—

Effects of the recommendations of the Tariff Board on the — upon the handloom weavers. 2078-79.

Giving effect to the Recommendations of the Tariff Board on the — 1144.

Government's action on the Report of the Tariff Board on the — 1240-42.

COUNCIL(S)—

Question *re*—

Nomination of a Malayalee to the State — and appointment of a Malayalee officer to look after the interests of Malayalees in Ceylon. 2606.

Part played by India in the Meetings of the — or the Assembly of the League of Nations after the conquest of Ethiopia by Italy. 494-95.

COUNCIL OF AGRICULTURAL RESEARCH—

See "Imperial —".

COUNCIL OF STATE—

Demand for Excess Grant. 3257.
Speech delivered to the — and the Legislative Assembly by His Excellency the Viceroy. 1551-56.

COUNTRY(IES)—

Question *re*—

Negotiations for the establishment of better trade relations with foreign — 2012-14.

Reservation of the Kenya Highlands for Europeans and position of Indians in foreign — 186-87.

Training of Indian students in certain foreign — 61-62.

COURT(S)—

Question *re* assistance given by Income-tax Officers to Income-tax Commissioners in classes of appeal in open — 2155.

COURT OF ENQUIRY—

Question *re* — regarding the re-trenchment of staff on Railways. 2624.

COURT OF WARDS—

Question *re*—

Appointment of a *Girdawar Qanungo* as Manager of the — 3329.

Costs of litigation for execution of decrees on the side of the — 3328-29.

Maintenance allowance for the inheritants of the property under the — management in Delhi. 3328.

COURTS AND THE EXECUTIVE—

Question *re* article entitled "The —" published in the *Hindu*. 2577.

COVENANT(S)—

Question *re* views on the — of the League of Nations. 3142-43.

COVER(S)—

Motion for adjournment *re* prohibition of the printing of pictures of Mahatma Gandhi and others, etc, on cards and — 364.

CRAIK, THE HONOURABLE SIR HENRY—

Arya Marriage Validation Bill—
Consideration of clauses. 1669.

Code of Civil Procedure (Amendment) Bill—

Motion to consider. 3074-77.

Consideration of clauses. 3085, 3089, 3091-93, 3094-95.

Motion to pass. 3099.

Motion for Adjournment *re*—

Control of the soldiers on the football ground at Annandale. 2225, 2227, 2228-29, 2230, 2231, 2232.

New rules for recruitment to the Indian Civil Service. 110, 151-54, 155, 157.

Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting. 3203-04, 3205, 3206.

CRAIK, THE HONOURABLE SIR HENRY—contd.

Resolution re—
Indebtedness of agriculturists.
1799, 1803, 1836-38.

Interference from Public Servants
in the ensuing elections. 1840,
2207, 2222, 2223, 2233-35, 2236,
2668-70, 2671, 2672, 2688, 2691.

-CREW DEPARTMENT—

Question re cancellation of the ap-
pointments of Muslim Inspectors in
the — Eastern Bengal Railway. 76.

-CREW STAFF—

Question re—
Mileage allowance granted for — on
the Eastern Bengal Railway. 3366.

Recording of names of the crew
staff who fail to collect excess
fares from passengers on the
Eastern Bengal Railway. 3356-
66.

Running room arrangement for —
on the Eastern Bengal Railway.
3366.

-CREW SYSTEM—

Question re abolition of posts of in-
spectors in the — on the East
Indian Railway. 2761.

**CRIMINAL INVESTIGATION DE-
PARTMENT—**

Question re issue of platform tickets
to the members of the —. 824-25.

**CRIMINAL LAW AMENDMENT
ACT—**

See "Act(s)".

**CRIMINAL PROCEDURE (AMEND-
MENT) BILL—**

See "Code of —" under "Bill(s)".

CRIMINAL TRIBE(S)—

Question re convict settlements in
India for the reclamation of —.
989.

CRISIS(SES)—

Question re article entitled "The —
in South Africa", published in the
Hindu. 597-98.

CROP(S)—

Question re—
Failure of — in Ahmedabad and
other districts of Gujarat. 85.
Investigation to find out the cost
of cultivation of —. 2759-61.

CROSSING—

Question re death of one Zamir Ah-
mad by a train at the Devi Nagar
— near Chandigarh Railway Sta-
tion. 678.

CULTIVATORS—

Question re Licences for Guns to —
in forest areas in Chota Nagpur and
Behar. 3069-70.

CURRENCY(IES)—

Motion for adjournment re revision
of the Indian — and Exchange
policy. 2667-68, 2700-20.

Question re—

Fixation of the value of a shilling
in Indian — for the sale of
English books at the Wheeler's
stalls on Railway Stations. 2625.

Issue of postage stamps and —
with the new King's effigy. 823.

CURRENCY NOTE(S)—

Question re—

Non-acceptance of — with cracks
by the Currency Offices. 671.

Payment of full value for torn —.
2091-92.

CURRENCY POLICY—

Motion for adjournment re Govern-
ment's —. 2097-98.

CUSTOMS—

Question re — revenue realised on
foreign radio sets. 900.

CUSTOMS AUTHORITY(IES)—

Question re seizure by — of certain
books. 2309-11.

CUSTOMS DUTY—

Question re exemption of teak logs
from the protective —. 3358.

CUSTOMS SEIZURE CASE—

Question re judgment of the Sessions
Judge of East Godavari in Madras
in a —. 2498-99.

CUT(S)—

Question re—

Continuance of the — on allowances of the Railway Staff at Calcutta and Howrah. 96.

Continuation of the — on allowances of the Railway Staff at Howrah and Calcutta. 1030-31.
— in pay or special pay on the East Indian Railway. 41-42.

CUTTACK—

Motion for adjournment re shifting of the Provincial Headquarters of Orissa from —. 190.

CYPHER BUREAU—

Question re non-appointment of Indians in the —. 31-32.

CYPHER CODE—

Question re change in the —. 32.

D

DACCA—

Question re clerical vacancies in the — Head Post Office filled in contravention in the revised communal orders. 19.

DAIRY (IES)—

Question re—

Cattle — sections. 3132.
Functions and duties of the Imperial — Experts. 3132-33.
Research works carried out by the Imperial — Expert. 3134-35.

DAIRYING—

Question re—

Teaching staff of the Imperial Institute of Animal Husbandry and — at Bangalore. 3130-32.
Transfer of the Imperial Institute of Animal Husbandry and — from Bangalore to Delhi. 3132.

DAK—

Question re amount paid by the Indian Railway Conference Association for their — from Delhi to Simla. 3062.

DALAL, DR. R. D.—

Indian Companies (Amendment) Bill—
Motion to consider. 785-87.
Motion for adjournment re new rules for recruitment to the Indian Civil Service. 150.

DANIDAW—

Question re labcars employed on the L. V. "—" and "Kalagonk" plying in the Rangoon Port. 1464.

DARLING, MR. M. L.—

Oath of Office. 1763.
Resolution re indebtedness of agriculturists. 1822-27.

DAS, MR. B.—

Chittagong Port (Amendment) Bill—
Motion to consider. 3040-41.

Indian Companies (Amendment) Bill—
Motion to consider. 618-20.
Consideration of clause 42. 2122, 2253-54.

Consideration of clause 111. 2464.
Indian Tea Control (Amendment) Bill—

Consideration of clause 4. 3024, 3025, 3026, 3027.

Manœuvres Field Firing and Artillery Practice Bill—

Motion to circulate. 3266-69.

Motion for adjournment re—

Abolition of the Tariff Board. 228-29.

Revision of the Indian Currency and Exchange policy. 2703-05.

Question re—

Allegations against certain employees of the Bengal Nagpur Railway. 3156.

Alleged throwing out from a moving train of an Oriya boy by a Travelling Ticket Collector of the Bengal Nagpur Railway. 3155-56.

Appointment of committees similar to Haj Committees for those going to places of pilgrimage in India and outside. 3049-50.

Question (Supplementary) re—

Accident at the Niluripathra colliery in the Jharia coalfield. 2522.

Contemplated appointment of a European as Financial Commissioner of Railways. 356-58.

Duty on the imports of Aden salt into India after separation. 2096.
Import and excise duties on coal used by Railways. 2095.

India's contribution to the League of Nations. 2508.

Negotiations between the Government of India and the Kathiawar States to regulate the import of foreign goods. 2412.

Red Cross Society (Allocation of Property) Bill—

Consideration of clauses. 3032-33.

Trade Disputes (Amendment) Bill—
Motion to circulate. 3111-12.

DAS, MR. BASANTA KUMAR—

Indian Tea Cess (Amendment) Bill—
Consideration of clauses. 2918-19,
2930, 2931, 2932, 2933.

Question *re*—

Cattle Dairy sections. 3132.
Functions and duties of the Impe-
rial Dairy Experts. 3132-33.
Imperial Institute of Animal Hus-
bandry and Dairying at Bangalore.
3130.

Purchase of Sindhi cattle for
Bangalore Farm and issue of breed-
ing bulls. 3134.

Research works carried out by the
Imperial Dairy Expert. 3134-35.

Teaching staff of the Imperial
Institute of Animal Husbandry
and Dairying at Bangalore. 3130-
32.

Transfer of the control of the
Animal Nutrition section at
Bangalore. 3133-34.

Transfer of the Imperial Institute
of Animal Husbandry and Dairying
from Bangalore to Delhi.
3132.

Resolution *re* indebtedness of agri-
culturists. 1804, 1829-32.

DAS, PANDIT NILAKANTA—

Appointment of — to the Committee
on Petitions. 109.

Arya Marriage Validation Bill—

Consideration of clauses. 2050.

Indian Companies (Amendment) Bill—

Consideration of clause 5. 950, 951.

Indian Railways (Amendment) Bill—

Motion to refer to Select Com-
mittee and to circulate. 197, 198,
199-202.

Indian Tea Cess (Amendment) Bill—

Motion to consider. 2897, 2898-
2904.

Consideration of clauses. 2916,
2917, 2928-29, 2930, 2933.

Motion for adjournment *re* shifting of
the Provincial Headquarters of
Orissa from Cuttack. 190.

Question *re*—

Adulterated tea leaves sold for
human consumption. 3062-63.

Classification of European prisoners.
1906-07.

Classification of prisoners. 1906.

Engineering firms fabricating and
assembling steel products in India.
94.

Firms manufacturing pig iron in
India. 93.

Installation of time punching
machines in the Railway Board
Office. 3149-50.

DAS, PANDIT NILAKANTA—contd.

Intermediate class passengers travel-
ling from Howrah to Burdwan
and *vice versa*. 9852.

Report on the health of Mr. Subhas
Chandra Bose. 3187-88.

Selection of the Orissa capital site.
1717.

Surplus materials of the Calcutta-
Chord Railway. 1904-05.

Question (Supplementary) *re*—

Help to the handloom weavers.
2078.

King George Memorial Fund. 2072.

DAS GUPTA, MR. S. K.—

Indian Motor Vehicle (Amendment)
Bill—

Motions to refer to Select Com-
mittee and to circulate. 412-13,
461-62.

Oath of Office. 1, 2301.

DATTA, MR. AKHIL CHANDRA—

Indian Companies (Amendment) Bill—

Consideration of clause 3. 892.

Consideration of clause 7. 957-58.

Consideration of clause 10. 1071,
1072, 1074.

Consideration of clause 15. 1093.

Consideration of clause 37. 1426-27.

Consideration of clause 40. 1585,
1755.

Consideration of clause 42. 1870-71,
1876, 2138, 2146, 2253, 2280-81,
2282-83, 2284.

Consideration of clause 64. 2383-85,
2386.

Consideration of clause 111. 2479,
2524, 2525, 2526, 2531-32, 2534-35,
2536, 2537.

Motion to pass. 2572.

Indian Railways (Amendment) Bill—

Motions to refer to Select Com-
mittee and to circulate. 275-79.

Indian Tea Cess (Amendment) Bill—

Consideration of clauses. 2919-20,
2921, 2928, 2933-34.

Motion to pass. 2935.

Question *re*—

Condition of health of State Pri-
soner Bhupendra Kishore Rakshit
Roy detained in the Bareilly
Central Jail. 3353-54.

Resignation by Sir Sikandar Hayat
Khan from the Deputy Govern-
orship of the Reserve Bank of
India. 2077.

Restrictions on the movement of Mr.
Sailendra Nath Ghose, a Political
exile in the United States. 2297.

DATTA, MR. AKHIL CHANDRA—
contd.

- Question (Supplementary) re—
Internment of Mr. Subhash Chandra Bose. 15.
Recruitment of Indians in the Government of India Department. 32.
Resolution re interference from public servants in the ensuing elections. 2670-74, 2696, 2697.

DEAD AMOUNT—

See "Amount(s)".

DEAD BODY(IES)—

Question re concessional rates allowed to railway servants for the carriage of —. 1618-19.

DEAD LETTER OFFICE(S)—

Question re—
Recruitment of Biharis and Uriyas in the —, Calcutta. 2831-32.
Reduction in the pay of the Managers and the Assistant Managers of the —. 2832.
Rights and privileges of the staff of the —. 2832.

DEATH(S)—

Expressions of regret on the — of Khan Bahadar Mian Sir Fazli-Husain, Sir M. Ramachandra Rao and Mr. W. S. Lamb. 105-09.
Motion for adjournment re — of Detenu Naba Jiban Ghosh. 2345-47.
Question re — of one Zamir Ahmad by a train at the Devi Nagar crossing near Chandigarh Railway Station. 678.

DEBATE(S)—

Question re inclusion in the Legislative Assembly — of speeches delivered by the Governor General to the Legislature. 1442-45.

DEBT(S)—

Demand for Excess Grant in respect of "Interest on Ordinary — and Reduction or Avoidance of —". 3256.

DEBTOR(S)—

Question re claims of Shahnada Saleem Muhammed Shah's —. 3328.

DECK PASSENGER(S)—

Question re — Conference held at Vinagapatam. 1464-66.

DECLARATION(S)—

Question re—
— of policy regarding the future of mandated territories. 600-01.
Mis- — of goods on the East Indian Railway. 1027-28.

DECREE(S)—

Question re costs of litigation for execution of — on the side of the Court of Wards. 3328-29.

DECREES AND ORDERS VALIDATING BILL—

See "Bill(s)".

DEFALCATION(S)—

Question re — discovered at Quetta Grass Farm. 183.

DEFAMATION SUIT(S)—

Question re donations for defending — on the Eastern Bengal Railway. 3346

DEFECTIVE VISION—

See "Vision(s)".

DEFENCE(S)—

Question re—
Article entitled "India's —" published in the *Statesman*. 432-34.
India's — problems. 511-12.

DEFENCE EXPENDITURE—

Question re effect of the separation of Burma on the —. 2961.

DEFENCE FORCE(S)—

Question re defence of Burma and Burmanization of the —, etc. 3357.

DEFICIT(S)—

Question re improvement of finances and reduction in the — in the railway finance. 270-71.

DEFINITION(S)—

Question re — of "clerical", "inferior" and "menial" staff as applied to Government servants. 2644.

DEHRA DUN—

Question re—

- Policy of recruitment to the — Indian Military Academy. 740-42.
- Taxes levied by the — Cantonment from the inhabitants of certain villages. 1714-15.

DELAY(S)—

Question re—

- in enforcing the sanitary rules in Aindri near Simla. 2836-37.
- in giving notice of termination of the Ottawa Trade Agreement. 338.

DELEGATE(S)—

- Motion for adjournment *re* non-representation of Abyssinian — in the meeting of the League of Nations. 1625-27.

Question re—

- Advisers to — representing Indian Labour at the International Labour Conferences. 2626.
- Expenditure incurred by the Government of India on — sent to League of Nations, etc. 449-50.

DELEGATION—

- Motion for adjournment *re* refusal of the British — in Addis Ababa to give protection to the Indians there. 190.

Question re—

- from South Africa. 1600-01.
- of powers in the Posts and Telegraphs Department. 3182-83.
- Indian — to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2171-74.
- Indian — to Malaya to study labour immigration conditions. 2991.
- Indian — voting against the British — in the League of Nations. 2508-12.
- Refusal of the British — at Addis Ababa to protect Indians. 2015.

DELHI—

Question re—

- Abolition of the Military Control of the Fort Zone Area in —. 915.
- Absence of storm water and sullage drains in Karol Bagh, —. 1612.
- Agricultural indebtedness in the — Province. 907.
- Alleged corruption in the — Municipal Committee. 102.

DELHI—*contd.*

Question re—

- Amount paid by the Indian Railway Conference Association for their *dak* from — to Simla. 3062.
- Application of the Punjab Excise Act and Excise Rules to the — Province. 94.
- Appointment of a Director for village programme at the — Broadcasting Station. 3330-31.
- Appointment of Mr. Pothan Joseph as editor of programme at the — Broadcasting Station. 1911-12.
- Arrangements for education in rural science in the rural areas of the — Province. 3329-30.
- Arrears in Nazul revenue in —. 2817.
- Complaints of the owners of horse and bullock-drawn conveyances and carts in —. 1490-91.
- Completion of drainage work in Shahdara, —. 3372-73.
- Contamination of certain water reservoirs in —. 907-08.
- Curtailment of the existing franchise by the — Municipal Committee. 1908.
- Delay in the disposal of appeals regarding construction of buildings lying in the Municipal Committee, —. 3387.
- Dismissal of certain employees of the — Municipal Committee. 101.
- Disposal of applications for the construction of private buildings in —. 101-02.
- Drainage system of New Delhi and Old —. 909-10, 3387.
- Electric supply in Shahdara, —. 3137.
- Electricity supply in the Shahdara town of the — Province. 447.
- Enforcement of Government of India Act X of 1858 in portion of the — District which was under the Punjab Government. 3332.
- Establishment of an Improvement Trust in —. 908-09.
- Examination for recruitment of clerks in the Telephone Revenue Accounting Office, —. 818-19.
- Examinations for recruitment of clerks in the — General Post Office. 3180.
- Externment of one Mr. M. Samiullah from the — Province. 2956-57.
- Externment order on one Mr. Ratna Prakash, a member of the — Provincial Congress Committee. 1994-95.

DELHI—*contd.*

- Question re—
 Filling up of vacancies of coolies and wiremen in the Electric Department of the North Western Railway, — 3310.
 Fires in certain parts of — 907.
 Government Cottage Industries Institute, — 504-05.
 Grant of licences for vending foreign liquor in — 94-96.
 Grievances and demands of the agriculturists of the — Province. 906.
 Guards retrenched in the — Division of the North Western Railway. 3186-87.
 Histories of public workers of — 1000.
 Improvement of the sanitation of villages in the — Province. 2755-56.
 Interception of correspondence and tapping of telephones of political workers of — 1851-54.
 Kalka — Calcutta and the Calcutta-Bombay Mails run between Howrah and Moghal Sarai. 1115-16.
 Levy of water charges from the inferior servants of the Posts and Telegraphs Department in — and New Delhi. 2882-83.
 Licence under the Indian Electricity Act applied for by the — Municipal Committee. 913.
 Maintenance allowance for the inheritants of the property under the Court of Wards management in — 3328.
 New rules of the Central Public Works Department, —, about tenders. 913.
 Non-observance of orders regarding reservation on the — Engineering Division for the cadre of telephone operators and mistries. 3165.
 Orders for the demolitions of buildings issued by the — Municipal Committee. 450.
 Postmen and Lower Grade Staff Union, — Province. 84-85.
 Programmes issued by the — Broadcasting Station and securing of the services of Sikhs. 3199-3200.
 Propaganda for Muslim religion through the — Broadcasting Station. 1617.
 Provision of drainage, etc., in the developed areas of — 913-14.
 Provision of proper waiting rooms for intermediate class passengers at — 1701-02.

DELHI—*concl'd.*

- Question re—
 Reduction of fare between Madras and — and speeding up of the Grand Trunk Express. 2338-39.
 Reduction of pay of retrenched staff in the — Division of the North Western Railway on their absorption in other posts. 3187.
 Removal and transfer of orderly peons by the Postmaster, — 3181.
 Rent paid by the Indian Railway Conference Association for Government Buildings at — 3062.
 Restraint and externment orders on Shrimati Satyawati of — and Ratan Parkash Gupta. 1850-51.
 Restriction on the possession and carrying swords and sword-sticks in the — Province. 2514-15.
 Running of the Bombay-Calcutta Mail via Allahabad and Benares and through railway service between — and Calcutta via Muttra, Agra, etc. 825.
 Sale of liquors before and after the licensed hour in — 2817-18.
 Sanitation of Shahdara, — 75.
 Searches in connection with political suspects or proscribed literature or terroristic activities in — 1855-56.
 Suppression of immoral traffic in women in — and the centrally administered areas. 2317-18.
 Tax on wells in the — Province. 904-06.
 Transfer of the Imperial Institute of Animal Husbandry and Dairying from Bangalore to — 3132.

DELHI DURBAR—

See "Durbar(s)".

DELHI-UMBALLA-KALKA SECTION—

- Question re grievances of the old East Indian Railway staff on the — placed under the North Western Railway Administration, 37-38.

DELIVERY (IES)—

- Question re village post offices where — of registered letters and money orders is not effected by postmen. 3349.

DELIVERY PEON—

See "Peon(s)".

DEMAND(S)—Question *re*—

- to put off all negotiations by fresh agreements between the United Kingdom and India. 586.
- Grievances and — of the agriculturists of the Delhi Province. 906.

**DEMANDS FOR EXCESS GRANTS—
GENERAL BUDGET—**

- Administration of Justice. 3259.
- Archæology. 3259.
- Aviation. 3260.
- Census. 3260.
- Commuted Value of Pensions. 3262.
- Council of State. 3257.
- Emigration. 3260-61.
- Excise. 3253-56.
- Executive Council. 3257.
- Expenditure on Retrenched personnel charged to Revenue. 3261.
- Geological Survey. 3259.
- Home Department. 3258.
- Hyderabad. 3262.
- Interest-free Advances. 3263.
- Interest on Miscellaneous Obligations. 3257.
- Interest on Ordinary Debt and Reduction or Avoidance of Debt. 3256.
- Legislative Assembly and Legislative Assembly Department. 3258.
- Lighthouses and Lightships. 3259.
- Mint. 3261.
- Payments to Provincial Governments on account of Administration of Agency Subjects. 3258.
- Public Health. 3260.
- Refunds. 3262.
- Stamps. 3256.
- Stationery and Printing. 3261.
- Transfer to the Fund for the Economic Development and Improvement of Rural Areas. 3262.

**DEMANDS FOR EXCESS GRANTS—
RAILWAY BUDGET—**

- Audit. 3263.
- Payments to Indian States and Companies. 3263.
- Refunds. 3263.
- Working Expenses — Expenses of the Traffic Department. 3264.
- Working Expenses — Maintenance and supply of Locomotive Power. 3264.
- Working Expenses — Maintenance of Carriage and Wagon Stock. 3264.

**DEMAND FOR SUPPLEMENTARY
GRANT—RAILWAY BUDGET—**

- Payments to Indian States and Companies. 3264-65.

DEMOLITION—Question *re*—

- of the superior staff quarters in the Dicky Bazar in Saharanpur Remount Depot. 2084-86.
- Orders for the — of buildings issued by the Delhi Municipal Committee. 450.

DEMONSTRATION(S)—

- Question *re* statement *re* — against the ruling of the Chair. 331-33.
- Statement *re* — against the ruling of the Chair. 452-56.

DEMOTION(S)—

- Question *re* promotions and — of electricians and chargemen, etc., on the Great Indian Peninsula Railway. 71.

DEOLALI—

- Question *re* separation of the — Cantonment Bazar from the Cantonment Area. 1763.

DEOLI—

- Question *re*—
 - Detenus suffering from tuberculosis at —. 61.
 - Gnanendra Chandra Majumdar, a detenu in the — Detention Camp. 2164-66.
 - Supply of milk to the detenus at —. 61.
 - Travelling expenses to the relations of detenus confined in the — Detention Camp. 3295-96.

DEPARTMENT(S)—

- Question *re*—
 - Character certificates for service in — of the Government. 2601-02.
 - Importation of foreign experts to examine the various — of Government. 599-600.
 - Stationery used in Government of India —. 1086.

DEPARTMENTAL PUBLICATION(S)—

See "Publication(s)".

DEPOSIT(S)—

- Question *re* Government — with the Reserve Bank of India. 501-03.

DEPOT(S)—

- Question *re*—
 - Contracts of agency for purchase of grains for Military and the management of Grain — at certain places. 2617-19.

DEPOT(S)—contd.Question *re—contd.*

Placing of the form suppliers of the Postal Stock — in superior service. 2831.

Provision of aircraft — or parks in Western or Southern India. 1469-70.

DEPRESSED CLASS(ES)—Question *re—*

Conversion of the — belonging to Hinduism to any other religion. 2521.

earmarking of a portion of the rural development grant for the —. 519-20.

DEPRESSION(S)—Question *re —* in the coal industry of Bengal and Bihar. 5-6.**DEPUTATION(S)—**Question *re—*

Certain clerks of the Adjutant General's Branch on —. 1048.

— of Sir Eric Mievville to England to study the Cabinet System. 2951.

— to Malaya to examine the question of Indians. 3135.

Visit of a — of the Members of the Legislative Assembly to the Andamans. 2884.

DEPUTY AGENT(S)—Question *re* duties of the —, Personnel, and the Welfare Officer of the Eastern Bengal Railway. 38-39.**DEPUTY ASSISTANT CONTROLLER(S)—**Question *re* discharge of nine — of Military Accounts. 2939-40.**DEPUTY DIRECTOR(S)—**Question *re—*

Allegations against Mr. K. M. Hassan, —, Establishment, Railway Board. 3293-94.

Departmental publications to the credit of the — General of Archaeology. 68-69.

See also under "Director(s)".

DEPUTY GOVERNOR(S)—Motion for adjournment *re—*

Alleged active acquiescence of the Government of India in the recent political activities of Sir Sikandar Hayat Khan, a — of the Reserve Bank of India. 364.

DEPUTY GOVERNOR(S)—contd.Question *re—*Resignation by Sir Sikandar Hayat Khan from the —ship of the Reserve Bank of India. 2977.
See also under "Governor(s)".**DEPUTY PRESIDENT, MR. (MR. AKHIL CHANDRA DATTA)—**

Observation by — that if any Honourable Member wants to interrupt, he must get up in his seat. 2683.

DESAI MR. BHULABHAI J.—

Expressions of regret on the deaths of—

Khan Bahadur Mian Sir Fazli-Hussain, Sir M. Ramachandra Rao and Mr. W. S. Lamb. 106-07.

Indian Companies (Amendment) Bill—

Consideration of clause. 2. 365.

Consideration of clause 3. 895, 896, 935, 1067-68.

Consideration of amendment to add new clause after clause 4. 942-43.

Consideration of clause 117. 960, 970-71, 1065, 1066, 1067.

Consideration of clause 32. 1179.

Consideration of clause 37. 1454, 1455, 1456, 1507.

Consideration of clause 40. 1513, 1532, 1534, 1580-83, 1722, 1725-26, 1728-29, 1737, 1738.

Consideration of clause 42. 1971-76, 1983, 2112-13, 2119, 2120, 2121, 2125, 2139, 2145, 2257-58, 2259-60, 2266-67, 2268, 2270, 2293.

Consideration of clause 44. 2357.

Consideration of clause 65. 2387-88, 2389.

Consideration of clause 75. 2437-38.

Consideration of clause 109. 2458-59.

Consideration of clause 111. 2466, 2529, 2530-31, 2534,

Consideration of clause 109. 2545-46.

Consideration of clause 113. 2556.

Motion to pass. 2569.

Motion for adjournment *re—*

Abolition of the Tariff Board. 234-36.

Control of the soldiers on the football ground at Annandale. 2190, 2191.

Election of the Provincial Legislature in Bihar. 374, 375-78.

Strict neutrality on the part on Local Governments in respect of provincial election. 368-70, 371.

DESAI, MR. BHULABHAI J.—contd.

Statement regarding demonstrations against the ruling of the Chair. 452-57, 459, 460.

DESHMUKH, DR. G. V.—

Arya Marriage Validation Bill—
Motion to consider. 1649, 1650, 1652, 1653.

Consideration of clauses. 2039.
Code of Criminal Procedure (Amendment) Bill (Amendment of Section 167)—
Motion to continue. 1632.

Hindu Women's Rights to Property Bill—
Motion to refer to Select Committee. 3284, 3285.

Indian Companies (Amendment) Bill—
Consideration of clause 42. 2133, 2134.

Motion for adjournment *re* Mr. Subhash Chandra Bose. 382.

Resolution *re* interference from public servants in the ensuing elections. 2215, 2216-17.

DESIGNATION(S)—

Question *re*—

Changes in ranks and — of the staff on State Railways. 3056-57.
— of heads of Departments on State Railways. 3056.

— of ticket checkers on the East Indian Railway. 3129.

Ranks and — with scales of pay on State Railways. 3055.

DESOUZA, DR. F. X.—

Indian Companies (Amendment) Bill—

Consideration of clause 7. 975.

Resolution *re* indebtedness of agriculturists. 1800-03.

DESTITUTE(S)—

Question *re* — treated at the Jubbulpore Cantonment General Hospital. 1690-691.

DETENTION(S)—

Motions for Adjournment *re* arrests and — of public workers in the Punjab. 603-04.

Question *re*—

Arrest and — of certain persons of the Mohmand Tribe residents of Peshawar District. 3322.

DETENTION(S)—contd.

Question *re*—contd.

Arrest and — of Sardar Guru-charan Singh. 3327-28.

Printing in time tables the — period of trains at Junction Stations in case connecting trains are late. 1116-17.

DETENTION CAMP(S)—

Question *re*—

Gnanendra Chandra Majumdar a detenu in the Deoli —. 2164-66.

Travelling expenses to the relations of detenues confined in the Deoli —. 3295-96.

DETENU(S)—

Motion for Adjournment *re* death of — Naba Jiban Ghosh. 2345-47.

Question *re*—

Allowance to — for replacing utensils, beddings and warm clothings, etc. 3296.

Checks applied to verify the evidence against the —. 1233.

— suffering from tuberculosis at Deoli. 61.

— under Regulation III of 1818. 919-20.

Facilities for treatment of — Alokcnath Chakravarti. 61.

Gnanendra Chandra Mujumdar a — in the Deoli Detention Camp. 2164-66.

Grievances of the —. 3295.

Number of —. 3294-95.

Representations received from the — regarding treatment meted out to them. 3295.

Supply of milk to the — at Deoli. 61.

Travelling expenses to the relations of — confined in the Deoli Detention Camp. 3295-96.

Want of facilities of study for —. 3295.

DEVELOPMENT—

Question *re*—

Constitution of Central Board of Rural —. 576-77.

— of nutritional research in India. 753.

— of the Indian industries. 571-72.

DEVELOPMENT AREA—

Question *re* deforestation of Jamuguri Reserve in the Borpatnar — in Golaghat, Assam. 2619-20.

DEVELOPMENT OF ROAD TRANSPORT—

See "Road Transport".

DEVI NAGAR—

Question *re* death of one Zamir Ahmad by a train at the — crossing near Changigarh Railway Station. 678.

DEY, MR. R. N.—

Indian Railways (Amendment) Bill—
Motions to refer to Select Committee and to circulate. 279-82.
Oath of Office. 1.

DHANBAD—

Question *re*—
Filling up of the post of Principal, Indian School of Mines, —. 588.
Qualifications of the principal of the — School of Mines. 361-62.

DHARAMSHALA—

Question *re* opening of a passage direct to the — outside Etawah Railway Station. 90, 675-74.

DICKY BAZAR—

Question *re*—
Demolition of the superior staff quarters in the — in Saharanpur Remount Depôt. 2084-86.
— in the Saharanpur Remount Depôt. 2089-90.

DINAPORE—

Question *re*—
• Arrangements for the supply of food in the Howrah and — Divisions. 843.
Selection and promotion of guards in the — Division of the East Indian Railway. 92-93.

DINING CAR(S)—

Question *re* running of — for Indians on the 17-Up and 18-Down Expresses between Howrah and Saharanpur. 1623.

DIRECTOR(S)—

Question *re*—
Allegations against Mr. K. M. Hassan, Deputy —, Establishment, Railway Board. 3293-94.
Appointment of a — for village programme at the Delhi Broadcasting Station. 3330-31.
Filling up of the vacancy of the — of Traffic, Railway Board. 3181-82.

DIRECTOR(S)—*contd.*

Question *re—contd.*
Incumbent of the Post of the Deputy —, Establishment II, Railway Board. 3372.
Post of the Deputy —, Establishment II, Railway Board. 3140.

DIRECTOR GENERAL, INDIAN MEDICAL SERVICE—

Question *re*—
Appointment of an Indian as the —. 2492-93.
Post of the —. 2956.

DIRECTOR OF TRAFFIC—

See "Traffic".

DIRECTORATE—

Question *re*—
Preponderance of Hindus in postal circles and the posts and telegraphs —. 3167.
Tenure of the posts of — establishment of the Railway Department. 3139.

DISABILITY—

Question *re* — pensions of Military Employees invalidated during the Great War. 1010-13.

DISABILITY PENSION—

See "Pension(s)".

DISCHARGE(S)—

Question *re*—
Appointment, — and dismissal of staff in the East Indian Railway Schools. 448-49.
— and dismissal powers delegated to certain officials by the Railway Board. 2978.
— of certain firemen and shunters on the Eastern Bengal Railway. 3363.
— of Commercial Staff on the North Western Railway. 73.
— of Muslim employees on the North Western Railway due to economy campaign. 2983.
— of nine Deputy Assistant Controllers of Military Accounts. 2939-40.
— of Provincial Forest Service Officers by the Punjab Government on compensation pension. 3296-97.
— of subordinate railway employees. 51.

DISCHARGE(S)—contd.**Question re—contd.**

— of temporary employees in the inferior and labour services and the appointment of ex-military men in their places on the North Western Railway. 1787-88.

Dismissal or — of an employee by a senior scale or administrative officer on State Railways. 83.

Disposal of appeals against orders of — or dismissal on State Railways. 2629.

DISCIPLINARY ACTION—**Question re—**

Disciplinary action against the non-gazetted staff on the Eastern Bengal Railway. 2640-41.

Regulations regarding — against Railway Staffs. 49, 100.

See also under "Actions".

DISCIPLINE—**Question re—**

Action of — against non-gazetted railway staff. 1036.

Non-interference of Government with the Commissioners of Income-tax in the matter of appointments, promotions and —. 2648.

Rules regulating — and rights of appeal of the non-gazetted Railway servants. 1023-24.

DISCRIMINATION—

Question re — by Malaya and Ceylon against India. 241.

DISMISSAL(S)—**Question re—**

Appointment, discharge and — of staff in the East Indian Railway Schools. 448-49.

Discharge and — powers delegated to certain officials by the Railway Board. 2978.

— of certain employees of the Delhi Municipal Committee. 101.

— of certain scavengers at Waltair by the Bengal Nagpur Railway. 1769-70.

— or discharge of an employee by a senior scale or administrative officer on State Railways. 83.

Disposal of appeals against orders of discharge or — on State Railways. 2629.

DISPENSARY(IES)—

Question re hospitals and — on the Rohilkund and Kumaon Railway. 3175.

DISPUTE(S)—**Question re—**

— regarding the Tinnevely-Tiruchendur Railway Line. 444-45.
Negotiations for the settlement of the Tungabhadra —. 602.

DISTRICT BOARD(S)—

Question re payment of property tax to — and Municipalities by Railway Companies. 2093.

DISTRICT MAGISTRATE(S)—

Question re order of the — of Midnapore served on Mr. Amarendra Nath Chattopadhyaya. 434-38.

DISTRICT RAILWAY BRANCH LINE—

Question re hardship and inconvenience of the travelling public on the — running from Siliguri to Kishungunj. 3072-73.

DISTRICT SYSTEM—

Question re rank of officers under — equivalent to senior officers under divisional system on Railways. 3055-56.

DIVIDEND(S)—**Question re—**

— announced by the Tata Iron and Steel Company, Limited. 243.

— declared by the Rohilkund and Kumaon Railway and stoppage of promotions in the Traffic Department. 3169.

— given by the Shahdara-Saharanpur Railway to its shareholders. 1118.

DIVISION(S)—**Cantonments (Amendment) Bill—**

— on the motion to amend clause 10. 1570-71.

— on the motion to amend clause 10. 1573-74.

Indian Companies (Amendment) Bill—

— on the motion to insert a new clause after clause 2. 883.

— on the motion to amend clause 5. 951-52.

— on the motion to amend clause 32. 1173.

— on the motion to amend sub-clause (a) of clause 36. 1193-94.

— on the motion to insert a new sub-section for the proposed sub-section (2) of section 83-B in clause 37. 1568.

DIVISION(S)—contd

Indian Companies (Amendment) Bill—*contd.*

- on the motion to insert after the proposed sub-section (2) of section 83 B, a new sub-section (3) in clause 37. 1511.
- on the motion to amend clause 40. 1586-87.
- on the motion to amend clause 42. 1981-82.
- on the motion to amend clause 42. 2108-09.
- on the amendment of Pandit Govind Ballabh Pant to clause 42. 2263-64.
- on the amendment moved by Mr. T. Chapman-Mortimer to clause 68. 2304-95.
- on the motion to omit the proviso to sub-section (2) of the proposed section 277-F. 2474.
- on the amendment of Pandit Sri Krishna Dutta Paliwal to clause 109. 2546-47.

Indian Railways (Amendment) Bill—
— on the motion to circulate. 393-94.

Motion for Adjournment—

- on the — *re* new rules for recruitment to the Indian Civil Service on the motion that the question be put. 158-59.
- on the — *re* new Rules for Recruitment to the Indian Civil Service. 159-60.
- on the — *re* revision of the Indian Currency and Exchange policy. 2719.

Resolution(s)—

- on the — *re* indebtedness of agriculturists. 1839-40.

DIVISIONAL ACCOUNTANTS—

- Question *re* recruitment to the cadre of —. 70.

DIVISIONAL ENGINEER(S)—

- Questions *re* holding of three or four posts by the — of the Central Public Works Department. 910.

DIVISIONAL OFFICE—

- Question *re* vacancies of stenographers in Headquarters and —'s on the North Western Railway. 2989.

DIVISIONAL SUPERINTENDENT(S)—

- Question *re*—
Appeal against the discretion of the — on the East Indian Railway. 3372.
- Appointment of Mr. Hales as —, Rawalpindi Division of the North Western Railway. 3370-71.

DIVISIONAL SUPERINTENDENT(S)—*contd.*

Question *re*—*contd.*

- Appointment of Mr. Homan as —, Karachi. 3315.
- Officer next in authority to a — on State Railways. 96, 3142.
- Powers of — on the East Indian Railway. 67.
- Supply on payment of application forms for the post of a typist in the —'s Office, Moradabad. 2506-07.

See also under "Superintendent(s)".

DIVISIONAL SYSTEM—

- Question *re* rank of officers under district system equivalent to senior officers under — on Railways. 3055-56.

DEWAN(S)—

- Question *re* scheme for the creation of a Joint Marketing Board submitted by the — of Cochin. 2990.

DOCUMENT(S)—

- Question *re* communication of official — or information by a Government servant to his service Association, Union or Federation. 3335.

DOG(S)—

- Question *re* permission for — and domestic animals to travel on metal passes issued to Railway Gazetted staff. 3139-40.

DOMESTIC ANIMAL(S)—

- See "Animal(s)".

DOMINION(S)—

- Question *re* entry of Indians into States, — and Colonies. 53-59.

DONATION(S)—

- Question *re* — for defending defamation suits on the Eastern Bengal Railway. 3346.

DOOARS—

- Question *re* tenders for contract of motor mail service in the —. 2877-78.

DRAIN(S)—

- Question *re* absence of storm water and sullage — in Karol Bagh, Delhi. 1612.

DRAINAGE—**Question re—**

Inadequate — at Larkana station on the North Western Railway. 3187-88.

Provision of —, etc., in the developed areas of Delhi. 913-14.

DRAINAGE SYSTEM—

Question re — of New Delhi and Old Delhi. 909-10, 3387.

DRAINAGE WORK—

Question re completion of — in Shahdara, Delhi. 3372-73.

DRINKING WATER—

Question re arrangements for the supply of — to passengers on the East Indian Railway. 3128.

See also under "Water".

DRINKING WATER TAPS—

See "Water Tap(s)".

DRIVER(S)—**Question re—**

— in the Jhansi Division of the Great Indian Peninsula Railway. 3369.

Overtime worked by the — on the Rohilkund and Kumaon Railway. 3173.

Provision of box *khalasia* to carry the boxes of Indian —. 3365.

Provision of cooks to — on the East Indian Railway. 3365.

Provision of mosquito curtains, mattresses and bed sheets in the running rooms of — on State Railways. 3365.

School established at Calcutta to train firemen, shunters and —. 3364.

Staff with defective vision employed as — and Assistant Loco Foremen, etc., on State Railways. 2632-33.

Unrecorded leave granted to certain — on the Eastern Bengal Railway. 3344-45.

Working hours of — working between Rohri and Sibi on the North Western Railway. 3315.

DRUG(S)—

Question re adulteration of —. 586-87.

DUFFERIN—**Question re—**

Employment of "—" cadets. 584-85, 1918-19.

DUFFERIN—contd.**Question re—contd.**

Employment of the "—" cadets as officers. 3299-3300.

Trained cadets of the "—". 1483-84.

DUFFERIN BRIDGE—

Question re availability of the — near Benares for vehicular traffic. 670-71.

DUFTARY (IES)—**Question re—**

Grant of house rent to — at Simla. 2722-24.

Grant of livery allowances to the — in the Government of India Offices. 3359-60.

Peons and — of the Government of India Offices required to attend fire parades. 3338-39.

Retiring pension for record sorters and —. 2721-22.

Supply of cotton liveries to — in the Government of India Offices. 3360.

DUM DUM—

Question re communique issued by the Royal Consul General for Italy about the supply of — bullets to Ethiopian troops. 745-49.

DURAND FOOTBALL TOURNAMENT COMMITTEE—

Question re contribution to the — from the Central Finances. 3325-26.

DURBAN—

Question re position of Indians in —. 1603.

DURBAR(S)—

Question re coronation — in India. 1232.

DURGAH KHAWAJA SAHEB BILL—

See "Bill(s)".

DUTY (IES)—**Motion for Adjournment re—**

Reduction of the — on British textiles without consulting the Legislative Assembly. 272, 305-30.

Reduction of the import — on Grey Cotton Goods and on bordered and bleached cotton goods imported from the United Kingdom. 365.

DUTY (IES)—contd.**Question re—**

Abolition of — on Mimosa Extract. 364.

Classification of — of assistants and clerks in the Posts and Telegraphs Directorate. 2738.

Difference in the nature of — of certain staff on the East Indian Railway. 81.

— of assistants and clerks in the Posts and Telegraphs Directorate. 2738-39.

— of superintendents in the Posts and Telegraphs Directorate. 2739.

— and function of the police force on railway stations. 2815-16.

— on the imports of Aden salt into India after separation. 2096.

Exemption of teak logs from the protective customs —. 3358.

Functions and — of the Imperial Dairy Experts. 3132-33.

Import and excise — on coal used by Railways. 2094-95.

Import — on motor vehicles. 2092.

Imposition of import — on railway stores and Locomotives. 2092.

Memorial of the first grade pleaders of the Central Provinces and Berar against payment of a certain stamp —. 2953-55.

Reduction in the protective — on cotton and piece-goods of British manufacture. 1485.

Rotation of — of clerks in the Telegraph Offices. 2657-58.

Tanning industry in India and — free import of wattle bark extract. 3147-48.

Travelling of Officers on — passes when they are not on —. 2767.

DUTY HOURS—

Question re — of telephone operators. 2660.

DUTY, HOURS OF—

Question re — of telegraphists. 2655.

DUTY PASS(ES)—

See "Pass(es)".

E**EARNING(S)—****Question re—**

Article entitled "A Suicidal Policy" published in the *Amrita Bazar Patrika* re — of Railways. 1459.

EARNING(S)—contd.**Question re—contd.**

Effect on the — of Railways of increasing fares and freight. 1915.

Passenger — fixed for each station on the Eastern Bengal Railway 1021-22.

Pressure on ticket examiners to increase their —. 3053.

Railway —. 1145.

Reduction in the task-work — of foot peons of the Madras Central Telegraph Office. 2658.

EARTHQUAKE(S)—**Question re—**

Local persons employed in Baluchistan due to —. 2651.

Transfer of postal clerks who suffered in the Quetta — to the Punjab Circle. 2335-36.

EAST AFRICA—**Question re—**

Appointment of Indian Trade Commissioners in Japan and —. 2497.
Article entitled "Racialism in —" published in the *Hindu*. 1591-92.

EAST GODAVARI—

Question re judgment of the Sessions Judge of — in Madras in a Customs Seizure Case. 2498-99.

EAST INDIAN RAILWAY—

See "Railway(s)".

EAST INDIAN RAILWAY PRESS(ES)—

See "Press(es)".

EASTERN BENGAL RAILWAY—

See "Railway(s)".

EASTERN TIMES—

Question re article entitled "N. W. R. Lower Gazetted Service and Muslims" published in the —. 2486-87.

ECCLESIASTICAL DEPARTMENT—

Question re — of Government. 2626-27.

ECONOMIC ADVISER(S)—

Question re post of — to the Government of India. 1215-16.

ECONOMIC DEVELOPMENT—

Demand for Excess Grant in respect of "Transfer to the Fund for the — and Improvement of Rural Areas". 3262.

Question *re* amount allotted for the — of Tribal Areas. 2821-22.

ECONOMIC IMPROVEMENT—

Demand for Excess Grant in respect of "Transfer to the Fund for the Economic Development and — of Rural Areas". 3262.

ECONOMIC SITUATION—

Question *re* India's —. 425-26.

ECONOMY (IES)—

Question *re*—

Avenues of — on the East Indian Railway. 1015-17.

— effected by the appointment of Indians in place of Europeans in the higher branches of public services. 1707-09.

Indianisation and — in the Indian National Airways Company. 1843-46.

ECONOMY CAMPAIGN—

Question *re* voluntary retirement of staff under — in the Moradabad Division, East Indian Railway. 2765.

EDIBLE(S)—

Question *re* rates of — in Indian refreshment rooms on the East Indian Railway. 1619-21.

EDITOR(S)—

Question *re*—

Appointment of Mr. Franks as the — of the *Indian Listener*. 691-93.

Appointment of Mr. Pothan Joseph as — of programme at the Delhi Broadcasting Station. 1911-12.

Present position held by Mr. Franks, formerly News — in the Delhi Broadcasting Station. 1473.

EDITORIAL NOTE(S)—

Question *re* — in the *Indian Finance* on the Pact with Japan. 1919-20.

EDUCATION—

Question *re*—

Arrangements for — in rural science in the rural areas of the Delhi Province. 3329-30.

EDUCATION—contd.

Question *re*—contd.

Article entitled "Secondary — in India" published in the *Hindu*. 762-65.

Educational institutions maintained by Railway Administrations for the — of the children of their employees. 63-66.

Schools for the — of the girls of European and Anglo-Indian employees maintained by the Bengal and North Western Railway. 3074.

EDUCATIONAL ADVISER—

Question *re* unsympathetic and anti-Indian attitude of the — for Indian students at Oxford. 75-76.

EDUCATIONAL ASSISTANCE—

Question *re* — to the children of the Railway staff reading in the Hindu and Muslim Universities. 3061.

EDUCATIONAL INSTITUTION(S)—

Question *re* — maintained by Railway Administrations for the education of the children of their employees. 63-66.

EDUCATIONAL PRINTING WORKS—

Question *re* memorandum issued every month by the —, Lahore. 3191-92.

EDUCATIONAL RECONSTRUCTION—

Question *re* article entitled "Unemployment" published in the *Hindu* regarding —. 1593-96.

EDUCATIONAL REFORMS—

Question *re* proposals for — and measures to fight against unemployment. 263-64.

EDWARD VIII, KING—

Question *re* Coronation of — in India. 1143-44.

EFFIGY—

Question *re* issue of postage stamps and currency with the new King's —. 823.

ELECTION(S)—

Motion for adjournment *re*—

— of the provincial legislature in Bihar. 373-79.

ELECTION(S)—contd.

Motion for adjournment *re—contd.*

Strict neutrality on the part of Local Governments in respect of Provincial —. 365-73, 452.

Suspension of some Patwaris of the Aligarh District for alleged attending an — meeting. 3203-06.

Question *re—*

Candidates for Provincial — with previous conviction. 3294.

Dates for the — to the Provincial Legislature. 2185-86.

Fixation of dates for polling in the Provinces for the coming —. 3200-02.

Fixation of time for — to the Provincial Legislatures. 165-66.

Indians in Fiji and substitution of nomination for —. 254-56.

Permission to provincial executive councillors to stand for —. 2499-2500.

Political propaganda by Executive Councillors intending to contest the —. 2577-78.

Removal of disqualification of candidates convicted of political offences desiring to contest the ensuing —. 3321.

Rules regarding conduct of — under the coming reforms. 2976-77.

System of enrolling the electorate for the forthcoming — in the Provinces. 3297-98.

System of voting at the coming provincial — by means of coloured boxes with or without symbols. 1557-59.

Withholding of a telegram regarding motion for adjournment to discuss the conduct of the Governor of Bihar for his taking active part in organising parties to fight the —. 2316-17.

Resolution *re* interference from public servants in the ensuing —. 1840-41, 2192-2223, 2233-36, 2668-2700.

ELECTION SPEECH(ES)—

See "Speech(es)".

ELECTORATE(S)—

Question *re—*

Suffrage of the University — in the Central Provinces. 3298-99.

System of enrolling the — for the forthcoming elections in the Provinces. 3297-98.

ELECTRIC BULB(S)—

Question *re* manufacture of — in India. 1482-83.

ELECTRIC CHARGE(S)—

Question *re—* realised from Indian refreshment rooms on the East Indian Railway. 1676-77.

ELECTRIC DEPARTMENT—

Question *re—*

Filling up of vacancies of coolies and wiremen in the — of the North Western Railway, Delhi. 3310.

Joint inquiry by Accounts and Traffic Department of the North Western Railway in the —. 2981.

ELECTRIC STATION(S)—

Question *re* recruitment of staff for — to be opened at Meerut city, Muzaffarnagar and Saharanpur. 3310-11.

ELECTRIC SUB-STATION—

Question *re* Muslim representation in the — opened at Jacobabad. 2646.

ELECTRICAL DEPARTMENT—

Question *re* Muslim representation in the — and Accounts Departments of the North Western Railway. 2645.

ELECTRICIAN(S)—

Question *re* promotions and demotions of — and chargemen, etc., on the Great Indian Peninsula Railway. 71.

ELECTRICITY—

Question *re—*

— supply in the Shahdara town of the Delhi Province. 447.

Supply of — in Shahdara, Delhi. 3137.

Licence under the Indian — Act applied for by the Delhi Municipal Committee. 913.

Fay, house rent and — charges, etc., paid to Assistant Surgeons on State Railways. 3332.

ELECTRIFICATION—

Question *re* — of quarters for Railway subordinates. 3136.

EMBARGO—

Question *re* putting of an — on the import of Zanzibar cloves. 582-83.

EMBEZZLEMENT—

Question *re* — cases in the Lahore Engineering Division and the Amritsar Telegraph Exchange Office. 3167.

EMIGRATION—

Demand for Excess Grant. 3260-61.

EMOLUMENT(S)—

Question *re* reduction in the — and number of certain officers on the East Indian Railway. 2771.

EMPEROR—

Question *re* speech delivered by the *ex-* of Abyssinia in the League of Nations. 1152-53.

EMPIRE—

Question *re* publication of the Report of Mr. S. S. Markham, — Secretary Museum Association, on the Museums in India. 1040.

EMPLOYEE(S)—

Question *re*—

Absence of an — Welfare Committee on the Rohilkund and Kumaon Railway. 3170.

Alleged harassment of local Baluchistan — by their officers. 2650-51.

Alteration in the recorded age of the — on the East Indian Railway. 50.

Bathing arrangement for Hindu and Muslim railway — at Sukkur. 2646-47.

Bihari — in the superior service of the Bengal and North Western Railway. 1909.

Classification of passes to railway — on the lines of the Central Government travelling allowance rules. 1786-86.

Compensatory allowances of postal — stationed at Simla. 3355-56.

Disability pension to military — invalidated during the Great War. 2756.

Disability pensions of Military — invalidated during the Great War. 1010-13.

Discharge of Muslim — on the North Western Railway due to economy campaign. 2983.

Discharge of subordinate Railway — 51.

EMPLOYEE(S)—*contd.*

Question *re*—*contd.*

Discharge of temporary — in the inferior and labour services and the appointment of *ex*-military men in their places on the North Western Railway. 1787-88.

Dismissal of certain — of the Delhi Municipal Committee. 101.

Dismissal or discharge of an — by a senior scale or administrative officer on State Railways. 83.

Educational institutions maintained by Railway Administrations for the education of the children of their — 63-66.

— discharged from the East Indian Railway on account of defective eye sight. 2594-95.

— in the Traffic Department of the Rohilkund and Kumaon Railway discharged on grounds of protracted illness. 3170.

Enquiry into the grievances of the — of the Bengal and North Western Railway. 2858-63.

Facilities to the — of the Railway Institutes in certain matters on State Railways. 74.

Form of certificate granted to an employee on termination of service on the Great Indian Peninsula Railway. 3335.

Grant of Loans to the — by the East Indian Railway Co-operative Society. 2972-73.

Industrial — of the Railway Press at Calcutta. 2613.

Joining of Railway Unions and Federations by Railway — 3186.

Leave rules for the industrial — of the Railway Press at Calcutta. 2614.

Memorials from the industrial — of the Government of India Press, Calcutta. 2616-17.

Non-provision of old scales of pay for retrenched — of the East Indian Railway Press. 2607-08.

Notice terminating the services of a non-gazetted Railway — 2631-32.

Pay of postal — stationed at Simla. 3355.

Payment for holidays to the — of the East Indian Railway Press. 69.

Periodical eye-sight tests of the — in the mechanical workshop of the old Oudh and Rohilkhand Railway. 2695.

Policy regarding alteration of the age of — on the North Western Railway. 1494-95.

EMPLOYEE(S)—contd.

Question re—contd.

- Procedure *re* condemnation of an — on the East Indian Railway. 2635-36.
- Prohibition of money lending by railway —. 1617-18.
- Promotion of demoted — in the Railway Press at Calcutta. 2612-13.
- Promotion of — in the Howrah Division of the East Indian Railway. 42-43.
- Special pay of — on State Railways. 1024.
- Transfer of certain industrial — of the Government India Press, Calcutta, from the temporary to the permanent establishment. 2617.

EMPLOYMENT—

Question re—

- of Indians in the India Office. 1457.
- of Indians in the Office of the High Commissioner for India. 1470-72.

ENAMEL(S)—

- Question *re* determination of the quality of paints, varnishes and —, etc. 2726.

ENCLOSURE(S)—

- Question *re* open — for third class passengers at Hardwar Railway Station. 1702-03.

ENCOURAGEMENT—

- Question *re* — of the cottage and small industries. 342-43.

ENGINEER(S)—

Question re—

- Extensions sanctioned to the — of the Meerut Cantonment Board. 1010.
- Indianisation of Ground — employed by the Indian National Airways, Limited. 8178-79.

ENGINEERING COLLEGE—

- Question *re* students passing from the 'A' class of the Maclagan —, Lahore. 3302-03.

ENGINEERING DIVISION—

Question re—

- Embezzlement cases in the Lahore — and the Amritsar Telegraph Exchange Office. 3167.

ENGINEERING DIVISION—contd.

Question re—contd.

- Muslims recruited as telephone operators in the Lahore —. 3164-65.
- Non-observance of orders regarding reservation on the Delhi — for the cadre of telephone operators and mistries. 3165.

ENGINEERING FIRMS—

- Question *re* — fabricating and assembling steel products in India. 94.

ENGINEERING SUPERVISOR(S)—

- Question *re* recruitment of Mualims as —, Telegraphs. 3164.
- See also under "Supervisor(s)".

ENGLAND—

- Motion for adjournment *re* introduction of the system of nomination in the selection of candidates for the Indian Civil Service in —. 190.

Question re—

- Alleged monetary agreement between —, France and America. 3321-22.

- Applications for nominations to the Indian Civil Service in —. 1211-12.

- Appointment of an expert from — to consider the question of improving the railway finances. 271-72.

- Article entitled "Broadcasting in — and India" published in the *Hindustan Times*. 594-95.

- Bilateral Trade Agreements with — and other countries. 917-18.

- Deputation of Sir Eric Mieville to — to study the Cabinet System. 2951.

- Gold exported from India since — went off the Gold Standard. 1868.

- Popularising of cashew nuts in Europe and particularly in —. 3304.

- Sale of quinine in — and other countries. 2343-44.

- Signing of any Indo-Japanese Trade Agreement in —. 751-52.

ENGLISH—

- Question *re* translations from — of the notices pasted on Railway Platforms and inside the compartments. 1115.

ENGLISH BOOK(S)—

Question *re* fixation of the value of a shilling in Indian Currency for the sale of — at the Wheeler's stalls on Railway Stations. 2626.

ENQUIRY(IES)—

Question *re*—
— into the condition of railway finances. 1210-211.
— into the grievances of the employees of the Bengal and North Western Railway. 2858-63.
— into the working of the Clove Growers' Association in Zanzibar and reservation of Kenya Highlands for Europeans. 753-54.
— regarding working of the Income-tax Department. 3320.
Mr. Binder's — in Zanzibar. 750.

ENQUIRY COMMISSION—

See "Commission(s)".

ENQUIRY COMMITTEE—

See "Committees(s)".

ENROLMENT—

Question *re* — of qualified voters by the system in operation in Great Britain. 1223-25.

ENVELOPE(S)—

Question *re* inadequate gumming on the flaps of embossed —. 676.

ESSAK SAIT, MR. H. A. SATHAR H.—

Question *re*—
Agitation in Ceylon against Indians and Malayalees. 2605-06.
Nomination of a Malayalee to the State Council and appointment of a Malayalee officer to look after the interests of Malayalees in Ceylon. 2606.

ESTABLISHMENT—

Question *re*—
Incumbent of the Post of the Deputy Director, — II, Railway Board. 3372.
Post of the Deputy Director, — II, Railway Board. 3140.
Re-organisation of — work on the East Indian Railway. 1007-08.
Transfer of certain industrial employees of the Government of India Press, Calcutta, from the temporary to the permanent —. 2617.

ESTABLISHMENT MANUAL—

Question *re* preparation of an — for the Railway Department. 1615-17.

ETAWAH—

Question *re* opening of a passage direct to the Dharmashala outside — Railway Station. 90, 673-74.

ETHIOPIA—

Question *re*—
Effect of the victory of Italy on the Indians settled in —. 338-40.
Part played by India in the meetings of the Council or the Assembly of the League of Nations after the conquest of — by Italy. 494-95.

ETHIOPIAN TROOPS—

Question *re* communiqué issued by the Royal Consul General for Italy about the supply of Dum Dum Bullets to —. 745-49.

EUROPE—

Motion for adjournment *re* Indian owned shipping service between India and —. 2242-45.

Question *re*—
Convict settlements in — and American. 989.
Popularising of cashew nuts in — and particularly in England. 3304.
Safeguarding of the interests of — alone by the League of Nations. 1153.

EUROPEAN(S)—

Question *re*—
Churches established by certain railways for the use of their — and Anglo-Indian employees. 1493-94.
Classification of — prisoners. 1906-07.
Contemplated appointment of a — as Financial Commissioner of Railways. 356-58.
Distinction between Indians and — in Ordnance Factoriae. 74.
Economy effected by the appointment of Indians in place of — in the higher branches of public services. 1707-09.
Enquiry into the working of the Clove Growers' Association in Zanzibar and reservation of Kenya Highlands for —. 753-54.
Reservation of Kenya Highlands to —. 363

EUROPEAN(S)—contd.**Question re—contd.**

Reservation of the Kenya Highlands for — and position of Indians in foreign countries. 186-87.

Schools for the education of the girls of — and Anglo-Indian employees maintained by the Bengal and North Western Railway. 3074.

Supersession of Indians by — on the North Western Railway. 2603-04.

Use of the word "Cooly" in respect of Indians and "Labour" in respect of — and Anglo-Indians. 100.

EUROPEAN FIRM(S)—

See "Firm(s)".

EUROPEAN NATION(S)—

See "Nation(s)".

EUROPEAN WAR—**Question re—**

Indians sent overseas during the last —. 3306-07.

Money from the Indian Exchequer spent over the last —. 3307.

EVIDENCE—

Question re checks applied to verify the — against the detenus. 1233.

EXAMINATION(S)—**Question re—**

Age for — for recruitment to the clerical cadre in the Postal Department. 3352.

Age limit for Government servants for the Indian Audit and Accounts Service —. 2725.

Communal composition of candidates declared successful in the — for recruitment of wireless operators. 3319.

Departmental — held in 1922 for the Government of India offices. 1048-49.

— by an expert of the financial position of the Railways. 737-38

— for appointment of clerks in the Allahabad General Post Office. 3322-23.

— for recruitment of clerks in the Delhi General Post Office. 3180

— for recruitment of clerks in the Government of India Secretariat and attached offices. 3374-77.

EXAMINATION(S)—contd.**Question re—contd.**

— for recruitment of clerks in the Telephone Revenue Accounting Office, Delhi. 818-19.

Facilities given to the staff to sit for the Goods Accounts — on the East Indian Railway. 40-41.

Fees charged by the Public Service Commission for competitive —. 3176-78.

Indian commissioned officers in the Army passing promotion — and reported fit for promotion. 3306.

Marks for *viva voce* in the Indian Civil Service —. 1766-67.

Non-inclusion of Patna and Nagpur in the list of centres for — for appointment to public services. 1046-47.

Passing of the Goods Accounts — by Goods Clerks at Howrah. 2633-34.

Periodical health and eye sight — of the railway staff. 2593-94.

Procedure for selection of candidates for Public Service Commission —. 3308.

Procedure on State Railways for punishing or reducing the staff from superior to inferior service on failure to pass an —. 78-80, 3371.

Refund of fees of applicants not admitted to competitive — of the Public Service Commission. 3309.

Removal of Indian Philosophy from the list of optional subjects for the Indian Civil Service —. 1777-78, 1926-27.

Routine grade — for recruitment to the Government of India Secretariat. 602-03.

Rules regarding the selection of applicants for admission to Public Service Commission —. 3309.

Selection of candidates by the Public Service Commission for admission to — for certain services. 3354-55.

Selection of candidates by the Public Service Commission for certain —. 3309.

Selection of candidates by the Public Service Commission for the Indian Audit and Accounts Service —. 3308-09, 3327.

Station Master's — in the Moradabad Division, East Indian Railway. 82.

Summoning of candidates for *viva voce* — by the Public Service Commission. 3067-68.

EYE-SLIGHT—

Question re—

- Employees discharged from the East Indian Railway on account of defective —. 2594-95.
- test of workers. 2596.
- Periodical — tests of the employees in the mechanical workshop of the old Oudh and Rohilkhand Railway. 2595.
- Periodical health and — examinations of the railway staff. 2593-94.
- Recommendations of the Royal Commission on Labour regarding periodical — test of workers. 2595-96.

F

FACILITY(IES)—

Question re—

- Additional postal — provided for rural areas. 2081-82.
- Certain — provided to the convicts sent to the Andamans. 985-88.
- Denial of — to Indians in Addis Ababa. 264-65.
- for the travelling public on the East Indian Railway. 3125.
- for treatment of detenu Alok-nath Chakravarti. 61.
- given to the staff to sit for the Goods Accounts Examination on the East Indian Railway. 40-41.
- Want of — of study for detenus. 3295.

FACTORY(IES)—

Question re—

- Distinction between Indians and Europeans in Ordnance. 74.
- Strike in the Bangalore Tobacco —. 2984-86.
- Strikes in —. 1858.

FACTORIES (AMENDMENT) BILL—

See "Bill(s)".

FAIR(S)—

Question re—

- Collision of trains on the occasion of the Kurukshetra —. 1128-29.
- Hardships experienced by pilgrims at Rajgir — on account of suspension of the Bihar-Bukhtiarpur Light Railway Train Service. 1715-17.

FAIR(S)—*contd.*Question re—*contd.*

- Motor and lorry traffic competition with the railway on the occasion of the Kurukshetra —. 1128.
- Passengers who attended the Kurukshetra —. 1127-28.

FAKIR(S)—

Question re—

- Free journeys enjoyed by beggars and *sadhus* on State Railways. 1680-81.
- Non-prosecution of *sadhus*, — and beggars travelling without tickets on the East Indian Railways. 89.

FAMILY MEDICINE—

- Question re revised edition of the Moore's —. 2653-54.

FAMINE-RIDEN AREA(S)—

- Question re relief given to the peasants of Bengal in the —. 1604-07.

FAMINE-STRIKEN AREA(S)—

Question re—

- Grant of concession rate for transport of fodder by rail into — in the Bombay Presidency. 1793.
- Railway concession for transport of fodder to the — in Guzerat and Maharashtra. 2943.
- Railway concession for transport of food and fodder to the — in the Jhalod Taluka and Pachmahal District. 2943.
- Salt concessions availed of in the — in Bengal. 2435.

FAN(S)—

- Question re provision of — in the third and intermediate class compartment of State Railways. 983-84.

FARE(S)—

Question re—

- Effect on the earnings of Railways of increasing — and freight. 1915.
- Intermediate class — on the East Indian Railway. 1700-01.
- Rates of passenger — and goods freight on Indian and Japanese Railways. 984.
- Recording of names of the crew staff who fail to collect excess — from passengers on the Eastern Bengal Railway. 3365-66.

FARE(S)—contd.**Question re—contd.**

Reduction of — between Madras and Delhi and speeding up of the Grand Trunk Express. 2338-39.

Reduction of third class — between Bezwada and Masulipatam on the Madras and Southern Mahratta Railway. 2339-40.

Reduction of third class — on the Shahdara-Saharanpur Railway. 1117-18.

Reservation of four first class berths on payment of one — on railways. 2160-61.

FAREWELL PARTY (IES)—

Question re — to be given to the Assistant Superintendent, Howrah Goods. 1024-25.

FARM(S)—

Question re purchase of Sindhi cattle for Bangalore — and issue of breeding bulls. 3134.

FAZL-I-HAQ PIRACHA, KHAN BAHADUR SHAIKH—**Question re—**

Allotment of quarters near Gol Market, New Delhi, to non-migratory staff. 2943-44.

Cancellation of the appointments of Muslim Inspectors in the Crew Department, Eastern Bengal Railway. 76.

Money Circulating Scheme started by certain firms. 2828.

Muslim refreshment rooms at certain railway stations. 2828-29.

Recruitment of more Indians to the Indian Medical Service. 2827.

Recruitment of Muslims in the Indian Medical Service. 2827.

Refusal to permit Shaikh Abdulla Kufi, a well-known *Muallim*, from entering India. 3371.

Selection of candidates by the Public Service Commission for admission to examination for certain services. 3354-55.

FAZLI-HUSAIN, KHAN BAHADUR MIAN SIR—

Expressions of regret on the death(s) of —, Sir M. Ramachandra Rao and Mr. W. S. Lamb. 105-09.

FEDERATION—**Question re—**

Communication of official documents or information by a Government servant to his service Association, Union or —. 3335.

Inauguration of —. 334, 2503.

Instruments of accession for Indian States to join the —. 161-65.

Joining of Railway Unions and — by Railway employees. 3186.

Probable date of the Inauguration of —. 1143.

FEE(S)—**Question re—**

— charged by the Public Service Commission for competitive examinations. 3176-78.

— for certificate of posting. 1859.

Refund of — of applicants not admitted to competitive examination of the Public Service Commission. 3309.

FEEDER ROAD(S)—

See "Road(s)".

FEMALE(S)—

Question re protection of the honour of — using passenger hall at Moradabad. 2840-41.

FEMALE COMPARTMENT(S)—

See "Compartment(s)".

FEMALE PASSENGER(S)—

See "Passenger(s)".

FENCING(S)—

Questions re improvements made in railway — of small stations to check ticketless travelling. 1685-86.

FEROZEPURE—

Question re representation made on behalf of the Brahmins of the United Provinces by the Brahmin Sabha, —. 2950.

FESTIVAL(S)—

Question re grant of holidays to goods and parcel clerks on important Indian — days. 91-92.

FIELD WORK—

Question re training of Indians in — in the Archæological Department. 1040.

FIJI—

Question re—

Franchise for Indians in —. 2004-06.

Indians in — and substitution of nomination for election. 254-56.

Population of — and communal representation in the — Legislative Council. 2068-69.

FITTING(S)—

Question re purchase of new — for the motor trolleys by the East Indian Railway. 1017-18.

FILM(S)—

Question re—

Books, periodicals and — prohibited from entering India. 2602-03.

— books and other publications in foreign countries calculated to lower India in the eyes of the world. 91.

FINANCE(S)—

Question re—

Appointment of a Committee to enquire into the —. 491-92.

Appointment of an expert from England to consider the question of improving the railway —. 271-72.

Enquiry into the condition of railway —. 1210-11.

Improvement of — and reduction in the deficit in the railway finance. 270-71.

Letter entitled "Railway — and Rail-Road Competition" published in the *Hindu*. 493-95.

Placing of railways — on a proper footing. 984-85.

Question of the Railway —. 173.

FINANCE DEPARTMENT—

Question re books forfeited under a certain notification of the —. 674. 75.

FINANCE MEMBER—

Question re—

Interview of Sir Sikandar Hayat Khan, Deputy Governor of the Reserve Bank, with the —. 2008-10.

Post of the Private Secretary to the —. 2951.

Views of the — on industrialisation by a protective policy. 427-29.

FINANCIAL ADJUSTMENT—

Question re report of the Application Committee on — between India and Burma. 3357.

FINANCIAL ADVISER—

Question re appointment to the Post of the — at Army Headquarters. 355-56.

FINANCIAL COMMISSIONER—

Question re contemplated appointment of a European as — of Railways. 356-58.

FINANCIAL ENQUIRY(IES)—

Question re special qualifications of Sir Otto Heimeyer for conducting the — in India. 686.

FINANCIAL EXPERT(S)—

See "Expert(s)".

FINANCIAL POSITION—

Question re—

Examination by an expert of the — of the Railways. 737-38.

— of the Railways. 178-80.

FINANCIAL SETTLEMENT—

Question re—

Recommendations of the Amery Tribunal in respect of the Indo-Burma —. 2014-15.

Report of the Committee on — between Burma and the Shan States. 3357-58.

FINANCIAL TRIBUNAL—

Question re recommendations of the Indo-Burma —. 1222.

FIRE(S)—

Question re—

— in certain parts of Delhi. 907. Measures for prevention of — in coal mines. 583.

FIRE PARADES—

See "Parade(s)".

FIREMAN(MEN)—

Question re—

Discharge of certain — and shunters on the Eastern Bengal Railway. 3363.

School established at Calcutta to train —, shunters and drivers. 3364.

FIRM(S)—**Question re—**

Engineering — fabricating and assembling steel products in India. 94.

— manufacturing pig iron in India. 95.

Money Circulating Scheme started by certain —. 2828.

Monopoly for the supply of paints enjoyed by certain —. 2327-28.

Preferential treatment shown to a European — in the matter of testing of paints. 2834-35.

Refusal by the Indian Railways to accept black paint of a certain —. 2736-37.

Test of samples of readymixed red oxide paints submitted by certain —. 2726.

FIRST CLASS—

Question re reservation of four — berths on payment of one fare on railways. 2160-61.

FIRST CLASS COMPARTMENT(S)—

See "Compartment(s)".

FIRST DIVISION(S)—**Question re—**

Clerks in the Government of India Secretariat qualified for — and second division not yet provided in those divisions. 854.

Men qualified for — and second divisions awaiting appointment in Government of India Offices and recruitments made in the Foreign and Political Department 3152.

FISCAL REFORM—

Question re — State help for industries and development of the resources of the country. 1212.

FIVE-YEAR PROGRAMME—

Question re — of broadcasting. 761.

FLAP(S)—

Question re inadequate gumming on the — of embossed envelopes 676.

FLOOD(S)—

Question re — in Bihar. 3156.

FLYING—

Question re landing grounds, aerodromes and runways made and airports fitted out for night —. 1856-57.

FLYING CLUB(S)—

Question re help to private — in India. 2503-04.

FODDER—**Question re—**

Adequate supply of — and grazing grounds for cattle and improvement of livestock in a scientific manner. 755-57.

Grant of concession rate for transport of — by rail into famine-stricken areas in the Bombay Presidency. 1793.

Railway concession for transport of — to the famine-stricken areas in Guzerat and Maharashtra. 2943.

Railway concession for transport of food and — to the famine-stricken areas in the Jhalod Taluka and Panchmahal District. 2943.

FOOD—**Question re—**

Arrangements for the supply of — in the Howrah and Dinapore Divisions. 843.

Railway concession for transport of — and fodder to the famine-stricken areas in the Jhalod Taluka and Pachmahal District. 2943.

FOOD-STUFFS—

Question re differentiation made by vendors of — at Railway Stations. 2157-59.

FOOT OVERBRIDGE—

See "Overbridge(s)".

FOOT PEON(S)—

See "Peon(s)".

FOOTBALL GROUND—

Motion for Adjournment re control of the soldiers on the — at Annandale. 2189-91, 2224-33.

FORCED LABOUR—

Question re implementing of the convention on —. 2622-23.
See also under "Labour".

FORECAST(S)—

Question re non-supply of accurate — of quantities by the Railway Board re purchase of paints and varnishes 2876-77.

FOREIGN AND POLITICAL DEPARTMENT—

Question *re* men qualified for first and second divisions awaiting appointment in Government of India Offices and recruitments made in the —. 3152.

FOREIGN COUNTRY(IES)—

Question *re*—

Appointment of Indian Consuls and Trade Commissioners in —. 265-66.

Appointment of Trade Commissioners in —. 744.

Films, books and other publications in — calculated to lower India in the eyes of the world. 91.

See also under "Country(ies)".

FOREIGN EXPERT(S)—

Question *re* appointment of a — to advise Government on broadcasting. 1043-44.

See also under "Expert(s)".

FOREIGN GOODS—

See "Goods".

FOREIGN GOVERNMENT(S)—

See "Government(s)".

FOREIGN LIQUOR—

See "Liquor(s)".

FOREIGN MUNICIPALITY(IES)—

See "Municipality(ies)".

FOREIGN TRADE—

See "Trade".

FOREIGNER(S)—

Question *re* archaeological excavation by — in India. 1039-40.

FOREMAN(MEN)—

Question *re*—

House rent paid by — and Assistant — on the Rohilkund and Kumaon Railway. 3294.

Staff with defective vision employed as drivers and Assistant Loco. —, etc., on State Railways. 2632-33.

FOREST AREA(S)—

Question *re* licences for guns to cultivators in — in Chhota Nagpur, and Bihar. 3069-70.

FOREST SERVICE—

Question *re* discharge of Provincial — Officers by the Punjab Government on compensation pension. 3296-97.

FORFEITURE—

Question *re*—

— of amount under sections 93 and 102 of the Indian Railways Act. 3142.

— of books under a certain notification of the Finance Department. 674-75.

FORM OF CERTIFICATE—

See "Certificate(s)".

FORM SUPPLIER(S)—

Question *re* placing of the — of the Postal Stock Depot in superior service. 2831.

FORT ZONE AREA—

Question *re* abolition of the Military Control of the — in Delhi. 915.

FRANCE—

Question *re* alleged monetary agreement between England, — and America. 3321-22.

FRANCHISE—

Question *re*—

Curtailment of the existing — by the Delhi Municipal Committee. 1908.

— for Indians in Fiji. 2004-06.

FRANKS, MR.—

Question *re*—

Appointment of — as the Editor of the *Indian Listener*. 691-93.

Present position held by —, formerly News Editor in the Delhi Broadcasting Station. 1473.

FRAUD(S)—

Question *re*—

— cases in respect of the funds of joint stock companies. 1699-1700.

— in the supply of coal to the Loco. Department in Bareilly City. 3175.

Losses sustained by Government through — or negligence on the East Indian Railway. 1028-29.

Questions of — in connection with Railway tickets. 2840.

FREE PASS(ES)—

See "Pass(es)".

FREE PASS RULES—

See "Rule(s)".

FREE QUARTER(S)—

See "Quarter(s)".

FREEDOM—

Motion for adjournment *re* — of individual members of Government to express personal opinions. 1155-61.

FREELANDGANJ—

Question *re* vernacular schools in the Railway colony at — District Panchmahals. 2627-28.

FREIGHT(S)—

Question *re*—

Effect on the earnings of Railways of increasing fares and —. 1915.

Proposal to increase — on coffee, tea and rubber. 1228.

Rates of passenger fares and goods — on Indian and Japanese Railways. 984.

Reduction of — on yarn on the South Indian Railway. 333-34.

FRENCH POSSESSION(S)—

Question *re* negotiations regarding the cession of the — in India. 1222-23

FRESH FRUIT(S)—

Question *re* delivery of parcels containing —. 822-23.

FRIDAY PRAYER—

Question *re* Home Department Circular *re* the —. 106.

FRIVOLOUS NATURE—

Motion for adjournment *re* alleged — of motions of adjournment. 1243-44.

FRONTIER(S)—

Article entitled "On the —" published in the *Statesman*. 589.

Reported massing of the Mohmand Tribes on the —. 852-53.

'FRONTIER POST ATTACHED'—

Question *re* note entitled "—" published in the *Statesman*. 2000-01.

FRUIT(S)—

Question *re* delivery of parcels containing —. 822-23.

FUNCTION(S)—

Question *re* — and duties of the Imperial Dairy Experts. 3132-33

FUND(S)—

Question *re*—

Allotment made for the Burdwan-Arambagh Road from the Road Development —. 2340-41.

Fraud cases in respect of the — of joint stock companies. 1699-1700.

King George Memorial —. 2071-72.

Pay of the Executive Officer debited to the Cantonment — of Muttra. 1008-09.

Sunday Fees — at the major ports. 3368.

Statement laid on the table showing the objects on which the Aviation share of the Petrol Tax — was expended during 1935-36. 110-11.

FUNDAMENTAL RULES—

See "Rule(s)".

FUZZLUL HUQ, MR. A. K.—

Resolution *re* interference from public servants in the ensuing elections. 2674-76.

G**GADGIL, MR. N. V.—**

Arya Marriage Validation Bill—

Motion to consider. 1646, 1653.

Consideration of clauses. 2036-38, 2051, 2784, 2787, 2795.

Cantonments (Amendment) Bill—

Motion to consider. 487-89, 522-25.

Consideration of clauses. 538, 547, 548, 549, 550, 1563, 1564, 1565.

Code of Civil Procedure (Amendment) Bill—

Consideration of clauses. 3088-91, 3092.

Indian Motor Vehicles (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 400, 409-12.

Indian Railways (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 215, 216.

Indian Tea, Cess (Amendment) Bill—

Consideration of clauses. 2924-25.

Motion for adjournment *re* extension by the Government of Bengal of the provisions of Chapters II and III of the Bengal Public Security Act, 1932, to the Town of Calcutta and the Districts of 24 Parganas and Howrah. 772-74.

GADGIL, MR. N. V.—*contd.*

Question re—

- Allegations against a Police Sub-Inspector at the Moradabad Hindu Refreshment Room. 2819.
- Arrears in Nazul revenue in Delhi. 2817.
- Assessment of annual value of property in the Nasirabad Cantonment. 1713.
- Cantonments in British India and their respective stations. 1691-97.
- Change in the nomenclature of the Poona Bangalore Mails. 1709-11.
- Circular re support to shipping companies. 446.
- Destitutes treated at the Jubbulpore Cantonment General Hospital. 1690-91.
- Duty and function of the police force on railway stations. 2815-16.
- Employment of the "Dufferin" cadets as officers. 3299-3300.
- Enhancement of water tax in the Nasirabad Cantonment. 1713.
- Grant of concession rate for transport of fodder by rail into famine-stricken areas in the Bombay Presidency. 1793.
- Grant of livery allowances to the dufftries in the Government of India Offices. 3359-60.
- Lands owned by private proprietors in cantonments. 1699.
- Promotion of Sub-Assistant Surgeons of the Indian Medical Department. 1711-12.
- Rate charged for water supply in the Nasirabad Cantonment. 1712.
- Refund of the amount paid by the Nasirabad Cantonment Board for the supply of water. 1712.
- Reserve clerks in the Jalpaiguri Postal Division. 2854.
- Rules for suing Government for breach of trust in respect to service conditions, etc. 2816-17.
- Sadar Bazaars in Cantonments. 1699.
- Sale of liquors before and after the licensed hour in Delhi. 2817-18.
- Separation of the Deolali Cantonment Bazar from the Cantonment Area. 1763.
- Supersession of the Building Committee of the Nasirabad Cantonment. 1714.
- Supply of cotton liveries to dufftries in the Government of India Offices. 3360.
- Taxes levied by the Dehra Dun Cantonment on the inhabitants of certain villages. 1714-15.

GADGIL, MR. N. V.—*contd.*Question re—*contd.*

- Transfer of the Bangalore Hubli Section of the Madras and Southern Mahratta Railway to the Mysore Government. 1700.
- Use of refreshment rooms on State Railways by police officials. 2818-19.
- Water supply in cantonments. 1698-99.
- Question (Supplementary) re—
- Agreement between His Majesty's Government and His Exalted Highness the Nizam about Berar referred to in section 47 of the Government of India Act, 1935. 1002-04.
- Appointment of the Cabinet Secretary. 1998.
- Article entitled "Borrowing of Local Bodies" published in the *Indian Finance*. 2488.
- Bhonsla School of Military Training. 1613.
- Books forfeited under a certain notification of the Finance Department. 674-75.
- Collection and utilisation of public subscriptions. 657-58.
- Contracts of agency for purchase of grains for Military and the management of Grain Depots at certain places. 2619.
- Financial position of the Railways. 179, 180.
- India's withdrawal from the membership of the League of Nations. 1766.
- Instruments of accession for Indian States to join the Federation. 165.
- Loans taken by the Indian States from the British Government. 768-70.
- Non-appointment of an Indian as Deputy Agent of the South Indian Railway. 819-22.
- Organisation of public works in connection with the relief of unemployment. 257.
- Placing of proscribed books in the library of the Legislative Assembly. 1776.
- Protection to the handloom industry. 1461.
- Rates of edibles in Indian refreshment rooms on the East Indian Railway. 1620, 1621.
- Recommendations of the Royal Commission on Agriculture given effect to. 843-45.

GADGIL, MR. N. V.—concl'd.

- Question (Supplementary) *re—concl'd.*
 Report of the Sapru Committee on unemployment. 34-36.
 Representations made by the prisoners of the Cellular Jail. 989-90.
 Retrenchment on railways. 1900.
 Trained cadets of the "Dufferin". 1484.
 Unemployment problem. 1000-02.
 Want of a raised platform on the branch line between Chichoki Malian via Jaranwala on the North Western Railway. 1487.
 Resolution *re* indebtedness of agriculturists. 1810.

GALLERY PASS(ES)—

See "Pass(es)".

GAMBLING—

- Question *re—*
Satta — in Ajmer. 3359-40.
 Stoppage of carnivals used for —. 834.

GAME(S)—

- Question *re* out-door — allowed to prisoners in the Cellular Jail. 997.

GANDAK RIVER—

- Question *re* provision of a bridge over the — at Saidpur Ghat near Pusa. 3054.

GANDHI, MR.—

- Motion for adjournment *re* prohibition of the printing of pictures of — and others, etc., on cards and covers. 364.

- Question *re—*
 Permission to — to visit Mr. Subhash Chandra Bose. 2947.
 Refusal by the Post Office to deliver a postcard containing —'s picture. 915-16.

GANDHI, MR. M. P.—

- Question *re* statement on the renewal of the Indo-Japanese trade agreement by —. 2305.

GARAGE(S)—

- Question *re* provision of — and pits, etc., for non-gazetted staff on State Railways. 3343-44.

GARDEN(S)—

- Question *re* clearing away of a mango — for the construction of quarters for the menial staff of the Saharanpur Remount Depot. 2088-89.

GARHA (JUBBULPORE)—

- Question *re* assault on the inhabitants of a village near — by British soldiers. 2168.

GARHI KHAIRO—

- Question *re* extension of the present railway line to Jacobabad via — in Sind. 1481.

GARHMUKTESAR—

- Question *re* arrangement for *melas* at Hardwar, — and Roorkee on the East Indian Railway. 2840.

GAS BOMB(S)—

See "Bomb(s)".

GAYA—

- Question *re* damages done to Railway lines in the districts of — and Patna. 1559-61.

GAZETTE(S)—

- Question *re* — published by Railway Administrations. 3140.

GAZETTED MUSLIM OFFICERS—

See "Officer(s)".

GAZETTED OFFICER(S)—

- Question *re—*
 Promotions of the relatives of — on the East Indian Railway. 1037-38.
 Use of office requisites for the benefit of the — on the East Indian Railway. 1025-27.

GAZETTED POSTS—

See "Post(s)".

GAZETTED RAILWAY EMPLOYEES—

See "Employee(s)".

GAZETTED RAILWAY SERVICE—

- Question *re* employment of relatives in the supervisory posts in the non—. 3346.

GAZETTED RANK—

- Question *re* — for the four Headmasters of the East Indian Railway Indian High Schools. 449.

GAZETTED STAFF(S)—

See "Staff(s)".

GENERAL CLAUSES (AMENDMENT) BILL—

See "Bill(s)".

GENERAL POST OFFICE(S)—

See "Post Office(s)".

GENEVA CONVENTION IMPLEMENTING BILL—

See "Bill(s)".

GEOLOGICAL SURVEY—

Demand for Excess Grant. 3259.

GHAZIPUR—

Question re—

Employment of muslim clerks in the
Opium Agent's Office — 344-46.

Low percentage of Muslims in the
Opium Agent's Office, — 349.

Reduction of Muslim clerks in the
Opium Agent's Office, — 346-49.

Strength of clerks in the Opium
Agent's Office, — 343.

GHEE—

Question re—

Adulteration in milk and — 3162.

Importation of vegetable — into
India. 1507-12.

GHIASUDDIN, MR. M.—

Durgah Khawaja Saheb Bill—

Consideration of clauses. 3301.

Motion to pass. 2404-05.

Expressions of regret on the deaths
of—

Khan Bahadur Mian Sir Fazl-i-
Husain Sir M. Ramachandra Rao
and Mr. W. S. Lamb. 107.

Question re recruitment of more
Indians to the Indian Medical
Service. 1703-04.

GHOSE, MR. SAILENDRA NATH—

Question re restrictions on the move-
ment of —, a Political exile in the
United States. 3297.

GHOSH, NABA JIBAN—

Motion for adjournment re death of
Detenu —. 2345-47.

GHULAM BHIK NAIRANG, SYED—

Arya Marriage Validation Bill—

Consideration of clauses. 2803-06,
2807.

Durgah Khawaja Saheb Bill—

Motion to consider. 3285-87.

Motion to pass. 3401-03.

Question re death of one Zamir Ahmad
by a train at the Devi Nagar cross-
ing near Changigarh Railway
Station. 678.

GHUZNAVI, SIR ABDUL HALIM—

Expressions of regret on the deaths
of—

Khan Bahadur Mian Sir Fazl-i-
Husain, Sir M. Ramachandra
Rao and Mr. W. S. Lamb. 108-
09.

Indian Companies (Amendment) Bill—
Motion to pass. 2572-73.

Indian Railways (Amendment) Bill—
Motion to refer to Select Committee
and to circulate. 196-99.

Motion for adjournment re reduction
of the duty on British textiles
without consulting the Legislative
Assembly. 307-10.

Question (Supplementary) re initialling
of the notes on research made by
readers by the Librarian of the
Imperial Library. 362-64.

Resolution re interference from public
servants in the ensuing elections.
2221, 2685-88.

GIDNEY, LIEUT.-COLONEL SIR HENRY—

Question re—

Grant of rickshaw allowance to the
Members of the Legislative
Assembly in Simla. 2337-38.

Promotions and demotions of electric-
ians and chargemen, etc., on the
Great Indian Peninsula Railway.
71.

GIRDAWAR QANUNGO—

Question re appointment of a — as
Manager of the Court of Wards.
3329.

GIRI, MR. V. V.—

Chittagong Port (Amendment) Bill—
Motion to consider. 3043.

Indian Companies (Amendment) Bill—
Consideration of—
Clause 98. 2452-53.
Clause 113. 2552-53.

GIRI, MR. V. V.—*contd.*

Indian Railways (Amendment) Bill—
Motions to refer to Select Committee
and to circulate. 132-34.

Motion for adjournment *re* Mr.
Subhash Chandra Bose. 382.

Question *re*—

Construction of hydrants supplying
drinking water or urinals and
lstrines by the roadside in New
Delhi. 90.

Expenditure incurred on Lee conces-
sion passages. 3369.

Explosion at the Moghalpura Work-
shop on the North Western Rail-
way. 1794-95.

Extornment of — by the Pondi-
cherry Government. 259.

Grant to the Marine Club of
Calcutta. 3368.

Implementing of the convention on
forced labour. 2622-23.

Labour laws in force in India.
2628-29.

Opening of a passage direct to the
Dharamshala outside Etawah Rail-
way Station. 90.

Savings expected by introduction of
new scales of pay. 50.

Strike in the Bengal Nagpur Rail-
way Workshops at Kharagpur.
520-21.

Sunday Fees Fund at the major
ports. 3368.

Question (Supplementary) *re*—

Action taken on the Resolution *re*
construction of locomotives in
India. 925.

Allegations against the staff at the
Kamalasagar Station on the
Eastern Bengal Railway. 263.

Allegations against the staff of the
Rohilkund and Kumaon Railway.
3170-72.

Dismissal of certain scavengers at
Waltair by the Bengal Nagpur
Railway. 1770.

Extension of the Indian Trade
Union Act to the Bangalore Can-
tonment. 2986.

Health of Mr. Subhash Chandra
Bose. 2307.

Honorary Special Magistrates deal-
ing with cases of ticketless travel-
ling on State Railways. 1684.

Indian delegation to London in
connection with the conclusion of
a trade agreement in place of the
Ottawa Trade Agreement. 2173.

Leave, passes, etc., of the staff on
the Bengal and North Western
Railway. 2856, 2857, 2858.

GIRI, MR. V. V.—*concl'd.*

Question (Supplementary) *re*—*cont'd.*

Ratification of the International
Labour Convention regarding
forced labour. 2076.

Retrenchment on Railways. 928.

Visit of Sir Muhammad Yamin
Khan and Rajzada Hans Raj to
the Andamans. 3071.

Trade Disputes (Amendment) Bill—
Motion to circulate. 3115-20, 3121.

GIRL(S)—

Question *re*—

Alleged kidnapping of a Hindu —
in Peshawar. 598-99.

Assault on a — in the Bhopal
Ujjain Passenger Train. 3331-32.

Schools for the education of the —
of European and Anglo-Indian
employees maintained by the
Bengal and North Western Rail-
way. 3074.

GLASS INDUSTRY—

Question *re*—

Indigenous supplies of raw materials
for the —. 1481.

Protection to the —. 1463-64.

GLOUCESTERSHIRE REGIMENT—

Question *re* allegations against certain
British soldiers of the — in Madras.
105.

GOL MARKET—

Question *re* allotment of quarters near
—, New Delhi, to non-migratory
staff. 2943-44.

GOLAGHAT—

Question *re*—

Deforestation of Jamuguri Reserve
in the Borpathar Development
area in —, Assam. 2619-20.

Transfer of Borapathar Mauza in
the — sub-division in Assam to
the Mikir Hill Tracts. 98.

GOLAM SATTAR—

Motion for adjournment *re* murder of
mail guard — on a Calcutta Siraj-
ganj train between Ranaghat and
Chuadanga. 772.

GOLD—

Question *re* — exported from India
since England went off the — Stand-
ard. 1968.

GOLD STANDARD—

Question re—

Apprehension of abnormally increased imports of sugar from Java due to Holland's departure from the —. 2409.

Gold exported from India since England went off the —. 1868.

GOODS—

Question re—

Mis-declaration of — on the East Indian Railway. 1027-28.

Negotiations between the Government of India and the Kathiawar States to regulate the import of foreign —. 2410-13.

Rates of passenger fares and — freight on Indian and Japanese Railways. 984.

GOODS ACCOUNTS EXAMINATION—

Question re—

Facilities given to the staff to sit for the — on the East Indian Railway. 40-41.

Passing of the — by Goods Clerks at Howrah. 2633-34.

GOODS CLERKS—

See "Clerk(s)".

GOODS DUTIES—

Question re removal of restrictions on the markers on the North Western Railway for training in —. 1787.

GOODS SHED(S)—

Question re—

Applications invited for storage accommodation at the Howrah —. 49.

Forwarding agents at the Howrah —. 2635.

Reservation of one bag of No. 4 shed within the Howrah —. 1008.

GOODS WAGONS—

See "Wagon(s)".

GOUNDER, RATNASABHAPATHI—

Question re—

Case of one — of the Coimbatore District. 1136-41.

Remission of sentence of one — of the Coimbatore District. 2319-27.

GOVERNMENT(S)—

Motion for adjournment re—

Freedom of individual Members of — to express personal opinions. 1155-61.

—'s breach of promise. 379-81.

Interference by the — of the United Provinces with the Sunni Muslims of Lucknow. 604-05.

Question re—

Aeroplanes used by —. 2516-17.

Attitude of the — of the Union of South Africa with regard to the issue of licences to Indians. 656-57.

Consultation with — concerned in the Ottawa Trade Agreement re their continuation. 738-39.

Ecclesiastical Department of —. 2825-27.

Functions of the unofficial advisers to — in connection with the Indo-British Trade Agreement. 2849-50.

—'s Loan Policy. 686-88.

Importation of foreign experts to examine the various Departments of —. 599-600.

Losses sustained by — through fraud or negligence on the East Indian Railway. 1028-29.

Raising of public loans by certain foreign municipalities and —. 2740-41.

Rules for suing — for breach of trust in respect to service conditions, etc. 2816-17.

Speeches made by Members of — against the accepted policy of —. 1062-63.

Speeches of Members of — against the policy of the — in their personal capacity. 2944-45.

Taxation proposals of provincial — and Coal Cess in Bihar. 1133-34.

GOVERNMENT BUILDINGS—

See "Building(s)".

GOVERNMENT COTTAGE INDUSTRIES INSTITUTE—

Question re —, Delhi. 504-05.

GOVERNMENT DEPOSIT(S)—

See "Deposit(s)".

GOVERNMENT ORDERS—

Question re retrenchment in the Rungpur Postal Division in disregard of the —. 2664.

GOVERNMENT OF INDIA—

Motion for adjournment re—

Alleged active acquiescence of the — in the recent political activities of Sir Sikandar Hayat Khan, a Deputy Governor of the Reserve Bank of India. 364.

Failure of the — to secure secrecy of ballot in the Punjab as recommended by the Assembly. 2773.

Withdrawal of the — from the League of Nations. 189-90.

Question re—

Changes to be introduced in the — from the 1st April, 1937. 765-66.

Clerks in the — Secretariat qualified for first and second divisions not yet provided in those divisions. 854.

Confidential reports on the work of the staff maintained in the — Offices. 1032-33.

Departmental examination held in 1922 for the — offices. 1048-49.

Examination for recruitment of clerks in the — Secretariat and attached offices. 3374-77.

Expenditure incurred by the — on Delegates sent to League of Nations, etc. 449-50.

Foreign experts invited to examine the — Departments. 1129-31.

Grant of livery allowances to the duffarries in the — Offices. 3359-60.

Holiday for Baisakhi in the — Offices. 98.

Indian Secretaries Joint and Assistant Secretaries in the —. 1131-32.

Indianisation of the — Secretariat. 1219.

Men qualified for first and second divisions awaiting appointment in — Offices and recruitments made in the Foreign and Political Department. 3152.

Negotiations between the — and the Kathiawar States to regulate the import of foreign goods. 2410-13.

Peons and duffarries of the — Offices required to attend fire parades. 3338-39.

Post of economic adviser to the —. 1215-16.

Promotion of third division clerks in the — Offices. 88-89.

Proportion of Sikhs in certain Departments under the —. 1147-52.

Railway saloons supplied to the members of the —. 677.

Recruitment of Indians in the — Departments. 32.

GOVERNMENT OF INDIA—contd.

Question re—contd.

Recruitment of officers from the provinces in the — Secretariat. 1473-75.

Replacement of unqualified clerks by qualified ones in the — Offices. 3151-52.

Representation of Muslims in the — Offices. 23-26.

Routine grade examination for recruitment to the — Secretariat. 602-03.

Stationery used in — Department. 1006.

Stenographers in the — Departments. 75.

Supply of cotton liveries to duffarries in the — Offices. 3360.

Uniformity in the office hours of the several — Departments on Saturdays. 2938.

See also "Central Government".

GOVERNMENT OF INDIA ACT—

See "Act(s)".

GOVERNMENT OF INDIA PRESS(ES)—

See "Press(es)".

GOVERNMENT OF INDIA PUBLICATION(S)—

See "Publication(s)".

GOVERNMENT OF INDIA SECRETARIAT—

See "Secretariat(s)".

GOVERNMENT PENSIONER—

See "Pensioner(s)".

GOVERNMENT PUBLICATION(S)—

See "Publication(s)".

GOVERNMENT SECURITIES—

Question re amendment of the law governing the transactions in —. 517.

GOVERNMENT SERVANT(S)—

Question re—

Age limit for — for the Indian Audit and Accounts Service Examination. 2725.

Communication of official documents or information by a — to his service Association, Union or Federation. 3335.

Compulsory retirement of — after twenty-five years of service. 2724.

GOVERNMENT SERVANT(S)—contd.Question *re—contd.*

Definitions of "clerical", "inferior" and "menial" staff as applied to — 2644.

— debarred from making any statement, etc., embarrassing the relations between certain persons. 3359.

— exempted from the necessity of purchasing platform tickets. 676-77.

Grant of extensions to superannuated persons and re-appointment of retired — 2512-14.

Non-eligibility of temporary — to become members of recognised unions and associations. 3324-25.

Proposal to retire — who have attained the age of fifty years. 3352.

Rules relating to the conditions of service of — 2854-55.

Scheme to retire — at the age of 50. 3327.

Withdrawal of the circular prohibiting — from co-operating with certain associations. 599.

Writing of articles for press and publication of books by — 3359.

GOVERNMENT SERVANTS' CONDUCT RULES—Question *re—*

Applicability of certain provisions of the — to Government pensioners. 3340-41.

Applicability of — to the staff on State Railways. 2634-35, 2642-43.

GOVERNOR(S)—Question *re—*

Interview of Sir Sikandar Hayat Khan, Deputy — of the Reserve Bank, with the Finance Member. 2008-10.

Leave granted to the — of Madras and the Central Provinces. 662-63.

Platform tickets for persons going to railway stations to receive Viceroys and — 2517-19.

Rumoured resignation of his office by Sir Osborne Smith, — of the Reserve Bank of India. 2495-96.

Withholding of a telegram regarding motion for adjournment to discuss the conduct of the — of Bihar for his taking active part in organising parties to fight the elections. 2316-17.

GOVERNOR-GENERAL, HIS EXCELLENCY THE—

—'s assent to Bills. 110

Question *re—*

Appeal to the — in Council against an order of the Agent of a State Railway. 2769.

Appeals, memorials, or petitions submitted to — in Council by the staff in the Allahabad Division, East Indian Railway. 2764.

Responsibility of — in Council for the actions of the Agents of State Railways. 3183.

Rules framed by — in Council and the Local Governments under section 401 (6) of the Code of Criminal Procedure. 2084.

Speeches delivered by — to the Legislature. 1142-43.

Submission of memorials of Railway servants to the — 92.

Submission of petitions of the Railway staff to — 1020.

See also "Viceroy, His Excellency the".

GOVIND DAS, SETH—

Arya Marriage Validation Bill—

Consideration of clauses. 2049, 2050.

Indian Companies (Amendment) Bill—

Motion to consider. 721-726.

Consideration of clause 40. 1751-52.

Insertion of new clause after clause 52. 2376.

Consideration of clause 109. 2456, 2457.

Question *re—*

British Empire Forestry Conference held in South Africa. 60.

Cantonments in British India and their respective stations. 1691-97.

Destitutes treated at the Jubbulpore Cantonment General Hospital. 1690-91.

Income and expenditure of each cantonment. 1058-62.

Initialling of the notes on research made by readers by the Librarian of the Imperial Library. 362-64.

Interest of Indians affected by the enactment of labour laws in Iraq. 360-61.

Lands owned by private proprietors in cantonments. 1699.

Negotiations for the establishment of better trade relations with foreign countries. 2012-14.

New rules for recruitment to the Indian Civil Service. 358-60.

Price of production of quinine. 2017.

Production of quinine in India. 2015-17.

GOVIND DAS, SETH—*contd.*Question *re—contd.*

- Public opinion on the report of Sir Otto Neimeyer. 2014.
 Publication of the "Sea-borne Trade and Navigation Accounts". 67.
 Qualifications of the Principal of the Dhanbad School of Mines. 361-62.
 Recommendations of the Amery Tribunal in respect of the Indo-Burma Financial Settlement. 2014-15.
 Refusal of the British Delegation at Addis Ababa to protect Indians. 2015.
 Sadar Bazars in Cantonments. 1699.
 Suffrage of the University electorate in the Central Provinces. 3298-99.
 System of enrolling the electorate for the forthcoming elections in the Provinces. 3297-98.
 Termination of the Ottawa Trade Agreement. 2018-19.
 Uniformity in Provincial Excise Regulations. 415-16.
 Water supply in cantonments. 1698-99.
- Question (Supplementary) *re—*
 Abolition of duty on Mimosa Extract. 354.
 Article entitled "Inter-related problems" published in the *Hindustan Times* regarding unemployment problem. 499-500.
 Classification of political prisoners. 1936.
 Contemplated appointment of a European as Financial Commissioner of Railways. 356-58.
 Coronation Durbar in India. 1232.
 Delay in giving notice of termination of the Ottawa Trade Agreement. 338.
 Discrimination by Malaya and Ceylon against India. 341.
 Government Cottage Industries Institute, Delhi. 504-05.
 Inauguration of Federation. 334.
 Loans taken by the Indian States from the British Government. 768-70.
 Order of the District Magistrate of Midnapore served on Mr. Amarendra Nath Chattopadhyaya. 434-38.
 Political prisoners confined in the Cellular Jail in the Andamans. 835-41.

GOVIND DAS, SETH—*concl'd.*

- Question (Supplementary) *re—cont'd.*
 Reservation of four first class berths on payment of one fare on railways. 2160, 2161.
 Resolution *re* interference from public servants in the ensuing elections. 2688-90.

GRADE ADVANCEMENT—

- Question *re* non-sanction of — to the staff on the East Indian Railway. 2762.

GRADUATE(S)—

- Question *re—*
 Grant of higher initial rates of pay to — and intermediate clerks in the Posts and Telegraphs Department. 2656.
 Stoppage of the recruitment of matriculates and under- — in the Railway Clearing Accounts Office. 2980-81.

GRAIN DEPOTS—

- Question *re* contracts of agency for purchase of grains for Military and the management of — at certain places. 2617-19.

GRAND TRUNK EXPRESS—

- Question *re* reduction of fare between Madras and Delhi and speeding up of the —. 2338-39.

GRANT(S)—

- Question *re—*
 Discontent among the universities of India regarding — made to them. 2497-98.
 Distribution and utilisation of the — for the development of co-operative movement. 2485-86.
 Earmarking of a portion of the rural development — for the depressed classes. 519-20.
 — for broadcasting. 849-50.
 — from the staff benefit fund on the Eastern Bengal Railway. 1019.
 — to the Marine Club of Calcutta. 3368.
 Reports of the Local Governments upon the distribution and utilisation of the Rural Development —. 2480-85.
 Utilisation of the rural development —. 903-04.

GRANT-IN-AID—

Question *re* reduction in the — of the East Indian Railway Anglo-Vernacular High School, Tundla. 98.

GRANT, MR. G. F.—

Indian Companies (Amendment) Bill—
Consideration of clause 7. 1067.
Indian Tea Control (Amendment) Bill—
Consideration of clauses. 3027.
Oath of Office. 2

GRASS FARM(S)—

Question *re* defalcations discovered at Quetta —. 103.

GRASS FARM DEPARTMENT—

Question *re* Indian overseers in the Military —. 666-69.

GRAZING GROUNDS—

Question *re* adequate supply of fodder and — for cattle and improvement of livestock in a scientific manner. 755-57.

GREAT BRITAIN—

Question *re*—
Ban on Indian students in —. 2175-76.
Enrolment of qualified voters by the system in operation in —. 1223-25.
Feelings in India regarding Indians not helping — in future wars. 3307-08.
—'s consultation with India before joining the last War. 3307.
India's contribution during the Great War to —. 2507-08.
Negotiations for a fresh trade agreement with — in place of the Ottawa Trade Agreement. 2494.
Negotiations for bilateral trade agreements with — and other countries. 587-88.
Pacts entered into between the Government of — and the Communist Government of Soviet Russia. 842.
Temporary trade agreements between India and —. 1212-15.

GREAT INDIAN PENINSULA RAILWAY—

See "Railway(s)".

GREAT WAR—

See "War".

"GREED OF KENYA WHITES"—

Question *re* article entitled — published in the *Bombay Sentinel*. 2006-08.

GRIEVANCE(S)—

Question *re*—
Committee to enquire into the — of the East Indian Railway Press staff. 2612.
Enquiry into the — of the employees of the Bengal and North Western Railway. 2858-63.
— against the Bengal and North Western Railway. 358.
— and demands of the agriculturists of the Delhi Province. 906.
— of Indians in Kenya. 3148-49.
— of Indians in Malaya. 2306.
— of the detenus. 3295.
— of the old East Indian Railway staff on the Delhi-Umbala-Kalka section placed under the North Western Railway Administration. 37-38.
— of the travelling public on the Bengal and North Western Railway. 1909.
— of the travelling public against the Bengal and North Western Railway. 2065-66.
Redress of — of the railway staff. 51.
Redress of the — of third class passengers. 176-78.
Redress of the — of the third class passengers. 981-83.

GRIFFITHS, MR. P. J.—

Indian Companies (Amendment) Bill—
Consideration of clause 37. 1202-05.
Oath of Office. 1.
Resolution *re*—
Indebtedness of agriculturists. 1816-19.
Interference from public servants in the ensuing elections. 2693-98.

GRIGG, THE HONOURABLE SIR JAMES—

Demand for Excess Grant in respect of—
Administration of Justice. 3259.
Archæology. 3259.
Audit (Railways). 3263.
Aviation. 3260.
Census. 3260.
Commuted value of pensions. 3262.
Council of State. 3257.
Emigration. 3260.
Excise. 3253-54, 3255-56.
Executive Council. 3257.

GRIGG, THE HONOURABLE SIR JAMES—contd.

Demand for Excess Grant in respect of—*contd.*

- Expenditure on Retrenched Personnel charged to Revenue. 3261.
 Geological Survey. 3259.
 Home Department. 3258.
 Hyderabad. 3262.
 Interest-free Advances. 3263.
 Interest on Miscellaneous Obligations. 3257.
 Interest on Ordinary Debt and Reduction or Avoidance of Debt. 3256.
 Legislative Assembly and Legislative Assembly Department. 3258.
 Lighthouses and Lightships. 3259.
 Mint. 3261.
 Payments to Indian States and Companies. 3263.
 Payments to Provincial Governments on account of Administration of Agency subjects. 3258.
 Public Health. 3260.
 Refunds (General). 3262.
 Refunds (Railways). 3263.
 Stamps. 3256.
 Stationery and Printing. 3261.
 Transfer to the Fund for the Economic Development and Improvement of Rural Areas. 3262.
 Working Expenses—Expenses of the Traffic Department. 3264.
 Working Expenses — Maintenance and Supply of Locomotive Power. 3264.
 Working Expenses — Maintenance of Carriage and Wagon Stock. 3264.
Motion for adjournment—
 Abolition of the Tariff Board. 222, 224, 226.
 Government's Currency Policy. 2097, 2098.
 Reduction of the duty on British textiles without consulting the Legislative Assembly. 328-30.
 Revision of the Indian Currency and Exchange policy. 2701, 2702, 2710, 2711-12.
 Presentation of the Report of the Public Accounts Committee. 1246-1417.
Statement re—
 Demonstrations against the ruling of the Chair. 459.
 Postponement of the Reports of the Public Accounts Committee. 3265.
 Progress of rural development schemes. 3206-42.

GROUND ENGINEERS—

Question *re* Indianisation of — employed by the Indian National Airways, Limited. 3178-79.

GUARD(S)—

Question *re—*

- Arrangement for water for — of the Assem Bengal Railway. 2621.
 — on the North Western Railway. 3386-87.
 — retrenched in the Delhi Division of the North Western Railway. 3186-87.
 Promotion of — on the North Western Railway. 3185.
 Provision of rest rooms for Indian — at certain Railway stations. 3169.
 Selection and promotion of — in the Dinapore Division of the East Indian Railway. 92-93.
 Selection and promotion of — on the East Indian Railway. 2630-31.
 Supply of unnecessary uniform for a Cabinman officiating as a — on the Great Indian Peninsula Railway. 83-84.
 Supply of suits to the — on the Rohilkund and Kumaon Railway. 3169.

GUDUR—

Question *re* construction of an over-bridge at the — Junction Station. 2072-73.

GUJERAT—

Question *re—*

- Failure of crops in Ahmedabad and other districts of —. 85.
 Railway concession for transport of fodder to the famine-stricken areas in — and Maharashtra. 2943.

GUM(MING)—

Question *re* inadequate — on the flaps of embossed envelopes. 676.

GUNS—

Question *re—*

- Licences for — to cultivators in forest areas in Chota Nagpur and Bihar. 3069-70.
 Use of spray — for painting of wagons. 2835.

GUNTUR—

Question re—

Construction of Railway Stations at Machavaram in the — District and Nidigallu in the Nellore District. 2073.

Historical monuments at Chelrole in the — District. 2988.

Protection of the monuments of the ancient Amaravati Buddhistic Stupa in the — District. 2987.

GUPTA, MR. GHANSHIAM SINGH—

Arya Marriage Validation Bill—

Motion to consider. 1638, 1639-40, 1655-58.

Consideration of clauses. 1659, 1660-61, 2021, 2035, 2042-45, 2049, 2051, 2053, 2782, 2783, 2793, 2794, 2805.

Bangalore Marriages Validating Bill—
Motion to pass. 3021.

Indian Motor Vehicles (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 400.

Indian Railways (Amendment) Bill—

Motion to refer to select committee and to circulate. 386.

Indian Rubber Control (Amendment) Bill—

Motion to consider. 3006-07, 3008, 3009, 3010, 3012, 3013, 3014.

Manœuvres Field Firing and Artillery Practice Bill—

Motion to circulate. 3275-77.

Question re distinction between Indians and Europeans in Ordnance Factories. 74.

Question (Supplementary) re research works carried out by the Imperial Dairy Experts. 3134-35.

GUPTA, MR. RATAN PARKASH—

Question re restraint and externment Orders on Shrimati Satyavati of Delhi and —. 1850-51.

GURCHARAN SINGH, SARDAR—

Question re arrest and detention of —. 3327-28.

GURKHA(S)—

Question re recruitment of — in the Assam Rifles. 2971-72.

GURMUKHI—

Question re postal clerks in the Punjab and North-West Frontier Postal Circle required to pass a test in —. 3165-66.

H

HABITUAL INDEBTEDNESS—

Question re liability of railway servants to be dismissed from service for insolvency or —. 1029-30.

HAJ COMMITTEE(S)—

Question re—

Allegations against the Members of the Port —. 3128-29.

Appointment of committees similar to — for those going to places of pilgrimage in India and outside. 5049-50.

Necessity for the continuation of Port —. 3053.

HAJ PILGRIMAGE—

Question re expenses incurred by Government on certain heads connected with —. 3050-51.

HALES, MR.—

Question re appointment of — as Divisional Superintendent, Rawalpindi Division of the North Western Railway. 3370-71.

HALTING ALLOWANCE—

See "Allowance(s)".

HAMAL(S)—

Question re non-maintenance of a sufficient number of — on the Bengal and North Western Railway. 2863.

HAMMOND COMMITTEE—

See "Committee(s)".

HANDBAG(S)—

Question re permission to intermediate class passengers to carry attache cases and — free of charge. 129-30.

HANDLOOM(S)—

Question re protection to the — industry. 1460-62.

HANDLOOM WEAVER(S)—

Question re—

Effects of the recommendations of the Tariff Board on the Cotton Textile Industry upon the —. 2078-79.

Help to the —. 2077-78.

Steps taken to improve the plight of —. 770-71.

HANS RAJ. RAIZADA—Question *re—*

Restoration of extra-departmental Sub-Post Office at Kotla. 2832-34.

Special class apprentices of superior railway service. 3303-04.

Students passing from the 'A' class of the MacLagan Engineering College, Lahore. 3302-03.

Tender for the supply of Indigenous Red Oxide Paint. 3312-13.

Visit of Sir Muhammad Yamin Khan and — to the Andamans 3070-71.

HAPUR—Question *re* construction of a foot overbridge near — Railway Station. 3346-47.**HARASSMENT—**Question *re* alleged — of local Baluchistan employees by their officers 2650-51.**HARDSHIP(S)—**Question *re* inconvenience and — caused by silting up of a certain waterway between Buxar and Chausa Railway Stations on the East Indian Railway. 2973-79.**HARDWAR—**Question *re—*

Absence of a shed on the platform of the — Railway Station. 90.

Arrangement for *melas* at —, Garhmuktesar and Roorkee on the East Indian Railway. 2840.

— station on the East Indian Railway. 84.

Improvement of the — Railway Station. 1912-15.

Open enclosures for third class passengers at — Railway Station. 1702-03.

HASSAN. MR. K. M.—Question *re—*

Allegations against —, Deputy Director, Establishment, Railway Board. 3283-94.

Proposal to appoint — as Supervisor of Railway Labour. 3185-86.

HAWKES, MR.—Question *re* article written by —, Chief Commercial, Manager, North Western Railway, on Rail-Road Competition. 3370.**HAZARIBAGH—**Question *re—*

Population of the — and Ranchi Districts. 8.

Removal of income-tax office from — to Ranchi. 2728-30.

Road cess on despatches of coal from railway collieries in the — District. 6-7.

HEAD(S) OF DEPARTMENT(S)—Question *re* designation of — on State Railways. 3056.**HEAD OFFICE—**Question *re* employment of the Printing Superintendent as the caretaker of the — buildings of the East Indian Railway. 1019.**HEAD POST OFFICE—**

See "Post Office(s)".

HEADMASTER(S)—Question *re* gazetted rank for the four — of the East Indian Railway Indian High Schools. 449.**HEADQUARTERS OFFICE—**Question *re—*

Special Ticket Examiners in the — North Western Railway. 2989.

Vacancies of stenographers in — and Divisional Offices on the North Western Railway. 2989.

HEALTH—Question *re—*

Condition of — of political prisoners in the Cellular Jail in the Andamans. 3063-64.

Condition of — of State Prisoner Bhupendra Kishore Rakshit Roy detained in the Bareilly Central Jail. 3353-54.

— of Mr. Subhash Chandra Bose. 2307.

Periodical — and eye sight examinations of the railway staff. 2593-94.

Report on the — of Mr. Subhash Chandra Bose. 3049, 3157-58, 3168.

HEALTH AND NUTRITION—Question *re* article entitled "—" published in the *Indian Express*. 1599-1600.**HESELTINE, MR.—**Question *re* appointment of — as Officer on special Duty on the East Indian Railway. 2772-73.

HIDAYATALLAH, SIR, GHULAM HUSSAIN—

Indian Companies (Amendment) Bill—
Consideration of clause 40. 1748-49.

Consideration of clause 42. 1961-62.

Indian Motor Vehicles (Amendment) Bill—

Motions to refer to Select Committee and to circulate. 407-09, 462, 467, 478-79.

Resolution re indebtedness of agriculturists. 1833.

HIDES COMMITTEE—

See "Committees(s)".

HIGH COMMISSIONER, FOR INDIA—

Question re—

Employment of Indians in the office of the —. 1470-72.

Qualifications for appointment as — in London. 239-41.

Statement laid on the table re cases in which the lowest tenders have not been accepted by the —. 2350-51.

HIGHLAND(S)—

Question re—

Enquiry into the working of the 'Clove Growers' Association in Zanzibar and reservation of Kenya — for Europeans. 753-54.
Reservation of Kenya — to Europeans. 353.

HIGHER GRADE—

Question re filling up of a post of — clerk in the Railway Clearing Accounts Office. 2979.

HILL ALLOWANCE—

Question re — paid to Railway staff at Simla. 3184.

HILL DISTRICTS—

Question re—

Halting allowance sanctioned to the Inspectors and Superintendents of Post Offices in the — of the Bengal and Assam Circle. 2879.

Issue of orders regulating and restricting the tours of supervising officers of the Posts and Telegraphs Department in the —. 2879.

HILL STATION(S)—

Question re Holiday Home provided for the North Western Railway at —. 3333.

HILLY TRACTS—

Question re fixation of the length of beats of postmen in —. 3350.

HINDU(S)—

Question re—

Absence of — and Muslim refreshment rooms on the Rohilkhand and Kumaon Railway. 3176.

Allegation against a Police Sub-Inspector at the Moradabad — Refreshment Room. 2819.

Alleged kidnapping of a — girl in Peshawar. 598-99.

Anonymous Memoranda making false charges against — and Sikh Railway Officers. 3301-02.

Bathing arrangement for — and Muslim railway employees at Sukkur. 2646-47.

Percentage of Bihari — and Muslims in the East Indian Railway. 2067.

Percentage of Bihari — and Muslims in the Indian Medical Service. 2068.

Preponderance of — in Postal Circles and the posts and telegraphs Directorate. 3167.

HINDU—

Question re—

Article entitled "British Colonial Policy and Racial Discrimination" published in the — regarding Kenya Highlands. 1603.

Article entitled "Kenya" published in the —. 416-17.

Article entitled "Proposed Changes in Rail Rates" published in —. 1459-60.

Article entitled "Provincial Autonomy and the Centre" published in the —. 1236.

Article entitled "Racialism in East Africa" published in the —. 1591-92.

Article entitled "Ryots and Research" published in the —. 1601-02.

Article entitled "Secondary Education in India" published in the —. 762-65.

Article entitled "The Courts and the Executive" published in the —. 2577.

Article entitled "The Crisis in South Africa" published in the —. 597-98.

HINDU—contd.

Question *re—contd.*

Article entitled "The Neimeyer Order-in-Council" published in the — 762.

Article entitled "The Zanzibar Enquiry" published in the — 431.

Article entitled "Trusteeship and Discrimination" published in the — 2590.

Article entitled "Unemployment" published in the — regarding educational reconstruction. 1693-96.

Article on the Indian Medical Service published in the — 505-96.

Article on the working of the British Department of Overseas Trade published in the — 596-97.

Letter entitled "Railway Finance and Rail-Road Competition" published in the — 493-95.

Reuter's message headed "Torture of Indians" published in the — 1764.

HINDU MARRIAGE VALIDITY BILL—

See "Bill(s)".

HINDU UNIVERSITY—

Question *re* educational assistance to the children of the railway staff reading in the — and Muslim University. 3061.

HINDU WOMEN'S RIGHTS TO PROPERTY BILL—

See "Bill(s)".

HINDUISM—

Question *re* conversion of the depressed classes belonging to — to any other religion. 2521.

HINDUSTAN TIMES—

Question *re—*

Article entitled "Broadcasting in England and India" published in the — 594-95.

Article entitled "Development of Road Transport" published in the — 1923-24.

Article entitled "Indians Overseas" published in the — 520.

Article entitled "Inter-related problems" published in the — regarding unemployment problem. 499-500.

HINDUSTAN TIMES—contd.

Question *re—contd.*

Article entitled "Road and Rail Position throughout the World" published in the — 1999-2000.

Article entitled "The Privilege of Contempt" published in the — 2489-90.

Judgment of Mr. Justice Amir Ali reproduced in the — 2169.

Report entitled "Sir Sikandar's Assurance to Unionists" published in the — 2010-12.

HINDUSTANI—

Question *re* development of a minimum of common vocabulary of basic — in Broadcasting. 901-02.

HINDUSTANI SEVA DAL—

Question *re* practising of Rifle Shooting with an air-gun by the volunteers of the — 661-662.

HIS MAJESTY'S GOVERNMENT—

Question *re* agreement between — and His Exalted Highness the Nizam about Berar referred to in section 47 of the Government of India Act, 1935. 1002-04.

HIS MAJESTY'S SERVICE—

Question *re* letters sent by the Officers of the Postal Department on — without any Postage Stamps being affixed to them. 1006-07.

HISTORY (IES)—

Question *re* — of public workers of Delhi. 1000.

HISTORICAL MONUMENTS—

See "Monument(s)".

HOLIDAY(S)—

Question *re—*

Grant of — to goods and parcel clerks on important Indian festival days. 91-92.

Grant of — to the officials working in the Railway Mail Service sorting offices. 73-74.

Grant of relaxations on Sundays and — to the clerks in the Sub Record Office of the Howrah Railway Mail Service. 71.

— for Baisakhi in the Government of India Offices. 98.

Leave, — and pay, etc., of industrial workers of railways. 853.

HOLIDAY(S)—*contd.*Question *re—contd.*

Payment for — to the employees of the East Indian Railway Press. 69.

Sale of postage stamps on — and Sundays. 3060.

HOLIDAY HOME—

Question *re* — provided for the North Western Railway at Hill Stations 3333.

HOLLAND—

Question *re* apprehension of abnormally increased imports of sugar from Java due to — departure from the gold standard. 2409.

HOMAN, MR.—

Question *re* appointment of — as Divisional Superintendent, Karachi. 3315.

HOME DEPARTMENT—

Demand for Excess Grant. 3258.

Question *re—*

Appointment of a Sikh Officer in the appointments under the control of the —. 3196-99.

— Circular *re* the Friday Prayer. 105.

HOME MEMBER—

Question *re* defects in the jail life of the Andamans found by the —. 1119-120.

HONORARY MAGISTRATES—

Question *re* — on the East Indian Railway. 3059.

See also "Magistrate(s)".

HONORARY SPECIAL MAGISTRATES—

See "Magistrate(s)".

HORSE(S)—

Question *re* complaints of the owners of — and bullock-drawn conveyances and carts in Delhi. 1490-91.

HORSE CART(S)—

See "Cart(s)".

HOSPITAL(S)—Question *re—*

Destitutes treated at the Jubbulpore Cantonment General —. 1690-691.

— and dispensaries on the Rohilkund and Kumaon Railway. 3175.

HOSPITAL(S)—*contd.*Question *re—contd.*

Irregularities connected with the acceptance of tenders for the Irwin —, New Delhi. 910-12.

HOURLY(S)—

Question *re* working — of drivers working between Rohri and Sibi on the North Western Railway. 3315.

HOURLY(S), LICENSED—

Question *re* sales of liquors before and after the — in Delhi. 2817-16.

HOURS OF EMPLOYMENT RULE(S)—

Question *re* exemption of the running staff from the operation of the — on State Railways. 2599-2600, 2968-69.

HOUSE OF COMMONS—

Question *re* question and answer in the — on the 17th June, regarding revision of the Ottawa Trade Agreement. 1218-19.

HOUSE RENT—Question *re—*

— paid by Foremen and Assistant Foremen on the Rohilkund and Kumaon Railway. 3294.

Pay, — and electricity charges, etc., paid to Assistant Surgeons on State Railways. 3332.

See also "Rent".

HOWRAH—

Motion for adjournment *re* extension by the Government of Bengal of the provisions of Chapters II and III of the Bengal Public Security Act, 1932, to the Town of Calcutta and the Districts of 24 Paraganas and —. 772-74.

Question *re—*

Applications invited for storage accommodation at the — Goods Sheds. 49.

Arrangements for the supply of food in the — and Dinapore Divisions. 843.

Arrangements for work on Sundays and Postal Holidays in the — Railway Mail Service. 70-71.

Cabinets of Ross Patent Ticket Cases purchased for use at the — Booking Offices. 76-77.

Continuation of the cut on allowances of the Railway Staff at — and Calcutta. 96, 1030-31.

HOWRAH—contd.Question *re*—*contd.*

Contract for the construction of the — Bridge. 1990-92, 2992-93.

Farewell party to be given to the Assistant Superintendent, — Goods. 1024-25.

Forwarding agents at the — Goods Sheds. 2635.

Grant of relaxations on Sundays and holidays to the clerks in the Sub-Record Office of the — Railway Mail Service. 71.

Intermediate class passengers travelling from — to Burdwan and *vice versa*. 2952.

Kalka-Delhi-Calcutta and the Calcutta-Bombay Mails run between — and Moghalsarai. 1115-16.

Non-confirmation of persons officiating in higher grades in the — Division of the East Indian Railway. 1038-39.

Passing of the Goods Accounts Examination by Goods Clerks at —. 2633-34.

Racial discrimination in the — Division of the East Indian Railway in the matter of placing certain staff under suspension. 1020-21.

Remodelling of the — Railway Station. 45-46.

Reservation of one bay of No. 4 shed within the — Goods Sheds. 1008.

Running of dining cars for Indians on the 17-Up and 18-Down Expresses between — and Saharanpur. 1623.

HOWRAH BRIDGE—Question *re* contract for the construction of the —. 572-75, 1763-64, 1990-92, 2992-93.**HOWRAH DIVISION—**Question *re*—

Procedure in regard to the convening of Selection Boards on the — of the East Indian Railway. 83.

Procedure in the matter of promotions observed in the — of the East Indian Railway. 47.

Promotion of employees in the — of the East Indian Railway. 42-43.

Racial discrimination in the allotment of quarters in the — of the East Indian Railway. 3542.

Racial discrimination in the matter of promotions in the — of the East Indian Railway. 3542-43.

HOWRAH EXPRESS—Question *re* insanitary condition of the third class compartment attached to the — for a through journey to the Punjab. 1487.**HUDSON, SIR LESLIE—**

Appointment of — to the Committee on Petitions. 169.

Expressions of regret on the deaths of—

Khan Bahadur Mian Sir Fazl Hussain, Sir M. Ramachandra Rao and Mr. W. S. Lamb. 108.

Indian Companies (Amendment) Bill— Motion to consider. 783-85.

Consideration of—

Clause 17. 1065.

Clause 42. 1759-62, 1860-70, 2144, 2259, 2267, 2268, 2279.

Clause 65. 2387.

Clause 67. 2391-92.

Clause 97. 2452.

Clause 111. 2529, 2531.

Motion to pass. 2570-71.

Motion to consider Council of State amendments. 3248

Consideration of Council of State amendments. 3251.

Nomination of — to the Panel of Chairmen. 109

Question (Supplementary) *re* Indian labour in Malaya. 349-52.**HUME, MR.—**Question *re* reports of the Special Officer — and Kilokhri Sewage Farm Committee. 908.**HUSK(S)—**Question *re* import of rice in the — in the Madras Presidency. 2970-71.**HYDERABAD—**

Demand for Excess Grant. 3262.

HYDRANTS—Question *re* construction of — supplying drinking water or urinals and latrines by the roadside in New Delhi. 90.**I****ICE—**Question *re*—

Carriage of — by first and second class passengers on the East Indian Railway. 828-29.

Contract for — and aerated water on the East Indian Railway. 1621-23.

ICE—*contd.*Question *re—contd.*

Rates for the sale of — and aerated waters on the East Indian and North Western Railways. 2756-57.

Tenders for the sale of — and aerated waters on the East Indian Railway. 2767-59.

ILLNESS—

Question *re—*

Employees in the Traffic Department of the Rohilkund and Kumaon Railway discharged on grounds of protracted —. 3170.
Leave on average pay in cases of — for teachers in the East Indian Railway Schools. 2967.

IMMIGRATION—

Question *re—*

Appointment of a Commission on — in Ceylon. 2590.
Share of Indians in the quota of — allowed into the United States of America. 1467-69.

IMMIGRATION COMMISSION—

See "Commission(s)".

IMMORAL TRAFFIC—

Question *re* suppression of — in women in Delhi and the centrally administered areas. 2317-18.

IMPERIAL BANK OF INDIA—

Question *re* rates of commission charged by the — and advances made by it. 3143-45.

IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH—

Question *re* Standing Committee on Rice of the —. 3068-69.

IMPERIAL DAIRY EXPERT(S)—

Question *re—*

Functions and duties of the —. 3132-33.
Research works carried out by the —. 3134-35.

IMPERIAL LIBRARY—

Question *re—*

Applicability of the Civil Services (Classification, Control and Appeal) Rules to the staff of the —. 2643-44.

IMPERIAL LIBRARY—*contd.*Question *re—contd.*

Employment of the inferior staff of the —, Calcutta, on clerical duties. 2638-39.

Initialling of the notes on research made by readers by the Librarian of the —. 362-64.

Sorting office of the —, Calcutta. 2639.

IMPERIAL INSTITUTE(S)—

Question *re—*

— of Animal Husbandry and Dairying at Bangalore. 3130.

Teaching staff of the — of Animal Husbandry and Dairying at Bangalore. 3130-32.

Transfer of the — of Animal Husbandry and Dairying from Bangalore to Delhi. 3132.

IMPERIAL SECRETARIAT SERVICE—

Question *re* classification of the members of the —. 2883.

IMPLEMENT(S)—

Question *re* pre-historic stone — taken to Cambridge. 1040-41.

IMPORT(S)—

Motion for adjournment *re* reduction of the — duty on Grey Cotton Goods and on bordered and bleached cotton goods imported from the United Kingdom. 365.

Question *re—*

Adverse effect of the — of foreign potatoes on its indigenous production. 1479-80.

Apprehension of abnormally increased — of sugar from Java due to Holland's departure from the gold standard. 2409.

Duty on the — of Aden salt into India after separation. 2096.

— of paddy from Siam to India. 247-50.

— of rice in the husk in the Madras Presidency. 2970-71.

Negotiations between the Government of India and the Kathiawar States to regulate the — of foreign goods. 2410-13.

Putting of an embargo on the — of Zanzibar cloves. 582-83.

Tanning industry in India and duty free — of wattle bark extract. 3147-48.

IMPORT DUTY (IES)—Question *re*—

- and excise duties on coal used by Railways. 2094-95.
- on motor vehicles. 2092.
- imposition of — on railway stores and locomotives. 2092.

See also "Duty(ies)".

IMPORTATION—Question *re* — of foreign experts to examine the various Departments of Government. 599-600.**IMPROVEMENT(S)—**Question *re* certain — on the East Indian, Eastern Bengal and North Western Railways. 842-43.**IMPROVEMENT TRUST(S)—**Question *re* establishment of an — in Delhi. 508-09.**INAUGURATION—**Question *re*—

- of direct Wireless Beam Service between India and Japan. 1043.
- of Federation. 334.
- Probable date of the — of federation. 1143.

INCOME—Question *re*—

- and expenditure of each cantonment. 7055-62.
- and expenditure of the Sales Department of the North Western Railway. 3369-70.

INCOME-TAX—Question *re*—

- Assessment of — from — Officers. 659-60.
- Effect of the amendment of section 4 (2) of the Indian — Act. 1479.
- realised by certificate procedure. 2973-74
- Investigation of the Indian — system by experts. 2593.
- Notices sent out by — Officers to — payers to send in their returns. 2095-96.
- Payment of double — by people owning house property in Saigon. 817-18.
- Petition from the Amritsar Commercial Association to the Board of India Experts for enquiry into the Indian — system. 441-42.
- Re-distribution of — areas. 2974-75.

INCOME-TAX COMMISSIONER(S)—

Question *re* assistance given by Income-tax Officers to — in cases of appeal in open courts. 2155.
See also "Commissioner(s) of Income tax".

INCOME-TAX DEPARTMENT—Question *re*—

- Determination of seniority among the staff of the Bihar and Orissa —. 2642.
- Enquiry regarding working of the —. 3320.
- Extensions of service granted to the staff of the — at Calcutta. 97.
- Gazetted Muslim officers in the Bihar and Orissa —. 2647.
- Introduction of the "Communal Representation Formula" in the —. 2959.
- Recruitment to the —. 2074-75.
- Re-employment of the temporary retrenched clerks of the —. 3145-46.

INCOME-TAX ENQUIRY COMMITTEE—Question *re* report of the —. 243.**INCOME-TAX OFFICE(S)—**Question *re* removal of — from Hazaribagh to Ranchi. 2728-30.**INCOME-TAX OFFICER(S)—**Question *re*—

- Assessment of income-tax from —. 659-60.
- Assistance given by — to Income-tax Commissioners in cases of appeal in open courts. 2155.
- Notices sent out by — to income-tax payers to send in their returns. 2095-96.
- Placing of each district in the charge of one —. 2730-31.

INCONVENIENCE(S)—

Question *re* — and hardship caused by silting up of a certain waterway between Buxar and Chausa Railway Stations on the East Indian Railway. 2978-79.

INCREMENT(S)—Question *re*—

- Officiating — for inferior servants of the Postal Department in the Konkan Division. 3361-62.
- Stoppage of — of the binding staff of the East Indian Railway Press. 2608.

INDEBTEDNESS—

- Question *re* liability of railway servants to be dismissed from service for insolvency or habitual — 1029-30.
 Resolution *re* — of agriculturists. 1795-1840.

INDIA—

- Question *re*—
 Appointment of a Trade Commissioner for Ceylon in — 1228.
 Article entitled "Broadcasting in England and —" published in the *Hindustan Times*. 594-95.
 Article entitled "Secondary Education in —" published in the *Hindu*. 763-65.
 Commercial relations between — and Japan. 1235
 Demands to put off all negotiations by fresh agreements between the United Kingdom and — 586.
 Development of nutritional research in — 753.
 Discrimination by Malaya and Ceylon against — 341.
 —'s economic situation. 425-26.
 Negotiations regarding the cession of the French possession in — 1222-23.
 Proposals for concluding reciprocal trade agreement between — and Ceylon. 422-23.
 Quota principle of regulating trade between — and Japan. 2591-92.
 Signing of the London Naval Treaty by — 495-96.
 Speech of His Highness the Aga Khan on the growing criticism in — of the League of Nations. 593-94.
 Temporary trade agreements between — and Great Britain. 1212-15.
 Trade Agreement between — and Ceylon. 1210.
 Value of — as a training ground for British troops. 496-97.

INDIA ARMY CORP(S)—

- Question *re* clerks in the — and the Military Engineering Services getting Shorthand allowance. 105.

INDIA OFFICE—

- Question *re* employment of Indians in the — 1467.

INDIAN(S)—

- Motion for Adjournment *re* refusal of the British Delegation in Addis Ababa to give protection to the — there. 190.

INDIAN(S)—*contd.*

- Question *re*—
 Agitation in Ceylon against — and Malayalees. 2605-06.
 Alleged brutal treatment of — in Manchuria by the Japanese authorities. 1987-88.
 Alleged rude behaviour of a bus conductor towards an — in London 2610.
 Allowances fixed for wives of — Officers in the — Army Veterinary Corps. 3178.
 Anti- — propaganda abroad. 749-50.
 Appointment of an — as the Director General, Indian Medical Service. 2492-93.
 Appointment of an Officer to watch the interests of — in Zanzibar. 440.
 Appointment of — Consuls and Trade Commissioners in foreign countries. 265-66.
 Article entitled "— not wanted" published in the *National Call*, regarding — in Ceylon. 503-04.
 Article entitled "— Overseas" published in the *Hindustan Times*. 520.
 Attitude of the Government of the Union of South Africa with regard to the issue of licences to — 656-657.
 Bill affecting — passed in Iraq. 188.
 British — Subjects in Addis Ababa. 1239.
 Condition of — in Transvaal and British Guiana. 1934.
 Denial of facilities to — in Addis Ababa. 264-65.
 Deputation to Malaya to examine the question of — 3135.
 Distinction between — and Europeans in Ordnance Factories. 74.
 Economy effected by the appointment of — in place of Europeans in the higher branches of public services. 1707-09.
 Employment of — in the India Office. 1467.
 Employment of — in the Office of the High Commissioner for India. 1470-72.
 Effect of the victory of Italy on the — settled in Ethiopia. 338-40.
 Entry of — into States, Dominions and Colonies. 53-59.
 Exhibition of — products in the Third Annual Exhibition of Mombasa. 336-37.

INDIAN(S)—*contd.*

- Question re—*contd.*
- Feelings in India regarding — not helping Great Britain in future wars. 3307-08.
- Franchise for — in Fiji. 2004-06.
- Grievances of — in Kenya. 3148-49.
- Grievances of — in Malaya. 2306.
- Clove Growers' interests in Zanzibar. 440.
- in Ceylon. 352-53.
- in Fiji and substitution of nomination for election. 254-56.
- in Spain. 2602.
- in Zanzibar. 2587-89.
- Labour in Malaya. 349-52.
- outside India expelled or not permitted to return to India for political reasons. 1858.
- overseers in the Military Grass Farm Department. 666-69.
- Secretaries, Joint and Assistant Secretaries in the Government of India. 1131-132.
- sent away from the Army under War Block Scheme. 3305-06.
- sent overseas during the last European War. 3306-07.
- sepōys in Addis Ababa. 651-55.
- soldiers in Addis Ababa. 1239.
- Indianisation of Ground Engineers employed by the — National Airways, Limited. 3178-79.
- Injustice done to — Officers on the North Western Railway. 3370.
- Interest of — affected by the enactment of labour laws in Iraq. 360-61.
- Loss of life or property of — in Abyssinia. 247.
- Loss of — lives or properties in the Italo-Abyssinian War. 188-89.
- Non-appointment of — in the Cyher Bureau. 31-32.
- Overhauling of the — Tariff System. 417-19.
- Passport for — going to Parachinar (Kurm). 2850.
- Plight of — in Iraq. 580.
- Position of — in Addis Ababa. 579-80.
- Position of — in Durban. 1603.
- Position of — in Iraq. 186.
- Position of — in Zanzibar. 33-34, 2003-04.
- Position of — outside India. 1604.
- Problems affecting — in Malaya. 2311.
- Proper treatment of — in Ceylon. 2500-01.
- Protection of the rights of — in Ceylon. 2301-02.
- Recruitment of — in the Government of India Departments. 32.

INDIAN(S)—*contd.*

- Question re—*contd.*
- Recruitment of more — to the Indian Medical Service. 1703-04, 2827.
- Refusal of the British Delegation at Addis Ababa to protect —. 2015.
- Refusal of the British Legation to give protection to the — in Addis Ababa. 340.
- Rent-free quarters for — railway staff. 2597.
- Representation of — in Ceylon on the Immigration Commission. 2754-55.
- Reservation of the Kenya Highlands for Europeans and position of — in foreign countries. 186-87.
- Reuter's message headed "Torture of —" published in the *Hindu*. 1764.
- Running of dining cars for — on the 17-Up and 18-Down Expresses between Howrah and Saharanpur. 1623.
- Safeguarding of the interests of — re Clove Trade in Zanzibar. 588.
- Serving of British troops under the command of an —. 590-91.
- Share of — in the quota of immigration allowed into the United States of America. 1467-69.
- Statement on — interests in Tanganyika by Mr. H. Vellani. 2304-05.
- Supersession of — by Europeans on the North Western Railway. 2603-04.
- Torture of an — and his wife by Japanese in Manchukuo. 1774-75.
- Trade license bye-laws in Marikburg, South Africa, curtailing — interests. 337.
- Training of — in field work in the Archaeological Department. 1040.
- Use of the word "Cooly" in respect of — and "Labour" in respect of Europeans and Anglo-Indians. 100.
- Zanzibar — National Association's Memorandum submitted to the Riot Inquiry Commission. 512.

INDIAN AIR FORCE—

See "Air Force".

INDIAN AIRCRAFT (AMENDMENT) BILL—

See "Bill(s)".

INDIAN ARMY—Question *re—*

High proportion of the number of medical officers of the British Army in India and the —. 1612.
Indianisation and mechanisation of the —. 1491-95.

INDIAN ARMY ORDNANCE CORP(S)—

Question *re* promotion of the storemen of the — as Assistant Storekeepers. 2336-37.

INDIAN ARMY SERVICE CORPS—

See "Army Service Corps".

INDIAN ARMY VETERINARY CORPS—

Question *re* Indianisation of the —. 1229.

INDIAN AUDIT AND ACCOUNT SERVICE—

Question *re* selection of candidates by the Public Service Commission for the — examination. 3308-09, 3327.

INDIAN AUDIT AND ACCOUNT SERVICE EXAMINATION—

See "Examination(s)".

INDIAN CIVIL SERVICE—

Motion for adjournment *re—*

Introduction of the system of nomination in the selection of candidates for the — in England. 190.

New rules for recruitment to the —. 109-10, 140-60.

Question *re—*

Alteration in the — Recruitment Rules. 237-39.

Applications for nominations to the — in England. 1211-212.

Effect of taking into the — of nominated persons. 425.

Future recruitment and control of the —. 2188.

Marks for *Viva Voce* in the — Examination. 1766-67.

New Rules for recruitment to the —. 358-60, 423-24, 430, 577-78, 578-79, 742-43, 757, 1925-26.

Removal of Indian Philosophy from the list of optional subjects for the — Examination. 1777-78, 1926-27.

Rules governing the recruitment of Britishers to the —. 1477-78.

INDIAN COMMISSIONED OFFICERS—

See "Commissioned Officer(s)".

INDIAN COMPANIES (AMENDMENT) BILL—

See "Bill(s)".

INDIAN COTTON COMMITTEE—

Question *re* communication sent by the Secretary, Indian Merchants' Chamber, to the Secretary, Lancashire —, Bombay. 589-90.

INDIAN CURRENCY—

Question *re* fixation of the value of a shilling in — for the sale of English books at the Wheeler's stalls on Railway Stations. 2626.

See also "Currency(ies)".

INDIAN DELEGATION—

Question *re —* to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2171-74.

See also "Delegation(s)".

INDIAN DRIVERS—

See "Driver(s)".

INDIAN ELECTRICITY ACT—

See "Act(s)".

INDIAN EXCHANGE—

See "Exchange".

INDIAN EXPRESS—

Question *re* article entitled "Health and Nutrition" published in the —. 1599-1600.

INDIAN FINANCE—

Question *re—*

Article entitled "Borrowing of Local Bodies" published in the —. 2487-88.

Editorial comments entitled "Sterling Loan" published in the —. 2170-71.

Editorial notes in the — on the Pact with Japan. 1919-20.

INDIAN INCOME-TAX ACT—

See "Act(s)".

"INDIAN INTERESTS FIRST"—

Question *re* article entitled — published in the *Bombay Sentinel* regarding negotiations to replace the Ottawa Trade Agreement. 2304.

INDIAN LABOUR—

See "Labour".

INDIAN LAC CESS (AMENDMENT) BILL—

See "Bill(s)".

INDIAN LAC CESS (SECOND AMENDMENT) BILL—

See "Bill(s)".

INDIAN LISTENER—

Question re—

Appointment of Mr. Franks as the Editor of the —. 691-93.

Listeners' licences and subscribers to the —. 900.

INDIAN MALAYALEE(S)—

Question re anti-Indian agitation and boycott of — in Ceylon. 2315-16.

INDIAN MEDICAL DEPARTMENT—

Question re promotion of Sub-Assistant Surgeons of the —. 1711-12.

INDIAN MEDICAL SERVICE—

Question re—

Appointments made to the —. 3154-55.

Article on the — published in the *Hindu*. 595-96.

Indianisation of the —. 1615.

Percentage of *Bihari* Hindus and Muslims in the —. 2068.

Post of the Director General. 2956.

Recruitment of more Indians to the —. 1703-04, 2827.

Recruitment of Muslims in the —. 2827.

Recruitment to the —. 507-09.

INDIAN MERCHANTS' CHAMBER—

Question re communication sent by the Secretary, — to the Secretary, Lancashire Indian Cotton Committee, Bombay. 589-90.

INDIAN MILITARY ACADEMY—

Question re—

Policy of recruitment to the Dehra Dun —. 740-42.

Possibility of improving the quality of candidates for the Indian Military Academy. 1236.

INDIAN MINES (AMENDMENT) BILL—

See "Bill(s)".

INDIAN MOTOR VEHICLES (AMENDMENT) BILL—

See "Bill(s)".

INDIAN NATIONAL AIRWAYS COMPANY—

See "Airways Company(ies)".

INDIAN NATIONAL ASSOCIATION—

See "Association(s)".

INDIAN NAVIGATION COMPANY—

Question re appointment of committees to advise the — regarding the complaints of passengers. 922-23.

INDIAN NEWSPAPERS—

See "Newspaper(s)".

INDIAN PHILOSOPHY—

See "Philosophy".

INDIAN PORTS—

See "Port(s)".

INDIAN RAILWAY(S)—

See "Railway(s)".

INDIAN RAILWAYS ACT—

See "Act(s)".

INDIAN RAILWAYS (AMENDMENT) BILL—

See "Bill(s)".

INDIAN RAILWAY CONFERENCE ASSOCIATION—

Question re—

Amount paid by the — for their *dak* from Delhi to Simla. 3062.

Rent paid by the — for Government buildings at Delhi. 3062.

Staff of the —. 3060.

Use of service stamps by the —. 47-48.

See also "Association(s)".

INDIAN REVENUE(S)—

See "Revenue(s)".

INDIAN RUBBER CONTROL (AMENDMENT) BILL—

See "Bill(s)".

INDIAN SCHOOL OF MINES—

Question re filling up of the post of Principal. — Dhanbad. 588.

INDIAN SOLDIER(S)—

See "Soldier(s)".

INDIAN STATES—

Demand for Excess Grant in respect of "Payments to — and Companies". 3263.

Demand for Supplementary Grant in respect of "Payments to Indian States and Companies". 3264-65.

Question re—

Concession in telegraph rates allowed to Railways, Press and —. 2655-56.

Instruments of accession for — to join the Federation. 161-65.

Loans taken by the — from the British Government. 768-70.

INDIAN STORES DEPARTMENT—

Question re—

Amalgamation of the London Stores Department with the —. 253.

Annual contract placed by the — for the supply of Paint Black Readymixed for underframes and wagon bodies. 2333-34.

Cloth purchased by the — for certain Departments. 1901-02.

— contract for Carbon Black Ready Mixed Paint. 2948-50.

Purchase of stores by inviting tenders by the —. 2330-31.

Supplementary tender for the supply of paints invited by the —. 2328-29.

Tender for paints invited by the —, Calcutta Circle. 2332.

Tender for the supply of paints invited by the —. 2331.

Tenders for Red Oxide Paint accepted by the —. 2331-32.

Tenders invited by the — Calcutta Circle, for Paint Readymixed Lead White. 2329-30.

INDIAN STUDENT(S)—

See "Student(s)".

INDIAN SUGAR INDUSTRY—

Question re article entitled "—" published in the *Amrita Bazar Patrika*. 1596-98.

INDIAN TARIFF (AMENDMENT) BILL—

See "Bill(s)".

INDIAN TARIFF (SECOND AMENDMENT) BILL—

See "Bill(s)".

INDIAN TEA CESS (AMENDMENT) BILL—

See "Bill(s)".

INDIAN TEA CONTROL (AMENDMENT) BILL—

See "Bill(s)".

INDIAN TERRITORIAL FORCE—

Question re students trained in the —. 918-19.

INDIAN TRADE COMMISSIONER(S)—

See "Trade Commissioner(s)".

INDIAN TRADE UNION ACT—

See "Act(s)".

INDIANISATION—

Question re—

— and economy in the Indian National Airways Company. 1843-46.

— and mechanisation of the Indian Army. 1491-93.

— of Ground Engineers employed by the Indian National Airways, Limited. 3178-79.

— of higher services in the Karachi Port Trust. 3188-89.

— of posts in the highest grades on State Railways. 3184.

— of the Army. 438-39, 3304-05.

— of the Government of India Secretariat. 1219.

— of the Indian Army Veterinary Corps. 1229.

— of the Indian Medical Service. 1615.

— of the Military Assistant Surgeon Class. 1783.

— of the senior subordinate services in the carriage and wagon shops at Ajmer. 3340.

INDIVIDUAL(S)—

Motion for adjournment re freedom of — members of Government to express personal opinions. 1155-161.

INDIVIDUAL CASES—

Question re representation of — by service unions and associations. 2654.

INDO-BRITISH TRADE AGREEMENT—

Question re negotiations for an —. 2501-03.

INDO-BURMA FINANCIAL SETTLEMENT—

See "Financial Settlement".

INDO-BURMA FINANCIAL TRIBUNAL—

Question re recommendations of the —. 1222.

INDO-JAPANESE CONVENTION—

See "Convention(s)".

INDO-JAPANESE TRADE AGREEMENT—

Question *re*—

- Negotiations for a fresh —. 3299.
 - Negotiations for an —. 10-12, 335-36, 585, 2170; 2493-94.
 - Renewal of the —. 1220.
 - Revision of the —. 1239-240.
 - Signing of any — in England. 751-52.
 - Statement on the renewal of the — by Mr. M. P. Gandhi. 2305.
 - Views expressed by the Bengal National Chamber of Commerce on the —. 583.
- See also under "Trade Agreement(s)".

"INDO-JAPANESE TRADE TALKS"—

Question *re* article entitled — published in the *Statesman*. 2004.

INDUSTRIAL EMPLOYEES—

See "Employee(s)".

INDUSTRIAL OPINION(S)—

Question *re* consultation of commercial and — after giving notice of termination of the Ottawa Trade Agreement. 754-55.

INDUSTRIAL WORKER(S)—

Question *re*—

- Health Insurance and sick leave for —. 2626.
- Leave, holidays and pay, etc., of — of railways. 853-54.

INDUSTRIALIZATION—

Question *re*—

- Possibilities of — in India. 518-19.
- Views of the Finance Member on — by a protective policy. 427-29.

INDUSTRY(IES)—

Question *re*—

- Action taken on the resolution *re* protection to cottage —. 1904.
- Depression in the coal — of Bengal and Bihar. 5-6.
- Development of the Indian —. 571-72.
- Encouragement to the cottage and small —. 181-83, 342-43.
- Effects of the recommendations of the Tariff Board on the Cotton Textile — upon the handloom weavers. 2078-79.

INDUSTRY(IES)—*contd.*

Question *re*—*contd.*

- Fiscal reform, state help for — and development of the resources of the country. 1212.
- Government's action on the Report of the Tariff Board on the Cotton Textile —. 1240-242.
- India's possibilities in —. 1846-80.
- Indigenous supplies of raw materials for the glass —. 1481.
- Interview given by Sir Homi Mehta to the *Manchester Guardian* regarding Indian Cotton —. 2178.
- Levy of local cess on —. 1134.
- Protection to the coconut —. 2575-76, 2579-80.
- Protection to the glass —. 1463-64.
- Protection to the handloom —. 1460-62.

INFERIOR SERVANT(S)—

Question *re*—

- Confirmations of officials and — in the Bombay Postal Circle. 450.
- Levy of water charges from the — of the Posts and Telegraphs Department in Dlehi and New Delhi 2882-83.
- Officiating increments for — of the Postal Department in the Konkani Division. 3351-52.

INFERIOR SERVICES—

Question *re*—

- Discharge of temporary employees in the — and labour services and the appointment of ex-military men in their places on the North Western Railway. 1787-88.
- Employment of local persons in the — in Baluchistan. 2651.
- Procedure on State Railways for punishing or reducing the staff from superior to — on failure to pass an examination. 78-80, 3371.

INFERIOR STAFF—

Question *re*—

- Definitions of "clerical", "—" and "menial" staff as applied to Government servants. 2644.
- Employment of the — of the Imperial Library, Calcutta, on clerical duties. 2638-39.
- Fixation of working hours of — in the Railway Mail Service. 71.
- Recovery of overdrawn leave allowances from the — on the Central Telegraph Office, Calcutta. 2657.

INHERITANT(S)—

Question *re* maintenance allowance for the — of the property under the Court of Wards management in Delhi. 3328.

INITIALLING—

Question *re* — of the notes on research made by readers by the Librarian of the Imperial Library. 362-64.

INLAND EXPERT(S)—

See "Expert(s)".

INLAND LETTER(S)—

Question *re* postal rates for — and postcards in certain countries. 1863-64.

INNES, SIR CHARLES—

Question *re* appointment of — and Sir Fredrick Whyte as Commissioners to assist the Commercial Relations and Treaties Department of the Board of Trade Negotiations. 1237-238.

INQUIRY(IES)—

Question *re* —
Joint — by Accounts and Traffic Department of the North Western Railway in the Electric Department. 2981.

Procedure for — into the conduct of non-gazetted Railway staff 67.

INSOLVENCY—

Question *re* liability of railway servants to be dismissed from service for — or habitual indebtedness. 1029-30.

INSPECTOR—

Question *re* — of the Rohilkund and Kumaon by the Railway Member. 3172-73.

INSPECTION CARRIAGES—

See "Carriage(s)".

INSPECTOR(S)—

Question *re* —
Abolition of posts of — in the crew system on the East Indian Railway. 2761.

Allegations against an —, Railway Mail Service. 3361.

Cancellation of the appointments of Muslim — in the Crew Department, Eastern Bengal Railway 76.

INSPECTOR(S)—*contd.*

Question *re*—*contd.*

Checking of the work of Station Masters by a Traffic — on the East Indian Railway. 82.

Creation of two posts after the surrender of the post of transportation —, commercial, East Indian Railway. 2765-66.

Enhancement of the pay of the — appointed to investigate cases of claims preferred against the East Indian Railway. 100.

— of Station Accounts on certain State Railways 1689-690.

Posts of Special Investigating — on the East Indian Railway. 2767.

Posts of Transportation — sanctioned by the East Indian Railway. 67, 2636-37.

INSPECTOR GENERAL OF POLICE—

Question *re* circular issued by the — Punjab, to regulate the number of passengers in motor buses. 1624.

INSPECTOR(S) OF POST OFFICE(S)—

Question *re* halting allowance sanctioned to the — and Superintendents of Post Offices in the Hill Districts of the Bengal and Assam circle. 2879.

INSTITUTE(S)—

Question *re* —
Administration of the Bangalore —. 1704-06.

Government Cottage Industries —, Delhi. 504-05.

Grant of passes to the staff employed in railway —. 3055.

Imperial — of Animal Husbandry and Dairying at Bangalore. 3130.
Libraries and — subsidised by State Railways. 76.

Teaching staff of the Imperial — of Animal Husbandry and Dairying at Bangalore. 3130-32.

Transfer of the Imperial — of Animal Husbandry and Dairying from Bangalore to Delhi. 3132.

INSTITUTION(S)—

Question *re*—

Educational — maintained by Railway Administrations for the education of the children of their employees. 63-66.

— and organisations banned during the Civil Disobedience Movement. 3159.

INSTRUCTION(S)—

Question *re* exemption of the East Indian Railway Accounts Department from the operation of certain — 1087.

INSTRUMENT(S) OF ACCESSION—

Question *re*—

Draft of the — 2579.
Draft of the — of Indian Princes. 2179-83.
— for Indian States to join the Federation. 161-65.
Model — 2576-77.

INSURANCE—

Question *re* compulsory — for the Postal and Railway Mail Service Staff. 1779.

INSURANCE COMPANY(IES)—

Question *re* life — in the provinces. 3377-78.

INSURANCE LEGISLATION—

Question *re* committee to consider amendments to — 165.

INTERCEPTION—

Question *re*—

— of correspondence and tapping of telephones of political workers of Delhi. 1851-54.
— of correspondence of certain classes of persons. 1854-55.

INTEREST(S)—

Question *re*—

Appointment of an Officer to watch the — of Indians in Zanzibar. 440.
Indian Clove Growers' — in Zanzibar. 440.
Safeguarding of the — of Europe alone by the League of Nations. 1153.
Trade license bye-laws in Marikburg, South Africa, curtailing Indian — 337.

INTEREST-FREE ADVANCES—

Demand for Excess Grant. 3263.

INTEREST ON MISCELLANEOUS OBLIGATIONS—

Demand for Excess Grant. 3263.

INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT—

Demand for Excess Grant. 3256.

INTERFERENCE—

Motions for Adjournment *re* — by the Government of the United Provinces with the Sunni Muslims of Lucknow. 604-05.

Resolution *re* — from Public Servants in the ensuing elections. 1840-41, 2192-2223, 2233-36, 2668-2700.

INTER-LOCKING SYSTEM—

Question *re* absence of — on the Rohilkund and Kumaon Railway. 5174.

INTERMEDIATE(S)—

Question *re* grant of higher initial rates of pay to graduate and — clerks in the Posts and Telegraphs Department. 2656.

INTERMEDIATE CLASS—

Question *re*—

Absence of — waiting rooms on the Rohilkund and Kumaon Railway. 3175-76.

Inconvenience felt by — and third class through passengers on the East Indian Railway. 829.

— fare on the East Indian Railway. 1700-01.

— passengers travelling from Howrah to Burdwan and *vice versa*. 2952.

Latrines for third and — passengers on the Assam Bengal Railway. 2620-21.

Permission to — passengers to carry attache cases and handbags free of charge. 929-30.

Provision of a waiting room for — passengers at Saharanpur. 1701.

Provision of fans in the third and — compartment of State Railways. 983-84.

Provision of proper waiting rooms for — passengers at Delhi. 1701-02.

Reservation of — and third class seats on the East Indian Railway. 1487-89.

Return tickets for — and third class passengers on certain Railways from Simla. 3184.

Waiting room for — passengers at the Benares Cantonment Railway Station. 670.

Want of an — waiting room at Bhagalpur Railway Station. 2825.

INTERMEDIATE CLASS WAITING ROOM(S)—

See "Waiting Room(s)".

INTERNATIONAL LABOUR CONFERENCE—

Question *re* advisers to Delegates representing Indian Labour at the — 2626.

INTERNATIONAL LABOUR CONVENTION—

Question *re*—

Ratification of the — of forty hours a week. 256.

Ratification of the — regarding forced labour. 2075-77.

INTERNMENT—

Question *re* — of Mr. Subhash Chandra Bose. 12-16, 426.

INTERVIEW(S)—

Question *re*—

— given by Sir Homi Mehta to the *Manchester Guardian* regarding Indian Cotton Industry. 2178.

— of candidates for certain posts in the Broadcasting Department. 2760-62.

— with prisoners in the Cellular Jail. 993-94.

INVESTIGATION—

Question *re*—

Archæological — in the Chhota Nagpur Division. 1040.

— into the nutrition problems. 601-02.

— of the Indian income-tax system by experts. 2593.

— to find out the cost of cultivation of crops. 2759-61.

INVITATION(S)—

Question *re* — to the members of the Legislative Assembly to visit Andamans. 759-60.

IRAQ—

Question *re*—

Bill affecting Indians passed in —. 188.

Interest of Indians affected by the enactment of labour laws in —. 360-61.

Plight of Indians in —. 580.

Position of Indians in —. 186.

IRON—

Question *re* firms manufacturing pig — in India. 93.

IRON SCRAP(S)—

Question *re*—

Disposal of cast — on the North Western Railway. 3162-63.

Non-observance of rules and terms regarding sale of — at Magharpura on the North Western Railway. 3159.

IRWIN HOSPITAL

Question *re* irregularities connected with the acceptance of tenders for the —, New Delhi. 910-12.

ISMAIL KHAN, HAJI CHAUDHURY MUHAMMAD—

Question *re*—

Employment of Muslims in the superior services of the Bombay, Baroda and Central India Railway. 2652-53.

Raising of public loans by certain foreign municipalities and Governments. 2740-41.

ISTAMRARDARS ENQUIRY COMMITTEE—

Question *re* report of the —. 3065.

ITALY(IAN)—

Question *re*—

Certain statements circulated by the Royal Consul General for —, Calcutta. 440-41.

Communique issued by the Royal Consul General for — about the supply of Dum Dum bullets to Ethiopian troops. 745-49.

Communique issued by the Royal Consul-General for — Calcutta. 8-9.

Effect of the application of sanctions in India against —. 237.

Effect of the victory of — on the Indians settled in Ethiopia. 338-40.

Indian feelings regarding —'s conquest of Abyssinia. 846.

Letters issued from the Royal Consul General of — from Calcutta. 2012.

Lifting of the sanctions against —. 1220.

Loss of trade suffered by India by adopting the sanctions against —. 246-47.

Part played by India in the meetings of the Council or the Assembly of the League of Nations after the conquest of Ethiopia by —. 494-95.

ITALY (IAN)—*contd.*Question *re—contd.*

Propaganda made by the Royal Consul General for — through the Post Offices. 688-89.

Support of Canada to the Cessation of sanctions against —. 1230-32.

Termination of the sanctions against —. 646-47.

Withdrawal of — Consul from Bombay. 1238.

ITALIAN GAS BOMB(S)—

See "Bomb(s)".

ITALIAN LOANS AND CREDITS PROHIBITION BILL—

See "Bill(s)".

ITALO-ABYSSINIAN WAR—

Question *re* loss of Indian lives or properties in the —. 188-89.

See also "War".

IVANHOE—

Question *re* passages in "—" derogatory to the Jews and their religion. 832.

J

JACOBABAD—

Question *re—*

Extension of the present railway line to — *via* Garbi Khairo in Sind. 1481.

Muslim representation in the electric sub-station opened at —. 2546.

JAIL(S)—

Question *re—*

Appointment of non-official visitors for the Cellular — and Convict Settlement in the Andamans. 999-1000.

Books in the Cellular — Library. 928, 998.

Bringing back of prisoners unwilling to stay in the Cellular — and allowing others to work outside the —. 1000.

Condition of health of State Prisoner Bupendra Kishore Rakshit Roy detained in the Bareilly Central —. 3353-54.

Condition of prisoners in the Cellular —. 992-93.

Defects in the — life of the Andamans found by the Home Member. 1119-120.

JAIL(S)—*contd.*Question *re—contd.*

Interviews with prisoners in the Cellular —. 993-94.

— offences committed in the Cellular —. 994-95.

Newspapers supplied to prisoners in the Cellular —. 998-99.

Out-door games allowed to prisoners in the Cellular —. 997.

Overhauling of the — rules and regulations. 1120-127.

Political prisoners confined in the Cellular — in the Andamans. 835-41.

Prisoners confined in the Cellular —. 996-97.

Release of persons detained without trials in —. 1995-96.

Representations made by the prisoners of the Cellular —. 999-90.

JALPAIGURI—

Question *re—*

Conversion of departmental post offices into extra-departmental offices in the — Division. 2879-80.

Leave reserve clerks in the — and Coochbehar Head Post Offices. 2878.

Leave reserve clerks in the Post Offices in the — Division. 2878.

Postal Officials stationed at —. 2950.

Postal signallers in the — Postal Division. 2853-54.

Purchase of Cash Certificates by the Superintendent of Post Offices of — Division. 2868-69.

Reserve clerks in the — Postal Division. 2854.

JAMADAR(S)—

Question *re—*

Appeals against the removal of cooly — or a cooly on State Railways. 68.

Promotions to the rank of a — or Subedar in Indianised units. 3305.

JAMALPUR—

Question *re—*

Construction of a huge railway station at — East Indian Railway. 1772-74.

Ex-apprentices of the — Technical School, East Indian Railway. 683-84, 685-86.

Workmens' train running from and to — on the East Indian Railway. 2743-44.

JAMES, MR. F. E.—**Indian Companies (Amendment) Bill—
Consideration of—**

- Clause 7. 979.
- Clause 15. 1078-79.
- Clause 37. 1421, 1422, 1456-57.
- Clause 40. 1522, 1534, 1535, 1587, 1723, 1725, 1733.
- Clause 42. 2111-12, 2116-17, 2153-54, 2247-48, 2260, 2262.
- Clause 52. 2372.
- Clause 110. 2461.
- Clause 111. 2531.
- Clause 113. 2555.

Indian Motor Vehicles (Amendment) Bill—

- Motions to refer to Select Committee and to circulate. 465-70.

Indian Rubber Control (Amendment) Bill—

- Motion to consider. 3016.

**Indian Tea Cess (Amendment) Bill—
Consideration of clauses. 2919.**

Motion for adjournment *re* reduction of the duty on British textiles without consulting the Legislative Assembly. 319-22.

Resolution *re* interference from public servants in the ensuing elections. 2221.

Statement *re* demonstration against the ruling of the Chair. 456.

JAMUGURI—

Question *re* deforestation of — Reserve in the Borpathar Development area in Golaghat, Assam. 2619-20.

JAPAN—**Question re—**

Appointment of Indian Trade Commissioners in — and East Africa. 2497.

Commercial relations between India and —. 1235.

Editorial notes in the *Indian Finance* on the Pact with —. 1919-20.

Exclusion of Burma in the negotiations for a fresh trade agreement with —. 3358.

Export of raw cotton and raw cotton purchased by the United Kingdom and —. 586.

Inauguration of direct Wireless Beam Service between India and —. 1043.

Quota principle of regulating trade between India and —. 2591-92.

Rates of passengers fares and goods freight on Indian Railways and Railways in —. 984.

JAPANESE—**Question re—**

Alleged brutal treatment of Indians in Manchuria by the — authorities. 1987-88.

Torture of an Indian and his wife by a — in Manchukuo. 1774-75.

JARANWALA—

Question *re* want of a raised platform on the branch line between Chichoki Malian *via* — on the North Western Railway. 1487.

JEDHE, MR. K. M.—

Question *re* confirmations of officials and inferior servants in the Bombay Postal Circle. 450.

JEHANGIR, SIR COWASJI—

Arya Marriage Validation Bill—
Consideration of clauses. 1672, 2038-40, 2054.

Cantonments (Amendment) Bill—
Consideration of clauses. 572.

Indian Companies (Amendment) Bill—
Motion to consider. 615, 624, 642, 730, 731, 792.

Consideration of—

Clause 3. 888-89, 1068.

Consideration of amendment to add new clause after clause 4. 940-41, 942.

Consideration of—

Clause 7. 954-55, 959, 960, 962-63, 1066.

Clause 30. 1109, 1110.

Clause 32. 1172, 1179.

Clause 36. 1195-96.

Clause 37. 1433, 1438-42, 1452, 1453, 1454.

Clause 40. 1517-18, 1532-33, 1535-36, 1587, 1721, 1726-27, 1729, 1733, 1742, 1745.

Clause 42. 1875, 1876, 1893, 1957-61, 1983, 1984, 1985, 2124, 2142, 2260, 2264-66, 2270, 2274, 2275, 2278, 2284, 2288, 2293.

Clause 44. 2358-59.

Clause 52. 2374.

Clause 55. 2379, 2380.

Clause 75. 2418, 2419, 2427, 2429-32.

New clause 81. 2445.

Clause 111. 2473-74, 2527, 2528.

Clause 116. 2563.

Motion to pass. 2570.

Motion for adjournment *re*—

Revision of the Indian Currency and Exchange policy. 2717-18.

JEHANGIB, SIR COWASJI—contd.

- Question (Supplementary) *re*—
 Giving back of the administration of Berar to His Exalted Highness the Nizam. 591-93.
 Government's Loan Policy. 686-88.
 Interception of correspondence of certain classes of persons. 1854-55.
 Negotiations between the Government of India and the Kathiawar States to regulate the import of foreign goods. 2412, 2413.
 New rules for recruitment to the Indian Civil Service. 578-79.
 Placing of proscribed books in the library of the Legislative Assembly. 1776.
 Post of the Cabinet Secretary. 1475-77.
 Resolution *re* interference from public servants in the ensuing elections. 2214-16.

JEW(S)—

- Question *re* passages in certain books derogatory to the — and their religion. 832.

JHALOD TALUKA—

- Question *re* railway concession for transport of food and fodder to the famine-stricken areas in the — and Pachmahal District. 2943.

JHANSI—

- Question *re* drivers in the — Division of the Great Indian Peninsula Railway. 3369.

JHARIA—

- Question *re* loans advanced to the — Water Board. 1132-133.

JHARIA COALFIELD—

- Question *re* accident at the Niluripathra colliery in the —. 2521-22.

JHATKA—

- Question *re* orders prohibiting the sale of — meat on the North Western Railway Stations. 3190-91.

JHELUM—

- Question *re* repairs to private bungalows in the — Cantonment. 1768.

JINNAH, MR. M. A.—

- Indian Companies (Amendment) Bill—
 Motion to consider. 809, 811-12.
 Consideration of clause 3. 935, 937.

JINNAH, MR. M. A.—contd.

- Consideration of amendment to add new clause after clause 4. 941, 942.
 Consideration of—
 Clause 7. 971, 972, 974, 975-76, 978-80, 1065.
 Clause 37. 1418, 1446, 1455, 1456.
 Clause 40. 1549.
 Clause 42. 1976-80, 2103, 2128-29, 2132, 2135, 2140, 2141, 2153, 2250, 2273, 2294.
 Clause 44. 2355, 2356, 2358, 2359.
 Clause 75. 2427, 2428, 2432-35, 2438, 2439.
 Clause 111. 2465.
 Motion for adjournment *re* situation in Palestine. 774-76.
 Question (Supplementary) *re*—
 British policy in Palestine. 932.
 Recommendations of the Royal Commission on Agriculture given effect to. 843-45.
 Views regarding the British Government's Policy in Palestine. 847-49.
 Resolution *re* interference from public servants in the ensuing elections. 2202, 2220-22.

JOGENDRA SINGH, SIRDAR—

- Question *re*—
 Alleged corruption in the Delhi Municipal Committee. 102.
 Delay in the disposal of appeals regarding construction of buildings lying in the Municipal Committee, Delhi. 3387.
 Dismissal of certain employees of the Delhi Municipal Committee, 101.
 Disposal of applications for the construction of private buildings in Delhi. 101-02.
 Orders for the demolition of buildings issued by the Delhi Municipal Committee. 450.

JOINT MARKETING BOARD—

See "Marketing Board".

JOINT SECRETARY(IES)—

See "Secretary(ies)".

JOINT STOCK COMPANIES—

- Question *re* fraud cases in respect of the funds of —. 1699-1700.

JOSHI, MR. N. M.—

- Appointment of — to the Committee on Petitions. 109.

JOSHI, MR. N. M.—*contd.*

Arya Marriage Validation Bill—

Motion to consider. 1645, 1651.

Consideration of clauses. 2789, 2792, 2801, 2804, 2805, 2806.

Chittagong Port (Amendment) Bill—

Motion to consider. 3042-43.

Code of Criminal Procedure (Amendment) Bill (Amendment of Section 167)—

Motion to continue. 1632.

Indian Companies (Amendment) Bill—

Motion to consider. 633, 645, 649, 704, 719, 781, 787-94, 856.

Consideration of—

Clause 7. 964-65.

Clause 15. 1089, 1090.

Clause 37. 1417-21, 1423, 1425, 1439, 1442, 1447.

Clause 42. 1946, 1959, 1960, 1962, 2128.

Clause 75. 2426.

Clause 98. 2453.

Clause 113. 2548-50, 2556, 2557.

Indian Motor Vehicles (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 407, 462, 470-75.

Indian Railways (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 197.

Motion for adjournment *re*—

Control of the soldiers on the football ground at Anandale. 2224.

Reduction of the duty on British textiles without consulting the Legislative Assembly. 309, 310, 322-24, 326.

Question *re*—

Abolition of the Tariff Board. 2593.

Advisers to Delegates, representing Indian Labour at the International Labour Conferences. 2626.

Age for examination for recruitment to the clerical cadre in the Postal Department. 3352.

Appointment, discharge and dismissal of staff in the East Indian Railway Schools. 448-49.

Court of Enquiry regarding the retrenchment of staff on Railways. 2624.

Discontent among the staff of the Madras Telegraph Office. 3353.

Fixation of the length of beats of postmen in hilly tracts. 3350.

Fixation of the value of a shilling in Indian Currency for the sale of English books at the Wheeler's stalls on Railway Stations. 2626.

Gazetted rank for the four Headmasters of the East Indian Railway Indian High Schools. 449.

JOSHI, MR. N. M.—*contd.*Question *re*—*contd.*

Government pensioners. 1045-46.

Health insurance and sick leave for industrial workers. 2626.

Investigation of the Indian income-tax system by experts. 2593.

Laws affecting labour. 2628.

Officials in the Bombay Postal Circle allowed to continue in service after attaining the age of superannuation. 3349.

Officiating increments for inferior servants of the Postal Department in the Konkan Division. 3351-52.

Old East Indian Railway Leave Rules for the staff employed in the East Indian Railway Schools. 448.

Orders in regard to promotions of postmen and other lower grade staff. 3351.

Preparations for war by the European Nations. 1781.

Prevention of accidents in the construction of buildings. 2625-26.

Proposal to retire Government servants who have attained the age of fifty years. 3352.

Quota principle of regulating trade between India and Japan. 2591-92.

Representations held up for claims of old scales of pay by the Postmaster General, Bombay. 3350.

Retrenchment on State Railways. 2624-25.

Special labour representation in the Provincial Legislative Councils. 2627.

Speed for mail motors on certain lines fixed by the Postal Department. 3350-51.

Supply of necessary uniforms for a cabinman officiating as a guard on the Great Indian Peninsula Railway. 83-84.

Suppression of immoral traffic in women in Delhi and the centrally administered areas. 2318.

Vernacular schools in the Railway colony at Freelandganj, District Pachmahala. 2627-28.

Village Post Offices where delivery of registered letters and money orders is not effected by postmen. 3349.

Wages in the manufacture of sugar and in the cultivation of sugarcane. 2625.

Question (Supplementary) *re*—

Additional postal facilities provided for rural areas. 2081, 2082.

JOSHI, MR. N. M.—*contd.*Question (Supplementary) *re—contd.*

- Allegations against the magisterial checking at Samastipur Station on the Bengal and North Western Railway. 2731.
- Article entitled "Unemployment" published in the *Hindu* regarding educational reconstruction. 1594, 1595, 1596.
- Attachment of a third class bogie for servants to the East Indian Railway Punjab Mail. 671-73.
- Circulation of Bills affecting women's rights. 1792.
- Construction of a huge railway station at Jamalpur, East Indian Railway. 1773.
- Delay in the supply of Government of India publications to the public. 2749.
- Development of the Indian industries. 72.
- Employment of "Dufferin" cadets. 1919.
- Explosion in a colliery at Sitarampur. 1923.
- Fixation of the prices of Government publications. 1867-68.
- Honorary Special Magistrates dealing with cases of ticketless travelling on State Railways. 1682-83.
- Implementing of the convention on forced labour. 2523.
- Importation of foreign experts to examine the various Departments of Government. 599-600.
- Indian delegation to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2173.
- Instruments of accession for Indian States to join the Federation. 162, 163, 164.
- Interception of correspondence of certain classes of persons. 1854-55.
- Introduction of the Bihar Cess (Amendment) Bill in the Bihar Legislative Council. 4.
- Marks for *viva voce* in the Indian Civil Service Examination. 1767.
- Measures to combat unemployment. 1847-48.
- Method of circulation of Bills for eliciting public opinion. 1707.
- Negotiations between the Government of India and the Kathiawar States to regulate the import of foreign goods. 2412.
- Negotiations for an Indo-Japanese Trade Agreement. 11, 12.

JOSHI, MR. N. M.—*contd.*Question (Supplementary) *re—concl.*

- Organisation of public works in connection with the relief of unemployment. 257.
- Proposed retrenchment of railway staff and the lowering of wages and salaries. 2063.
- Provision of extra postmen for leave arrangements. 1861-63.
- Ratification of the International Labour Convention regarding forced labour. 2076.
- Recommendations of the Royal Commission on Agriculture given effect to. 843-45.
- Rent of Indian refreshment rooms on the East Indian Railway. 1677.
- Report entitled "Sir Sikandar's Assurance to Unionists" published in the *Hindustan Times*. 2011.
- Reservation of four first class berths on payment of one fare on railways. 2161.
- Retrenchment on Railways. 929.
- Reuter's message headed "Torture of Indians" published in the *Hindu*. 1764.
- Signing of any Indo-Japanese Trade Agreement in England. 751-52.
- Strike in the Beawar Mills. 861-83.
- Subsidy for distribution among the sugar-cane centres in the Madras Presidency. 17.
- Supply on payment of application forms for the post of a typist in the Divisional Superintendent's Office, Moradabad. 2507.
- Utilisation of the rural development grants. 904.
- Want of an intermediate class waiting room at the Benares Cantonment Railway Station. 2746.
- Trade Disputes (Amendment) Bill—Motion to circulate. 3104-10, 3111, 3112, 3121, 3122.

JOURNEY(IES)—

Question *re—*

- Free — enjoyed by beggars, *fakirs* and *sadhus* on State Railways. 1680-81.
- Free pass rules governing the — of staff on State Railways. 2764.
- Permission for a break of — at Mirzapur or Chunar. 673.
- Rules on the East Indian Railway *re* alternated routes for through travelling and break of —. 674, 827-28.

JOURNEYMEN—

Question *re* new scales of pay for — on the North Western Railway. 72-73.

JUBBULPORE CANTONMENT—

Question *re* destitutes treated at the — General Hospital. 1690-91.

JUDGMENT(S)—

Question *re*—

— of Mr. Justice Amir Ali reproduced in the *Hindustan Times*. 2169.

— of the Sessions Judge of East Godavari in Madras in a Customs Seizure Case. 2498-99.

JUNCTION STATION—

See "Station(s)".

JUSTICE, ADMINISTRATION OF—

Demand for Excess Grant. 3259.

K**KAILASH BEHARI LAL, BABU—**

Indian Railways (Amendment) Bill—
Motions to refer to Select Committee and to circulate. 295-99.

Question *re*—

Afghan refugees deported from Persia. 2819-20.

Alleged neglect of Road Development Schemes in Bihar. 1047-48.

Allowances of the representatives of the *ex*-King of Burma. 2824-25.

Amount allotted for the economic development of Tribal Areas. 2821-22.

Ecclesiastical Department of Government. 2825-27.

Grant of loans to the employees by the East Indian Railway Co-operative Society. 2972-73.

Hardships experienced by pilgrims at Rajgir fair on account of suspension of the Bihar-Bukhtiar-pur Light Railway Train Service. 1715-17.

Non-inclusion of Patna and Nagpur in the list of centres for examinations for appointment to public services. 1046-47.

Officers under training for Political Agency and Residencies. 2823-24.

Official Trustee of Bengal. 2850-51.

Provision of a waiting room at Nathnagar Station. 73.

KAILASH BEHARI LAL, BABU—

contd.

Question *re*—

Refugees and State Prisoners in Bihar and Orissa. 2820-21.

Spending of the amount allotted under the head "Secret Expenditure". 2823.

System of Railway Raid for detecting ticketless passengers on the Bengal and North Western Railway. 2851-53.

Want of an intermediate class waiting room at Bhagalpur Railway Station. 2825.

Question (Supplementary) *re*—

Damages done to railway lines in the districts of Gaya and Patna. 1560, 1561.

Leave, passes, etc., of the staff on the Bengal and North Western Railway. 2857.

KALAGONK—

Question *re* lascars employed on the F. L. V. "Danidaw" and "—" plying in the Rangoon Port. 1464.

KALAT—

Question *re* collision of special *mela* trains at — railway station, North Western Railway. 2841.

KALKA—

Question *re*—

Carriage of mails between — and Simla on motor lorries. 2744-45.

— Delhi-Calcutta and the Calcutta-Bombay Mails run between Howrah and Meghal Sarai. 1115-16.

Rail motors run from Simla to — on the 20th August, 1936. 3373-74.

KALKA-SIMLA RAILWAY—

See "Railway(s)".

KAMALASAGAR—

Question *re* allegations against the staff at the — Station on the Eastern Bengal Railway. 262-63.

KARACHI—

Question *re*—

Alleged disappearance of air mail letters at —. 1779-80.

Appointment of Mr. Homan as Divisional Superintendent. —. 3315.

Indianisation of higher services in the — Port Trust. 3183-89.

KARACHI DIVISION—

Question *re* promotion of non-Muhalims as Assistant Wiremen in the Karachi Division of the North Western Railway. 2645-46.

KAROL BAGH—

Question *re* absence of storm water and sullage drains in —, Delhi. 1612.

KATHIAWAR—

Question *re* negotiations between the Government of India and the — States to regulate the import of foreign goods. 2410-13.

KENYA—

Question *re*—
Article entitled "British Colonial Policy and Racial Discrimination" published in the *Hindu* regarding — Highlands. 1603.

Article entitled "—" published in the *Hindu*. 416-17.

Enquiry into the working of the Clove Growers' Association in Zanzibar and reservation of — Highlands for Europeans. 753-54.

Grievances of Indians in —. 3148-49.

Reservation of — Highlands for Europeans and position of Indians in foreign countries. 186-87.

Reservation of — Highlands to Europeans. 353.

KHAITAN, MR.—

Question *re* speech of — on non-business like running of railways. 2312-15.

KHALASIES—

Question *re* provision of box — to carry the boxes of Indian drivers. 3365.

KHAN SAHIB, DR.—

Arya Marriage Validation Bill—

Motion to consider. 1653.

Consideration of clauses. 2794.

Manœuvres Field Firing and Artillery Practice Bill—

Motion to circulate. 3279-80.

Question *re*—

Arrest and detention of certain persons of the Mohmand Tribe residents of Peshawar District. 3322.

Passport for Indians going to Parachinar (Kurm). 2850.

KHAN SAHIB, DR.—contd.

Question (Supplementary) *re* economy effected by the appointment of Indians in place of Europeans in the higher branches of public service. 1707-09.

Resolution *re* interference from public servants in the ensuing elections. 1840, 2192-98.

KHARAGPUR—

Question *re* strike in the Bengal Nagpur Railway Workshops at —. 520-21.

KHARE, DR. N. B.—

Arya Marriage Validation Bill—

Presentation of the Report of the Select Committee. 191.

Motion to consider. 1637-38, 1652.

Consideration of clauses. 2022, 2027, 2051, 2057.

Cantonments (Amendment) Bill—

Consideration of clause 4. 537-38.

Indian Companies (Amendment) Bill—

Motion to consider. 607, 804.

Consideration of—

Clause 37. 1441, 1450, 1509.

Clause 42. 2148-49.

Motion for Adjournment *re* Mr. Subhash Chandra Bose. 382.

Question *re*—

Abuses of power in regard to appeals from Railway servants on the East Indian Railway. 80.

Acting allowances of the ex-company staff of the East Indian Railway. 81-82.

Adverse remarks recorded in Confidential Reports of non-gazetted staff on Railways. 3139.

Allegations against Mr. K. M. Hassan, Deputy Director, Establishment, Railway Board. 3293-94.

Allotment of railway quarters at Simla. 3065.

Allotment of residential buildings to the State Railway Staff. 2842.

Alteration in the age of railway employees. 3138-39.

Appeals against the removal of cooly Jamadar or a cooly on State Railways. 68.

Arrangement for *melas* at Hardwar, Garhmuktesar and Roorkee on the East Indian Railway. 2840.

Arrangements for the supply of drinking water to passengers on the East Indian Railway. 3128.

KHARE, DR. N. B.—*contd.*

Question re—

- Authorities prescribed under section 71-E (1) (b) of the Indian Railways Act. 2844.
- Changes in ranks and designations of the staff on State Railways. 3056-57.
- Check over the work of travelling ticket examiners on the North Western Railway. 3137.
- Checking of the work of Station Masters by a Traffic Inspector on the East Indian Railway. 82.
- Collision of special *mela* trains at Kalel railway station, North Western Railway. 2841.
- Competent authority empowered to inflict penalties on staff on State Railways. 3135-36.
- Conductors employed on State Railways. 2849.
- Counting of period spent in certain capacities towards seniority by the Chief Accounts Officer, East Indian Railway. 3138.
- Delegation of powers in the Posts and Telegraphs Department. 3182-83.
- Designation of heads of Departments on State Railways. 3056.
- Difference in the nature of duties of certain staff on the East Indian Railway. 81.
- Discharge of subordinate railway employees. 51.
- Dismissal or discharge of an employee by a senior scale or administrative officer on State Railways. 83.
- Disposal of appeals from Railway servants on the East Indian Railway. 81.
- Electric supply in Shahdara, Delhi. 3137.
- Electrification of quarters for Railway subordinates. 3136.
- Enhancement of the pay of the Inspector appointed to investigate cases of claims preferred against the East Indian Railway. 100.
- Facilities for the travelling public on the East Indian Railway. 3125.
- Filling up of vacancies on the East Indian Railway without the medium of Selection Boards. 100.
- Government servants debarred from making any statement, etc., embarrassing the relations between certain persons. 3359.
- Grant of free quarters or rent in lieu to the ticket collectors on the East Indian Railway. 3138.

KHARE, DR. N. B.—*contd.*

Question re—

- Grant of passes to the staff employed in railway institutes. 3055.
- Guards on the North Western Railway. 3386-87.
- Guards retrenched in the Delhi Division of the North Western Railway. 3186-87.
- Hill allowance paid to Railway staff at Simla. 3184.
- Inadmissibility of officiating allowance to non-gazetted staff on State Railways. 2841.
- Indianisation of posts in the highest grades on State Railways. 3184.
- Introduction of new pass rules on State Railways. 3138.
- Joining of Railway Unions and Federations by Railway employees. 3186.
- Notification amending the word "Manager" to the word "Agent" as used on State Railways. 2844.
- Notification investing the Railway Board with the power of the officer referred to in section 47 of the Indian Railways Act. 2843.
- Notification of the Railway Board making rules in respect of certain matters. 2843-44.
- Notifications regarding the cancellation, recession or variation of a rule under section 47 of the Indian Railways Act. 2845-46.
- Officers rest houses at Simla. 2846-49.
- Penalties for irregular use, etc., of privilege ticket orders and passes on Railways. 3136.
- Period for claiming the travelling allowance on the North Western Railway. 2842.
- Permission for dogs and domestic animals to travel on metal passes issued to Railway Gazetted Staff. 3139-40.
- Permission to Station Masters on the North Western Railway to issue charge sheets. 3185.
- Personnel organisation on State Railways and the actions taken thereon by the Railway Board. 447.
- Policy of abolition of posts in the highest grades on State Railways. 3183-84.
- Post of the Deputy Director, Establishment II, Railway Board. 3140.
- Posts of Transportation Inspectors sanctioned by the East Indian Railway. 67.
- Power to pass an order of discharge by a senior scale officer on State Railways. 82-83.

KHARE, DR. N. B.—*contd.*Question *re*—

- Powers of Divisional Superintendents on the East Indian Railway. 67.
- Procedure for inquiry into the conduct of non-gazetted railway staff. 67.
- Procedure on State Railways for punishing or reducing the staff from superior to inferior service on failure to pass an examination. 78-80.
- Promotion of guards on the North Western Railway. 3185.
- Proposal to appoint Mr. K. M. Hassan as Supervisor of Railway Labour. 3185-96.
- Protection of the honour of females using passenger hall at Moradabad. 2840-41.
- Provision of a library, zoo and museum, etc., in New Delhi. 3359.
- Punishment inflicted under section 71-H of the Indian Railways Act. 2844-45.
- Questions of fraud in connection with Railway tickets. 2840.
- Rank of officers under district system equivalent to senior officers under divisional system on Railways. 3055-56.
- Ranks and designations with scales of pay on State Railways. 3055.
- Reduction of pay of retrenched staff in the Delhi Division of the North Western Railway on their absorption in other posts. 3187.
- Regulations regarding disciplinary action against Railway staff. 100.
- Relationship between the Agent and certain other staff on State Railways. 82.
- Rent charged by the East Indian Railway for refreshment rooms. 77.
- Rent recovered for residential buildings from State Railway Staff and outsiders. 2843.
- Report of the committee that visited a certain school on the East Indian Railway. 3182.
- Responsibility of the Governor General-in-Council for the actions of the Agents of State Railways. 3183.
- Responsibility of the Secretary of State for India in Council for the actions of the Agents of State Railways. 3183.
- Return tickets for intermediate and third class passengers on certain railways from Simla. 3184.
- Rules for residential buildings on State Railways. 81, 3054.

KHARE, DR. N. B.—*concl.*Question *re*—

- Rules governing the allotment of residential buildings to State Railway Staff. 2843.
- Rules governing the occupation of residential buildings on State Railways. 2842.
- Scale of pay applicable to the staff recruited by the East Indian Railway between 1st July, 1925, and 1st November, 1928. 80.
- Scales of pay in force on the East Indian Railway on certain dates. 101.
- Scales of pay revised with effect from 1st August, 1928, on the East Indian Railway. 80.
- Seniority of East Indian Railway and Old Oudh and Rohilkhand Railway Staff. 82.
- Seniority of transportation and commercial staff on the East Indian Railway. 101.
- Staff in each scale of pay as budgeted for the year 1936-37 by the East Indian Railway. 80.
- Station Master's Examination in the Moradabad Division, East Indian Railway. 82.
- Strength of staff on State Railways. 3056.
- Tenure of the posts of Directorate establishment of the Railway Department. 3139.
- Transfer of staff from one division to another division on the North Western Railway. 3185.
- Travelling ticket examiners on the North Western Railway. 3139.
- Treatment of adoptive parents as natural parents on Railways. 3137.
- Use of the word "Cooly" in respect of Indians and "Labour" in respect of Europeans and Anglo-Indians. 100.
- Writing of articles for press and publication of books by Government Servants. 3359.
- Question (Supplementary) *re*—
- Honorary Magistrates in the Centrally Administered Areas. 829-30.
- Political prisoners confined in the Cellular Jail in the Andamans. 835-41.
- Signing of any Indo-Japanese Trade Agreement in England. 751-52.
- Termination of the Ottawa Trade Agreement. 2019.
- Views regarding the British Government's Policy in Palestine. 847-49.

KIDNAPPING—

Question *re* alleged — of a Hindu girl in Peshawar. 598-99.

KILOKHRI—

Question *re* reports of the Special Officer (Mr. Hume) and — Sewage Farm Committee. 908.

KING—

Question *re*—
Coronation of — Edward VIII in India. 1143-44.

Issue of postage stamps and currency with the new —'s effigy. 823.

KING-EMPEROR. HIS MAJESTY THE—

Question *re*—
Coronation of —. 334-35.
Release of certain classes of prisoners on the occasion of the coronation of —. 841-42.

KING GEORGE MEMORIAL FUND—

Question *re* —. 2071-72.

KING OF BURMA. EX—

Question *re* allowances of the representatives of the —. 2824-25.

KISHUNGANJ—

Question *re* hardship and inconvenience of the travelling public on the District Railway Branch line running from Siliguri to —. 3072-73.

KONKAN DIVISION—

Question *re* officiating increments for inferior servants of the Postal Department in the —. 3351-52.

KOT DAYA KISHEN—

Question *re* lack of water arrangements at — on the North Western Railway. 2839-40.

KOTLA—

Question *re* restoration of extra-departmental Sub-Post Office at —. 2832-34.

KRISHNA, LORD—

Question *re* removal of the portrait of — by the Superintendent, Railway Mail Service, "L" Division. 3360-61.

KURM—

Question *re* passport for Indians going to Parachinar (—). 2850.

KURUKSHETRA—

Question *re*—
Collision of trains on the occasion of the — fair. 1128-29.
Motor and lorry traffic competition with the railway on the occasion of the — fair. 1128.
Passengers who attended the — Fair. 1127-28.

L**LABOUR—**

Question *re*—
Implementing of the convention on forced —. 2622-23.
Indian — in Malaya. 349-52.
Interest of Indians affected by the enactment of — laws in Iraq. 360-61.
— conditions on the Madras and Southern Mahratta Railway. 920-22.

— laws in force in India. 2628-29.
Laws affecting —. 2628.

Proposal to appoint Mr. K. M. Hassan as Supervisor of Railway —. 3185-86.

Ratification of the International Labour Convention regarding forced —. 2075-77.

Special — representation in the Provincial Legislative Councils. 2627.

Use of the word "Cooly" in respect of Indians and — in respect of Europeans and Anglo-Indians. 100.

LABOUR CONFERENCES—

Question *re* advisers to Delegates representing Indian Labour at the International —. 2626.

LABOUR CONVENTION—

Question *re* ratification of the International — regarding forced Labour. 2075-77.

See also "Convention(s)".

LABOUR IMMIGRATION—

Question *re* Indian delegation to Malaya to study — conditions 2991.

LABOUR, ROYAL COMMISSION ON—

Question *re*—
Recommendations of the — regarding periodical eye-sight test of workers. 2595-96.
Recommendations of the — regarding railways. 1857-58, 2596.

LABOUR SERVICES—

Question *re* discharge of temporary employees in the inferior and — and the appointment of *ex*-military men in their places on the North Western Railway. 1787-88.

LAC CESS (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

LAC CESS (SECOND AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

LAHIRI CHAUDHURY, MR. D. K.—

Arya Marriage Validation Bill—

Motion to consider. 1657, 1658.

Consideration of clauses. 1661, 1662.

Indian Railways (Amendment) Bill—

Motions to refer to Select Committee and to circulate. 304.

Motion for adjournment *re*—

Control of the soldiers on the football ground at Annandale. 2231-33.

Murder of mail guard Golam Sattar on a Calcutta Sirajganj train between Ranaghat and Chuadanga. 772.

Question *re*—

Arrangements for work on Sundays and postal holidays in the Howrah Railway Mail Service. 70-71.

Chittagong Armoury Raid prisoners in the Andamans. 3069

Contribution to the Durand Tournament Committee from the Central Finances. 3325-26.

Conversion of departmental post offices into extra-departmental offices in the Jalpaiguri Division. 2879-80.

Fixation of working hours of inferior staff in the Railway Mail Service. 71.

Grant of relaxations on Sundays and holidays to the clerks in the Sub-Record Office of the Howrah Railway Mail Service. 71.

Postal Officials stationed at Jalpaiguri. 2950.

Provision of latrines in the peons' quarters at Punchkuin Road, New Delhi. 2940.

Standing Committee on Rice of the Imperial Council of Agricultural Research. 3068-69.

Question (Supplementary) *re* campaign of fight against Malaria scourge. 766-67.

LAHORE—

Question *re*—

Embezzlement cases in the — Engineering Division and the Amritsar Telegraph Exchange Office. 3167.

Increase in the water rates in the — Cantonment. 1059.

Memorandum issued every month by the Educational Printing Works. —. 3191-92.

Muslims recruited as telephone operators in the — Engineering Division. 3164-65.

Students passing from the 'A' class of the Maclagan Engineering College. —. 3302-03.

Task messengers employed in the — Telegraph Office. 3319.

LALCHAND NAVALRAI, MR.—

Arya Marriage Validation Bill—

Motion to consider. 1651, 1656, 1657.

Consideration of clauses. 1665-67.

Code of Civil Procedure (Amendment) Bill—

Motion to consider. 3078-81.

Consideration of clauses. 3084-85, 3088, 3090, 3095-96, 3098.

Code of Criminal Procedure (Amendment) Bill (Amendment of Section 167)—

Motion to continue. 1631-32.

Durgah Khawaja Saheb Bill—

Motion to pass. 3406-07.

Indian Railways (Amendment) Bill—

Motions to refer to Select Committee and to circulate. 137-40, 191-96, 198, 199, 215, 216.

Question *re*—

Appointment for training in the Commercial and Transportation Groups on the North Western Railway. 2867-68.

Appointment of Assistant Secretary in the Public Service Commission. 2864.

Assault on a girl in the Bhopal Ujjain Passenger Train. 3331-32.

Classification of passes to railway employees on the lines of the Central Government travelling allowance rules. 1785-86.

Collision of trains on the occasion of the Kurukshetra fair. 1128-29.

Conclusions arrived at by the Transport Advisory Council in Simla. 2342-43.

Confirmation of Special Ticket Examiners on the North Western Railway. 3311.

Defects in the jail life of the Andamans found by the Home Member. 1119-20.

LALCHAND NAVALRAI, MR.—
contd.

Question re—

- Discharge of temporary employees in the inferior and labour services and the appointment of ex-military men in their places on the North Western Railway. 1787-88.
- Effect given to the Resolution re appointment of a Joint Standing Army Committee. 1485.
- Extension of the present railway line to Jacobabad *via* Garhi Khairo in Sind. 1481.
- Extension of the railway line to Nowabshah in Sind. 1480.
- Grant of holidays to goods and parcel clerks on important Indian festival days. 91-92.
- Inadequate drainage at Larkana station on the North Western Railway. 3187-88.
- Indianisation of higher services in the Karachi Port Trust. 3188-89.
- Indigenous supplies of raw materials for the glass industry. 1481.
- Limitation of power of discharge by a senior railway officer. 51.
- Maintenance of waiting lists of the retrenched staff of the Railways. 2865-66.
- Manufacture of electrical bulbs in India. 1482-83.
- Motor and lorry traffic competition with the railway on the occasion of the Kurukshetra fair. 1128.
- Orders issued by the Railway Board for carrying out retrenchment on the North Western Railway. 2864-65.
- Overhauling of the jail rules and regulations. 1120-27.
- Pass Rules on the North Western Railway. 3311-12.
- Passengers who attended the Kurukshetra Fair. 1127-28.
- Promotion of Office Superintendents on the North Western Railway. 3316-17.
- Promotions from subordinate service to gazetted posts made on the North Western Railway. 3317.
- Protection of the Sindwork merchants from the danger of civil war in Spain. 2344-45.
- Racial discrimination in the matter of promotion of Office Superintendents on the North Western Railway. 3316.
- Reduction in the protective duty on cotton and piece-goods of British manufacture. 1485.

LALCHAND NAVALRAI, MR.—
contd.

Question re—

- Removal of restrictions on the markers on the North Western Railway for training in goods duties. 1787.
- Revision of the pass rules for the employees on State Railways. 1783-84.
- Sind Left Bank Feeder Railways. 1786-87.
- Split of the clerical staff into several units on the North Western Railway. 2866-67.
- Ticketless passengers travelling on the North Western Railway. 1129.
- Trained cadets of the "Dufferin". 1483-84.
- War Bonds and Cash Certificates issued during the Great War remaining unpaid. 2090-91.
- Working hours of drivers working between Rohri and Sibi on the North Western Railway. 3315.
- Question (Supplementary) re—
- Abolition of the Tariff Board. 2593.
- Additional postal facilities provided for rural areas. 2081.
- Allegations against the staff at the Kamalasagar Station on the Eastern Bengal Railway. 263.
- Alleged suppression of a letter written by Pandit Jawaharlal Nehru to Mr. Subhash Chandra Bose. 2948.
- Appointments made to the Indian Medical Service. 3154-55.
- Bhonsla School of Military Training. 1613, 1614.
- Circulation of Bills affecting women's rights. 1792.
- Competition between certain shipping companies plying between Rangoon and the ports in Bengal. 2496-97.
- Contemplated appointment of a European as Financial Commissioner of Railways. 356-58.
- Coronation of His Majesty the King Emperor. 334-35.
- Development of an All-India policy for Indian Ports. 2591.
- Employees discharged from the East Indian Railway on account of defective eye sight. 2594.
- Fees charged by the Public Service Commission for competitive examinations. 3176-78.
- Government Cottage Industries Institute, Delhi. 504-05.
- Improvement of the Hardwar Railway Station. 1913-14.

LALCHAND NAVALRAI, MR.—
*contd.*Question (Supplementary) *re*—

- Indianisation of Ground Engineers employed by the Indian National Airways, Limited. 3178-79.
 Indians in Ceylon. 352-53.
 Instruments of accession for Indian States to join the Federation. 163.
 Introduction of the Bihar Cess (Amendment) Bill in the Bihar Legislative Council. 3, 4.
 Landing grounds, aerodromes and runways made and air-ports fitted out for night flying. 1856-57.
 Leave rules governing the teachers in State Railway schools. 2963.
 Loss of life or property of Indians in Abyssinia. 247.
 Marks for *viva voce* in the Indian Civil Service Examination. 1767.
 Negotiations for an Indo-Japanese Trade Agreement. 11.
 New rules for recruitment to the Indian Civil Service. 577-78.
 New scales of pay introduced for the second grade postal clerks and Sub-Postmaster. 2164.
 Non-appointment of Indians in the Cypher Bureau. 32.
 Officers under training for Political Agency and Residencies. 2824.
 Persons paid from Indian Revenues in the United Kingdom and the British Colonies. 2162.
 Petition from the Amritsar Commercial Association to the Board of Inland Experts for enquiry into the Indian Income-tax system. 441-42.
 Preparation of an establishment manual for the Railway Department. 1616, 1617.
 Preparations for war by the European Nations. 1781.
 Progress made in the village uplift work in the centrally administered areas. 2319.
 Promotion of the storemen of the Indian Army Ordnance Corps as Assistant Storekeepers. 2337.
 Proposed retrenchment of railway staff and the lowering of wages and salaries. 2063.
 Ratification of the International Labour Convention regarding forced labour. 2076, 2077.
 Recruitment to the Indian Medical Service. 507-09.
 Remission of sentence of one Ratnasabhapathi Gounder of the Coimbatore District. 2320.
 Rent of Indian refreshment rooms on the East Indian Railway. 1678.

LALCHAND NAVALRAI, MR.—
*contd.*Question (Supplementary) *re*—

- Report of the Sapro Committee on unemployment. 35.
 Seizure by Customs authorities of certain books. 2311.
 Stoppage of the recruitment of matriculates and under-graduates in the Railway Clearing Accounts Office. 2981.
 Suppression of immoral traffic in women in Delhi and the centrally administered areas. 2318.
 System of Railway Raid for detecting ticketless passengers on the Bengal and North Western Railway. 2852.
 Tenders for the re-building of Quetta. 2185.
 Trade license bye-laws passed in Marikburg, South Africa, curtailing Indian interests. 337.
 Transfer of postal clerks who suffered in the Quetta earthquake to the Punjab Circle. 2336.
 Use of Broadcasting Stations for Political Propaganda. 169.
 Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3071.

LALJEE, MR. HUSENBHAI
ABDULLABHAI—

- Indian Companies (Amendment) Bill—
 Motion to consider. 717-23, 725, 855.
 Consideration of—
 New clause after clause 2. 880-81.
 Clause 3. 893, 894, 935, 936.
 Clause 42. 1983, 2133-34, 2145.
 Question *re*—
 Duty on the imports of Aden salt into India after separation. 2096.
 Entry of Indians into States, Dominions and Colonies. 53-59.
 Question (Supplementary) *re*—
 Indian delegation to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2173.
 Planning of public works. 1225-26.
 LAMB, MR. W. S.—
 Expression of regret on the death(s) of—
 Khan Bahadur Mian Sir Fazli-Husain, Sir M. Ramchandra Rao and —. 105-09.

LANCASHIRE INDIAN COTTON COMMITTEE—

Question *re* communication sent by the Secretary, Indian Merchants' Chamber, to the Secretary. —, Bombay. 589-90.

LAND(S)—

Question *re*—

— owned by private proprietors in cantonments. 1699.

— taken for Babugarh Remount Depot. 3332-33.

LAND TAX—

Question *re* payment of — by Railway Companies. 2092-93.

LANDING GROUND(S)—

Question *re* — aerodromes and runways made and air-ports fitted out for night flying. 1856-57.

LANGUAGE(S)—

Question *re* nomenclature used in Government Publications in reference to Indian —. 1859-61.

LARKANA—

Question *re* inadequate drainage at — station on the North Western Railway. 3187-88.

LASCAR(S)—

Question *re* — employed on the F. L. V. "Danidaw" and "Kalagonk" plying in the Rangoon Port. 1464.

LATRINE(S)—

Question *re*—

Cleaning of carriages and — of trains. 1903.

Construction of hydrants supplying drinking water or urinals and — by the roadside in New Delhi. 90.

Insufficiency of — in third class compartments on the East Indian Railway. 1207.

— for third and intermediate class passengers on the Assam Bengal Railway. 2620-21.

Provision of — in peons' quarters at Punchkuin Road, New Delhi. 2940.

Provision of — in third class compartments on the Shahdad-Saharanpur Railway. 1118-19.

LAVATORY(IES)—

Question *re*—

— in the new type of second class compartments of the Calcutta-Kalka Mails of the East Indian Railway. 833-34.

Want of a bathroom and a — in the Second Class Waiting Room at Moghal Sarai. 1771-72.

LAW(S)—

Question *re*—

Interest of Indians affected by the enactment of labour — in Iraq. 360-61.

Labour — in force in India. 2628-29.

— affecting labour. 2628.

LEAD WHITE—

Question *re* tenders invited by the Indian Stores Department, Calcutta Circle, for Paint Readymixed —. 2329-30.

LEADER(S)—

Question *re* circular regarding letters bearing photos of — and slogans of boycott. 1865-66.

LEAGUE OF NATIONS—

Motion for adjournment *re*—

Non-representation of Abyssinian delegates in the meeting of the —. 1625-27.

Withdrawal of the Government of India from the —. 189-90.

Question *re*—

Continuance of the membership of the — by India. 1778-79.

Expenditure incurred by the Government of India on delegates sent to —, etc. 449-50.

India's contribution to the —. 2508.

India's withdrawal from the membership of the —. 246, 686, 1764-66.

Indian delegation voting against the British delegation in the —. 2508-12.

Part played by India in the meetings of the Council or the Assembly of the — after the conquest of Ethiopia by Italy. 494-95.

Safeguarding of the interests of Europe alone by the —. 1153.

Speech delivered by the ex-Emperor of Abyssinia in the —. 1152-53.

Speech of His Highness the Aga Khan on the growing criticism in India of the —. 593-94.

Views on the Covenant of the —. 3142-43.

LEAVE—**Question re—**

Applicability of fundamental and supplementary rules to gazetted staff on State Railways in respect of pay, allowances, —, etc. 2763.

Applicability of fundamental and supplementary rules to non-gazetted staff on State Railways in respect of pay, allowances —, etc. 2763.

Health Insurance and sick — for industrial workers. 2626.

— granted to the Governors of Madras and the Central Provinces. 662-63.

— holidays and pay, etc., of industrial workers of railways. 853.

— on average pay in cases of illness for teachers in the East Indian Railway Schools. 2967.

— passes, etc., of the staff on the Bengal and North Western Railway. 2855-58.

Provision of extra postmen for — arrangements. 1861-63.

Unrecorded — granted to certain drivers on the Eastern Bengal Railway. 3344-45.

LEAVE ALLOWANCE(S)—

See "Allowance(s)".

LEAVE RESERVE CLERK(S)—

See "Clerk(s)".

LEAVE RULE(S)—**Question re—**

Application of State Railway — to teachers in certain East Indian Railway Schools. 2966.

— for the industrial employees of the Railway Press at Calcutta. 2614.

— governing the teachers in State Railway schools. 2961-64.

Non-application of the Revised State Railway — to teachers of the Oakgrove school. 2965.

Old East Indian Railway — for the staff employed in the East Indian Railway Schools. 448.

LEE CONCESSION—

Question re expenditure incurred on — passages. 3369.

LEGISLATION—**Question re—**

Committee to consider amendments to insurance —. 165.

— to regulate Banking business 3325.

— to restrict the number of trains on any railway. 2819.

LEGISLATIVE ASSEMBLY—**Motion for adjournment re—**

Failure of the Government of India to secure secrecy of ballot in the Punjab as recommended by the —. 2773.

Reduction of the duty on British textiles without consulting the —. 272, 305-30.

Motion re expunction of certain passages from the proceedings of the —. 833.

Question re—

Amendment of rules and standing orders in respect of privileges of the —. 32-33.

Censoring of letters addressed to members of the —. 1041.

Discussion of the report of Sir Otto Neimeyer in the —. 739-40.

Freedom of speeches to the Members of the — in their constituencies. 2945-46.

Grant of rickshaw allowance to the Members of the — in Simla. 2337-38.

Inclusion in the — Debates of speeches delivered by the Governor General to the Legislature. 1142-43.

Invitations to the members of the — to visit Andamans. 759-60.

Non-supply of the copies of Acts and of Budgets, as finally passed by the — to the members of the —. 1866-67.

Placing of proscribed books in the Library of the —. 1775-77

Shortage in the number of voters for the reformed — of Madras 930-31.

Recommendations of the — on the Hammond Committee Report. 1899.

Visit of a deputation of the Members of the — to the Andamans 2884.

Speech delivered to the Council of State and the — by His Excellency the Viceroy. 1551-56.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT—

Demand for Excess Grant. 3258.

LEGISLATIVE COUNCIL—**Question re—**

Introduction of the Bihar Cess (Amendment) Bill in the Bihar —. 2-4.

Population on Fiji and Communal Representation in the Fiji —. 2068-69.

Special labour representation in the Provincial —. 2627.

LEGISLATURE(S)—

Motion for adjournment *re* election of the provincial in Bihar. 373-79.

Question *re*—

Dates for the election to the Provincial —. 2185-86.

Prohibition against Government Pensioners standing as Congress Candidates to the Provincial —. 2167.

Representations made by Members of Central — regarding serious abuse of powers by administrative officers on railways. 3335.

Speeches delivered by the Governor General to the —. 1142-43.

LEH—

Question *re* stoppage of traders from Chinese Turkestan from proceeding to India *via* —. 2495.

LETTER(S)—

Question *re*—

Alleged disappearance of air mail — at Karachi. 1779-80.

Alleged suppression of a — written by Pandit Jawaharlal Nehru to Mr. Subhash Chandra Bose. 2947-48.

Censoring of — addressed to members of the Legislative Assembly. 1041.

Circular regarding — bearing photos of leaders and slogans of Boycott. 1865-66.

— entitled "Railway Finance and Rail-Road Competition" published in the *Hindu*. 493-95.

— entitled "Transport Advisory Council Meeting" published in the *Roy's Weekly*. 1927-29.

— from the South India Chamber of Commerce to the Indian Railway Conference Association. 1235-36.

— issued from the Royal Consul General of Italy from Calcutta. 2012.

— sent by the Officers of the Postal Department on His Majesty's Service without any Postage Stamps being affixed to them. 1006-07.

Postal rates for Inland — and post-cards in certain countries. 1867-64.

Railway Board's — regarding revised scales of pay. 3129.

Rules pertaining to the number of — to be sent in the same cover. 1208-209.

Village Post Offices where delivery of registered — and money orders is not effected by postmen. 3349.

LEVEL CROSSING(S)—

Question *re*—

Closing of the — near the Benares Cantonment Railway Station. 90, 827.

Construction of an overbridge at the Railway — in Cannanore. 2607.

LHAKSAR—

Question *re* malaria allowance paid to railway staff at —. 3336.

LIABILITY(IES)—

Question *re* — of railway servants to be dismissed from service for insolvency or habitual indebtedness 1029-30.

LIBRARIAN(S)—

Question *re* initialling of the notes on research made by readers by the — of the Imperial Library. 362-64.

LIBRARY(IES)—

Question *re*—

Books in the Cellular Jail — 926, 998.

— and institutes subsidized by State Railways. 76.

Placing of proscribed books in the — of the Legislative Assembly. 1775-77.

Provision of a —, zoo and museum, etc., in New Delhi. 3359.

LICENCE(S)—

Question *re*—

Attitude of the Government of the Union of South Africa with regard to the issue of — to Indians. 656-57.

Grant of — for vending foreign liquor in Delhi. 94-95.

— for guns to cultivators in forest areas in Chhota Nagpur and Bihar. 3069-70.

— under the Indian Electricity Act applied for by the Delhi Municipal Committee. 913.

Listeners' — and subscribers to the Indian listener. 900.

Trade — bye-laws passed in Marik-burg, South Africa, curtailing Indian interests. 337.

LIFE—

Question *re* loss of — or property of Indians in Abyssinia. 247.

LIFE INSURANCE COMPANY (IES)—

Question *re* — in the provinces. 3377-78.

LIGHTHOUSES AND LIGHTSHIPS—

Demand for Excess Grant. 3259.

LIGHTING—

Question *re* provision of proper roads and — in the Saddar Bazar area of the Benares Cantonment. 1767-68.

LILLOOAH—

Question *re*—
Appointment of successful Technical ex-apprentices of the — Workshops. 665.
Successful ex-apprentices of the — Workshops. 75, 684-85.

LINLITHGOW, LORD—

Question *re* article entitled “— and Milk Diet” published in the *Amrita Bazar Patrika*. 1598-99.

LIQUOR(S)—

Question *re*—
Grant of licences for vending foreign — in Delhi. 94-96.
Sale of — before and after the licensed hour in Delhi. 2817-18.

LISTENERS' LICENCES—

Question *re* — and subscribers to the Indian listener. 900.

LITERATURE—

Question *re*—
Constitution of Academies of National Arts and —. 902.
Searches in connection with political suspects or proscribed — or terroristic activities in Delhi. 1855-56.

LITIGATION—

Question *re* cost of — for execution of decrees on the side of the Court of Wards. 3328-29.

LIVERY(IES)—

Question *re* supply of cotton — to duffarries in the Government of India Offices. 3360.

LIVERY ALLOWANCES—

See “Allowance(s)”.

LIVESTOCK(S)—

Question *re* adequate supply of fodder and grazing grounds for cattle and improvement of — in a scientific manner. 755-57.

LLOYD, MR. A. H.—

Cantonments (Amendment) Bill—
Consideration of clause 67. 569.

LOADING WORK—

Question *re* — and unloading work of the railways done by the porters. 2520-21.

LOAN(S)—

Question *re*—
Floatation of —. 173-74.
Grant of — to the employees by the East Indian Railway Co-operative Society. 2972-73.
— advanced to the Jharia Water Board. 1132-33.
— taken by the Indian States from the British Government. 768-70.
Raising of public — by certain foreign municipalities and Governments. 2740-41.
Raising of rupee or sterling —. 3154.
Raising of the Rupee — of 1948-52. 665-66.

LOAN POLICY—

Question *re* Government's —. 686-88.

LOCAL BODIES—

Question *re* article entitled “Borrowings of —” published in the *Indian Finance*. 2487-88.

LOCAL CESS—

See “Cess(es)”.

LOCAL GOVERNMENT(S)—

Motion for adjournment *re* strict neutrality on the part of — in respect of provincial elections. 452, 365-73.

Question *re*—

Reports of the — upon the distribution and utilisation of the Rural Development Grant. 2480-85.

Rules framed by the Governor General in Council and the — under section 401 (c) of the Code of Criminal Procedure. 2084.

LOCO. AND CARRIAGE DEPARTMENT—

Question *re* senior subordinate officers in the —, Bombay, Baroda and Central India Railway. 2957.

LOCO. DEPARTMENT—

Question *re*—

Abolition of night schools for educating the illiterate railway workers of the —. 3363-64.

Frauds in the supply of coal to the — in Bareilly City. 3175.

Invidious treatment in the allotment of residences to the staff of the — at Calcutta. 2644-45.

Non-provision of quarters at Aishbagh Junction, Bareilly and Mailani for the members of the Traffic and —. 3173.

LOCO. FOREMEN—

Question *re* staff with defective vision employed as drivers and assistant —, etc., on State Railways. 2632-33.

LOCOMOTIVE(S)—

Question *re*—

Action taken on the Resolution *re* construction of — in India. 924-25.

Imposition of import duty on railway stores and —. 2092.

LOCOMOTIVE POWER—

Demand for Excess Grant in respect of "Working Expenses—Maintenance and supply of —". 3264.

LOGS—

Question *re* exemption of teak — from the protective customs duty. 3358.

LONDON—

Question *re*—

Alleged rude behaviour of a bus conductor towards an Indian in —. 2610

Indian delegation to — in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2171-74.

Qualifications for appointment as High Commissioner for India in —. 239-41.

Signing of the — Naval Treaty by India. 495-96.

LONDON STORES DEPARTMENT—

Question *re* amalgamation of the — with the Indian Stores Department. 253.

LORRY(IES)—

Question *re*—

Carriage of mails between Kalka and Simla on motor —. 2744-45.

LORRY(IES)—*contd.*

Question *re*—*contd.*

Motor and — traffic competition with the railway on the occasion of the Kurukshetra fair. 1128.

Private buses and —. 835.

LOSS(ES)—

Question *re* — sustained by Government through fraud or negligence on the East Indian Railway. 1028-29.

LOWER DIVISION—

Question *re*—

Difference between the old — and new second grade clerical cadres in the Posts and Telegraphs Department. 3323-24.

Non-appointment of postmen in Calcutta in the — posts. 2829.

LOWER GAZETTED OFFICERS—

See "Officer(s)".

LOWER GAZETTED SERVICE—

Question *re* article entitled "N. W. R. — and Muslims" published in the *Eastern Times*. 2486-87.

LOWER GRADE STAFF—

See "Staff".

LOWER GRADE STAFF UNION—

Question *re* postman and —, Delhi Province. 84-85.

LUBRICANT—

Question *re* discontinuance of the use of castor oil as — on State Railways. 2237-40.

LUCKNOW—

Message from His Excellency the Viceroy and Governor General disallowing Qazi Muhammad Ahmad Kazmi's motion for adjournment *re* prohibition of the recital of *Madhe-Sahaba* in —. 2380.

Motions for adjournment *re*—

Interference by the Government of the United Provinces with the Sunni Muslims of —. 504-05.

Restrictions by the United Provinces Government on the movements of the general public at —. 1244-46.

Prohibition of the recital of *Madhe-Sahaba* in —. 2347-49.

LUMDING—

Question *re* railway collision between Tinsukia and — District on the Assam Bengal Railway. 3314.

M**MACHAVARAM—**

Question *re* construction of Railway Stations at — in the Guntur District and Nidigallu in the Nellore District. 2073.

MACHINE(S)—

Question *re* installation of a time punching — in the Railway Board Office. 3143, 3149-50.

MACHINERY(IES)—

Question *re* obsolete railway stores, stock, plant and —, etc. 2093-94.

MACLAGAN ENGINEERING COLLEGE—

Question *re* students passing from the 'A' class of the —, Lahore. 3302-03.

MADHE-SAHABA—

Message from His Excellency the Viceroy and Governor General disallowing Qazi Muhammad Ahmad Kazmi's motion for adjournment *re* prohibition of the recital of — in Lucknow. 2380.

Motion for adjournment *re* prohibition of the recital of — in Lucknow. 2347-49.

MADRAS—

Question *re*—

Allegations against certain British soldiers of the Gloucestershire regiment in —. 105.

Article entitled "— and Neimeyer Report" regarding borrowing arrangements of provinces. 655-56.

Article entitled "The — Budget" published in the — *Mail*. 442-44.

Discontent among the staff of the — Telegraph Office. 3353.

Judgment of the Sessions Judge of East Godavari in — in a Customs Seizure Case. 2498-99.

Leave granted to the Governors of — and the Central Provinces. 662-63.

Plight of weavers in —. 1998-99.

Reduction in the prices of steel materials in bar sections in the — market by the Tata Iron and Steel Company, Limited. 2958.

Reduction in the task-work earnings of foot peons of the — Central Telegraph Office. 2658.

Reduction of fare between — and Delhi and speeding up of the Grand Trunk Express. 2338-39.

MADRAS—contd.

Question *re*—*contd.*

Shortage in the number of voters for the reformed Legislative Assembly of —. 930-31.

Transfer of a portion of the Postal Audit Office, —, to Rangoon. 2960-61.

Wireless wheatstone system for working between Rangoon and —. 3383-84.

MADRAS AND SOUTHERN MAHARATTA RAILWAY—

See "Railway(s)".

MADRAS MAIL—

Question *re*—

Article entitled "Administration of the Andamans" published in the —. 762.

Article entitled "Roads and Road Transport" published in the —. 2312.

Article entitled "The Madras Budget" published in the —. 442-44.

Speech of Sir Philip Chetwode published in the —. 512-14.

MADRAS PRESIDENCY—

Question *re*—

Import of rice in the husk in the —. 2970-71.

Persons arrested in connection with the "Agency Rebellion" in the —. 446-47.

Subsidy for distribution among the sugar-cane centres in the —. 16-18.

MAGISTERIAL CHECKING—

Question *re* allegations against the — at Samastipur Station on the Bengal and North Western Railway. 2731-33.

MAGISTRATE(S)—

Question *re*—

Honorary — in the Centrally administered areas. 829-30.

Honorary Special — dealing with cases of ticketless travelling on State Railways. 1681-84.

MAHARASHTRA—

Question *re* railway concession for transport of fodder to the famine-stricken areas in Guzerat and —. 2943.

MAIL(S)—

Question *re*—

Carriage of — between Kalka and Simla on motor lorries. 2744-45.

MAIL(S)—*contd.*Question *re—contd.*

- Change in the nomenclature of the Poona Bangalore —. 1709-11.
 Kalka-Delhi-Calcutta and the Calcutta-Bombay — run between Howrah and Moghal Sarai. 1115-16.
 Postal charges on — by air. 2241.
 Running of the Bombay-Calcutta — via Allahabad and Benares and through railway service between Delhi and Calcutta via Myntra, Agra, etc. 825.

MAIL MOTORS—

See "Motor(s)".

MAIL SERVICE—

Question *re* tenders for contract of motor — in the Dooars. 2677-78.

MAIL TRAIN(S)—

Question *re* introduction of — and express trains on the Rohilkund and Kumaon Railway. 3174.

MAILANI—

Question *re* non-provision of quarters at Aishbagh Junction, Bareilly and — for the members of the Traffic and Loco. Department. 3173.

MAINTENANCE ALLOWANCE—

See "Allowance(s)".

MAITRA, PANDIT LAKSHMI KANTA—

- Arya Marriage Validation Bill—
 Consideration of clauses. 2035, 2791.
 Contonments (Amendment) Bill—
 Consideration of clauses. 1572.
 Durgah Khawaja Saheb Bill—
 Motion to consider. 3285.
 Indian Companies (Amendment) Bill—
 Motion to consider. 624, 697, 700, 709, 719, 792, 808, 857.
 Consideration of clause 15. 1082, 1087.
 Consideration of clause 42. 2101.
 Consideration of clause 75. 2416.
 Indian Railways (Amendment) Bill—
 Motions to refer to Select Committee and to circulate. 114, 128, 129, 198, 202, 203, 204-15, 218, 386, 387, 392.
 Motion for adjournment *re—*
 Control of the soldiers on the football ground at Annandale. 2224-27, 2228.

MAITRA, PANDIT LAKSHMI KANTA—*contd.*Motion for adjournment *re—contd.*

Death of detenu Naba Jiban Ghosh. 2345-47.

Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting. 3388.

Question *re—*

Application of State Railway Leave Rules to teachers in certain East Indian Railway Schools. 2966.

Ceylon Government Railway contract for the supply of coal. 2391-92.

Churches established by certain railways for the use of their European and Anglo-Indian employees. 1493-94.

Close observation by the Postal and Police Authorities in Calcutta on the subscribers of the Railway Labour. 92.

Condition of health of political prisoners in the Cellular Jail in the Andamans. 3063-64.

Contract for the construction of the Howrah Bridge. 2932-93.

Cutting of trees by the owners of bungalows in the Almora Cantonment. 1769.

Depression in the coal industry of Bengal and Bihar. 5-6.

Educational institutions maintained by Railway Administrations for the education of the children of their employees. 63-66.

Grant of holidays to the officials working in the Railway Mail Service sorting offices. 73-74.

Indian Stores Department contract for Carbon Black Ready Mixed Paint. 2948-50.

Introduction of the Bihar Cess (Amendment) Bill in the Bihar Legislative Council. 2-4.

Leave on average pay in cases of illness for teachers in the East Indian Railway Schools. 2967.

Leave rules governing the teachers in State Railway Schools. 2961-64.

Levy of local cess on industries. 1134.

Loans advanced to the Jharia Water Board. 1132-33.

Non-application of the Revised State Railway Leave Rules to teachers of the Oakerove School. 2965.

Opinions on the Bihar Cess (Amendment) Bill. 4-5.

Platform tickets for persons going to railway stations to receive Viceroys and Governors. 2518-19.

**MAITRA, PANDIT LAKSHMI
KANTA—contd.**

Question re—contd.

- Population of the Hazaribagh and Ranchi Districts. 8.
- Position of teachers in State Railway Schools. 2867.
- Ready mixed red oxide paint purchased by the North Western Railway. 2733-34.
- Refusal by the Indian Railways to accept black paint of a certain firm. 2736-37.
- Restraint and externment orders on Shrimati Satyavati of Delhi and Ratan Parkash Gupta. 1850-51.
- Road cess on despatches of coal from railway collieries in the Hazaribagh District. 6-7.
- Rules relating to the condition of service of the Government of India Secretariat Staff. 2737.
- Schools for the education of the girls of European and Anglo-Indian employees maintained by the Bengal and North Western Railway. 3074.
- Subjection of railway collieries to coal cess. 7-8.
- Taxation proposals of provincial Governments and Coal Cess in Bihar. 1133-34.
- Tenders for ready mixed red oxide paint required for certain railways. 2734-35.
- Testing of ready mixed black paint. 2735-36.
- Question (Supplementary) re—**
- Abolition of the Tariff Board. 917, 1221-22.
- Accident at Segauli on the Bengal and North Western Railway. 1909.
- Adulteration of drugs. 586-87.
- Agitation in Ceylon against Indians and Malayates. 2605.
- Allegations against the magisterial checking at Sarnastipur Station on the Bengal and North Western Railway. 2731, 2732, 2733.
- Allegations against the staff at the Kamalasagar Station on the Eastern Bengal Railway. 263.
- Allegations against the staff of the Rohilkund and Kumaon Railway. 3170-72.
- Alleged kidnapping of a Hindu girl in Peshawar. 598-99.
- Alleged suppression of a letter written by Pandit Jawaharlal Nehru to Mr. Subhash Chandra Bose. 2847.
- Allowances of the representatives of the ex-King of Burma. 2824.

**MAITRA, PANDIT LAKSHMI
KANTA—contd.**

Question (Supplementary) re—contd.

- Amount allotted for the economic Development of tribal Areas. 2822.
- Amount allotted to the Village reconstruction Fund for Assam. 2621.
- Appointment of Indian Consuls and Trade Commissioners in foreign countries. 265.
- Appointment of Trade Commissioners in Foreign countries. 744.
- Arrest of Mr. Subhash Chandra Bose. 514-15.
- Article entitled "Indian Air Force" published in the Statesman. 1922.
- Article entitled "Unemployment" published in the Hindu regarding educational reconstruction. 1995.
- Attachment of a third class bogie for servants to the East Indian Railway Panjab Mail. 671-73.
- Ban on Mr. Subhash Chandra Bose. 689-91.
- Ban on Prem Mahal Vidyalaya of Brindaban. 676.
- Books in the Cellular Jail Library. 928, 998.
- Books, periodicals and films prohibited from entering India. 2603.
- British policy in Palestine. 932.
- Broadcasting on short waves and travelling radio service. 899-900.
- Certain facilities provided to the convicts sent to the Andamans. 985-88.
- Character certificates for service in Departments of the Government. 2601, 2602.
- Classification of European Prisoners. 1906-07.
- Classification of passes to railways employees on the lines of the Central Government travelling allowances rules. 1785.
- Condition of prisoners in the Cellular Jail. 992-93.
- Construction of covered platforms on the Benares Cantonment Railway Station. 2157.
- Contract for the construction of the Howrah Bridge. 574.
- Contracts of agency for purchase of grains for Military and the management of Grain Depots at certain places. 2619.
- Convict Settlements in Europe and America. 989.
- Damages done to railway lines in the Districts of Gaya and Patna. 1560, 1561.

MAITRA, PANDIT LAKSHMI
KANTA—*contd.*

Question (Supplementary) *re—contd.*

Dates for the election to the Provincial Legislature. 2186.

Dead and unclaimed amount lying in the Post Office Saving Bank. 1004-06.

Deck Passengers' Conference held at Vizagapatam. 1465-66.

Detenus under Regulation III of 1818. 920.

Development of an All-Indian policy for Indian Ports. 2591.

Discrimination by Malaya and Ceylon against India. 341.

Duties of the Second Grade Postal Clerks. 2163.

Duty and function of the police force on railway stations. 2815, 2816.

East Indian Railway advertisements in the *Aj* and *Pratap* newspapers. 826-27.

Encouragement of the Indian Coastal Shipping. 429-30.

Employees discharged from the East Indian Railway on account of defective eye sight. 2594, 2595.

Employment of "Dufferin" cadets. 584-85.

Employment of Indians in the Office of the High Commissioner for India. 1470-72.

Examination of the working of the repressive laws with a view to their revision. 1233-35.

Explosion in a colliery at Sitarampur. 1923.

Externment order on one Mr. Ratna Prakash, a member of the Delhi Provincial Congress Committee. 1995.

Fees charged by the Public Service Commission for competitive examinations. 3176-78.

Five-year programme of broadcasting. 663-65.

Floataction of loans. 174.

Gnanendra Majumdar a detenu in the Deoli Detention Camp. 2165, 2166.

Government's quinine policy. 2303.

Health of Mr. Subhash Chandra Bose. 2308, 2309.

Higher postal charges on outgoing mails by air. 1485-86.

Honorary Special Magistrates dealing with cases of ticketless travelling on State Railways. 1682, 1684.

Implementing of the convention on forced labour. 2622.

MAITRA, PANDIT LAKSHMI
KANTA—*contd.*

Question (Supplementary) *re—contd.*

Importation of vegetable ghee into India. 1611.

Improvement of the Hardwar Railway Station. 1913-14.

Improvement of the Kalka-Simla Railway service. 2741, 2742.

Indianisation and mechanisation of the Indian Army. 1491-93.

Indians in Zanzibar. 2588.

Internment of Mr. Subhash Chandra Bose. 13, 14, 15.

Interviews with prisoners in the Cellular Jail. 993-94.

Investigation of the Indian income-tax system by experts. 2593.

Investigation to find out the cost of cultivation of crops. 2760.

Invitations to the members of the Legislative Assembly to visit Andamans. 759-60.

Issue of platform tickets to the members of the Criminal Investigation Department. 824-25.

Latrines for third and intermediate class passengers on the Assam Bengal Railway. 2621.

Labour conditions on the Madras and Southern Mahratta Railway. 921.

Loans taken by the Indian States from the British Government. 768-70.

Manufacture of electrical bulbs in India. 1482-83.

Monopoly for the supply of paints enjoyed by certain firms. 2328.

New scales of pay introduced for the second grade postal clerks and Sub-Postmaster. 2164.

New agencies patronised by the All-India Radio Service. 1790.

Newspapers supplied to prisoners in the Cellular Jail. 998-99.

Non-appointment of an Indian as Deputy Agent of the South Indian Railway. 819-22.

Non-appointment of Indians in the Cypher Bureau. 32.

Object in transporting terrorist prisoners to the Andamans. 990-91.

Officers under training for Political Agency and Residencies. 2823, 2824.

Open enclosures for third class passengers at Hardwar Railway Station. 1703.

Order of the District Magistrate of Midnapore served on Mr. Amarendra Nath Chattopadhyaya. 434-38.

Orders for the demolition of buildings issued by the Delhi Municipal Committee. 450.

**MAITRA, PANDIT LAKSHMI
KANTA—contd.**

- Question (Supplementary) *re—concl'd.*
 Overhauling of the jail rules and regulations. 1120-127.
 Payment of double income-tax by people owning house property in Saigon. 817-18.
 Permission to Mr. Gandhi to visit Mr. Subhash Chandra Bose. 2947.
 Persons convicted in connection with the raid on the Benda village. 660-61.
 Placing of proscribed books in the library of the Legislative Assembly. 1776.
 Political prisoners confined in the Cellular Jail in the Andamans. 835-41.
 Post of economic advisor to the Government of India. 1215-16.
 Preparations for war by the European Nations. 1781.
 Price of aerated water on the East Indian Railway. 2969.
 Prisoners confined in the Cellular Jail. 996-97.
 Production of quinine in India. 2016.
 Protection of female passengers in the intermediate and third class compartments on railways. 843.
 Protection of the rights of Indians in Ceylon. 2301-02.
 Provision of fans in the third and intermediate class compartments on State Railways. 983-84.
 Purchase of Cash Certificates by the Superintendent of Post Offices of Jalpaiguri Division. 2868, 2869.
 Quota principle of regulating trade between India and Japan. 2692.
 Racial discrimination in the allotment of quarters to railway staff. 2598, 2599.
 Rates charged for articles of necessity in the precincts of railways. 1679-80.
 Rates of edibles in Indian refreshment rooms on the East Indian Railway. 1621.
 Recruitment of Assamese in the Assam Rifles. 680.
 Recruitment of Gurkhas in the Assam Rifles. 2972.
 Redress of the grievances of the third class passengers. 981-83.
 Reduction of Muslim Clerks in the Opium Agent's Office, Ghazipur. 346-49.
 Refugees and State Prisoners in Bihar and Orissa. 2820, 2821.
 Relief given to the peasants of Bengal in the famine-ridden areas. 1606.

**MAITRA, PANDIT LAKSHMI
KANTA—contd.**

- Question (Supplementary) *re—cont'd.*
 Removal of Indian Philosophy from the list of optional subjects for the Indian Civil Service Examination. 1777, 1927.
 Rent free quarters for Indian Railway staff. 2597.
 Report of the Sapru Committee on unemployment. 35.
 Report on the health of Mr. Subhash Chandra Bose. 2991.
 Representations made by the prisoners of the Cellular Jail. 989-90.
 Repression Policy in India. 1917.
 Reservation of intermediate and third class seats on the East Indian Railway. 1487-89.
 Retirement of officers who have served their usual terms in the Assam Rifles. 680-81.
 Retrenchment on Railways. 729.
 Removal of Indian Philosophy from the list of optional subjects for Indian Civil Service Examination. 1927.
 Routine grade examination for recruitment to the Government of India Secretariat. 602-03.
 Searches in connection with political suspects or proscribed literature or terroristic activities in Delhi. 1855-56.
 Seizure by Customs authorities of certain books. 2310.
 Seizure of the passport of Mr. Subhash Chandra Bose at Port Said. 421-22.
 Spending of the amount allotted under the head "Secret Expenditure". 2823.
 Steps taken to reduce the consumption of opium in India. 261.
 Stoppage of carnivals used for gambling. 834.
 Subsidy for distribution among the sugar-cane centres in the Madras Presidency. 17.
 Suppression of Indians by Europeans on the North Western Railway. 2604.
 Surplus materials of the Calcutta Chord Railway. 1905.
 Tenders for the re-building of Quetta. 2184.
 Tenders for the sale of ice and aerated waters on the East Indian Railway. 2758-2759.
 Termination of the opium traffic in India. 2728.
 Terrorist situation in India. 1993.
 Trained cadets of the "Dufferin". 1483-84.
 Utilisation of the rural development grants. 904.

MAITRA, PANDIT LAKSHMI KANTA—concl'd.

Question (Supplementary) *re—concl'd.*

Want of an intermediate class waiting room at Bhagalpur Railway Station. 2825.

Workmen's train running from and to Jamalpur on the East Indian Railway. 2743.

Resolution *re* interference from public servants in the ensuing elections. 2204, 2206, 2672, 2673, 2685, 2687, 2697.

Trade Disputes (Amendment) Bill—
Motion to circulate. 3113.

MAJUMDAR, GNANENDRA CHANDRA—

Question *re* —, a detainee in the Deoli Detention Camp. 2164-66.

MALARIA—

Question *re—*

Campaign of fight against — scourge. 766-67.

— allowance paid to railway staff at Lhaksar. 3336.

MALAVIYA, PANDIT KRISHNA KANT—

Arya Marriage Validation Bill—

Consideration of clauses. 2807-10, 2027-29, 2036

Indian Companies (Amendment) Bill—
Consideration of clause 37. 1428.

Consideration of clause 75. 2415, 2420-21, 2434.

Indian Railways (Amendment) Bill—
Motions to refer to Select Committee and to circulate. 305.

Motion for adjournment *re—*

Non-representation of Abyssinian Delegates in the meeting of the League of Nations. 1625, 1626.

Reduction of the duty on British textiles without consulting the Legislative Assembly. 313.

Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting. 3206.

Question *re—*

Abolition of posts of inspectors in the crew system on the East Indian Railway. 2761.

Allegations against a Police Sub-Inspector at the Moradabad Hindu Refreshment Room. 2819.

Appeal to the Governor General in Council against an order of the Agent of a State Railway. 2769.

Appeals against the orders of the Divisional Superintendents on the East Indian Railway. 2770.

MALAVIYA, PANDIT KRISHNA KANT—concl'd.

Question *re—concl'd.*

Appeals, memorials, or petitions submitted to the Governor General in Council by the staff in the Allahabad Division, East Indian Railway. 2764.

Applicability of fundamental and supplementary rules to gazetted staff on State Railways in respect of pay, allowances, leave, etc. 2763.

Applicability of fundamental and supplementary rules to non-gazetted staff on State Railways in respect of pay, allowance, leave, etc. 2763.

Appointment of Mr. Heseltine as Officer on Special Duty on the East Indian Railway. 2772-73.

Arrears in Nazul revenue in Delhi. 2817.

Consolidated allowances of Traveling Ticket Inspectors, etc., on the East Indian Railway. 2772.

Creation of two posts after the surrender of the post of transportation inspector, commercial, East Indian Railway. 2765-66.

Designation of ticket checkers on the East Indian Railway. 3129.

Disability pension to military employees invalided during the Great War. 2766.

Duty and function of the police force on railway stations. 2815-16.

Free pass rules governing the journey of staff on State Railways. 2764.

Holiday for Baisakhi in the Government of India Offices. 98.

Losses to Railway Revenues. 2766.

Mileage allowance of ticket checking staff on the East Indian Railway. 2769-70.

Non-sanction of grade advancement to the staff on the East Indian Railway. 2762.

Pay and allowances of Travelling Ticket Inspectors on the East Indian Railway. 2771-72.

Pay, house rent and electricity charges, etc., paid to Assistant Surgeons on State Railways. 3332.

Policy regarding alteration of the age of employees on the North Western Railway. 1494-95.

Posts of Special Investigating Inspectors on the East Indian Railway. 2767.

Pressure on ticket examiners to increase their earnings. 3053.

Qualifications of Assistant Surgeons on State Railways. 3052.

MALAVIYA, PANDIT KRISHNA
KANT—*contd.*Question *re—contd.*

- Railway Board's letter regarding revised scales of pay. 3129.
- Ratio in the recruitment of Assistant Surgeons for Railways. 3062.
- Reduction in the emoluments and number of certain officers on the East Indian Railway. 2771.
- Refusal to forward appeals of staff by Officers of State Railways. 2766-67.
- Regulations for recruitment of Station Masters and Assistant Station Masters on the East Indian Railway. 2770-71.
- Report of the Misra Committee on the position and salary of travelling ticket examiners on the East Indian Railway. 2772.
- Reserve clerks in the Jalpaiguri Postal Division. 2854.
- Rules and conditions governing allowances admissible to gazetted staff on State Railways. 2763.
- Rules and conditions governing allowances admissible to non-gazetted staff on State Railways. 2763.
- Rules for suing Government for breach of trust in respect to service conditions, etc. 2816-17.
- Rules governing the advancement of pay of non-gazetted staff on State Railways. 2762.
- Rules regulating the conduct of Railway Servants. 2769.
- Sale of liquors before and after the licensed hour in Delhi. 2817-18.
- Staff of State Railways attending meetings of the Indian Railway Conference Association. 2768.
- Staff of State Railways attending meetings of their Trade Unions. 2768.
- Staff on the East Indian Railway employed on posts other than those against which their pay is charged. 2761-62.
- Statute or Act governing the conduct of railway servants. 2769.
- Ticket checking system on the East Indian and North Western Railways. 3053.
- Traffic in monkeys from the Provinces to Calcutta for export to foreign countries. 84.
- Travelling allowances of persons attending meetings of the Indian Railway Conference Association. 2767-68.

MALAVIYA, PANDIT KRISHNA
KANT—*concl'd.*Question *re—concl'd.*

- Travelling allowances of staff of State Railways attending meetings of the Indian Railway Conference Association. 2768.
- Travelling allowances to staff on State Railways for attending meetings of their Trade Unions. 2768.
- Travelling of officers on duty passes when they are not on duty. 2767.
- Uniformity of rules for pay, allowances, appeals and seniority on State Railways. 2762.
- Use of refreshment rooms on State Railways by police officials. 2818-19.
- Voluntary retirement of staff under economy campaign in the Moradabad Division, East Indian Railway. 2765.
- Question (Supplementary) *re—*
- Contracts of agency for purchase of grains for Military and the management of Grain Depots at certain places. 2619.
- Indian Secretaries, Joint and Assistant Secretaries in the Government of India. 1131-32.
- Loading and unloading work of the railways done by the porters. 2521.
- Negotiations for an Indo-Japanese Trade Agreement. 12.
- Retrenchment on railways. 1900.
- Support of Canada to the cessation of Sanctions against Italy. 1230-32.
- Views regarding the British Government's Policy in Palestine. 847-49.
- Resolution *re* interference from public servants in the ensuing elections. 2681, 2666, 2690-93.

MALAYA—

Question *re—*

- Deputation to — to examine the question of Indians. 3135.
- Discrimination by — and Ceylon against India. 341.
- Grievances of Indians in —. 2306.
- Indian Delegation to — to study labour immigration conditions. 2991.
- Indian Labour in —. 349-52.
- Problems affecting Indians in —. 2311.

MALAYALEE(S)—

Question *re—*

- Agitation in Ceylon against Indians and —. 2605-06.

MALAYALEE(S)—contd.Question *re*—*contd.*

Agitation in Ceylon to repatriate — 2606-07.

Anti-Indian agitation and boycott of Indian — in Ceylon. 2315-16.

Protection of the interests of — in Ceylon. 2754.

Nomination of a — to the State Council and appointment of a — officer to look after the interests of — in Ceylon. 2606.

MALE(S)—Question *re* reservation of some compartments for — only on railways. 660.**MALTREATMENT—**Question *re* — of the Muslim staff by the Postmaster, Rawalpindi. 19.**MANAGER(S)—**Question *re*—Appointment of a *girdawar qanungo* as — of the Court of Wards. 3329.

Notification amending the word “—” to the word “Agent” as used on State Railways. 2844.

Reduction in the pay of the — and the Assistant — of the Dead Letter Offices. 2832.

MANCHESTER GUARDIAN—Question *re* interview given by Sir Homi Mehta to the — regarding Indian Cotton Industry. 2178.**MANCHUKUO—**Question *re* torture of an Indian and his wife by a Japanese in —. 1774-75.**MANCHURIA—**Question *re* alleged brutal treatment of Indians in — by the Japanese authorities. 1987-88.**MANDATED TERRITORY(IES)—**Question *re* declaration of policy regarding the future of —. 600-01.**MANGAL SINGH, SARDAR—**

Indian Motor Vehicles (Amendment) Bill—

Motions to refer to Select Committee and to circulate. 462-65.

Motions for Adjournment *re* arrests and detentions of public workers in the Punjab. 603-04.**MANGAL SINGH, SARDAR—contd.**Question *re*—

Age limit for Government servants for the Indian Audit and Accounts Service Examination. 2725.

Compensatory allowance of postal employees stationed at Simla. 3355-56.

Cutting of trees by the owners of bungalows in the Almora Cantonment. 1768-69.

New scales of pay for journeymen on the North Western Railway. 72-73.

Pay of postal employees stationed at Simla. 3355.

Provision of proper roads and lighting in the Saddar Bazar area of the Benares Cantonment. 1767-68.

Reduction of staff expenses and undertaking of civic amenities in the Almora Cantonment. 1769.

Repairs to private bungalows in the Jhelum Cantonment. 1768.

Rewards given to Indian Soldiers for meritorious services in Addis Ababa. 2752.

Question (supplementary) *re*—Article entitled “India’s Defence” published in the *Statesman*. 432-34.

Conclusion arrived at by the Transport Advisory Council. 758-59.

Coronation of His Majesty the King Emperor. 334-35.

Encouragement of the cottage and small industries. 342-43.

Indianisation and mechanisation of the Indian Army. 1491-93.

Indianisation of the army. 438-39.

Negotiations for an Indo-Japanese Trade Agreement. 335-336.

Political prisoners confined in the Cellular Jail in the Andamans. 835-41.

Possibility of improving the quality of candidates for the Indian Military Academy. 1236.

Preparations for war by the European Nations. 1780, 1781.

Provision of fans in the third and intermediate class compartments on State Railways. 963-84.

University Training Corps. 184.

MANGO GARDEN(S)—Question *re* clearing away of a — for the construction of quarters for the menial staff of the Saharanpur Remount Depot. 2068-89.

MANOEUVRES FIELD FIRING AND ARTILLERY PRACTICE BILL—

See "Bill(s)".

MANUFACTURE(S)—

Question *re*—

— of aeroplanes in India. 1857
— of cheap radio sets in India. 900.

— of electrical bulbs in India. 1482-83.

Reduction in the protective duty on cotton and pisco-goods of British —. 1485.

MANUSCRIPT(S)—

Question *re* collection and preservation of ancient Indian —. 1041.

MARIKBURG—

Question *re* trade license bye-laws in — South Africa, curtailing Indian interests. 337.

MARINE CLUB—

Question *re* grant to the — of Calcutta. 3368.

MARKERS—

Question *re* removal of restrictions on the — on the North-Western Railway for training in goods duties. 1787.

MARKETING BOARD—

Question *re*—

Scheme for the creation of a Joint — submitted by the Diwan of Cochin. 2990.

Work done by the Central —. 266-67.

MARKHAM, MR. S. S.—

Question *re* publication of the Report of —, Empire Secretary, Museum Association, on the Museums in India. 1040.

MARKS—

Question *re* — for *Viva Voce* in the Indian Civil Service Examination. 1766-67.

MARRIAGE VALIDATION BILL—

See "Arya —" under "Bill(s)".

MARRIAGES VALIDATING BILL—

See "Bangalore —" under "Bill(s)".

MASANI, MR. M. R.—

Message from H. E. the Viceroy and G. G. disallowing the adjournment motion of Mr. Mohan Lal Saksena, regarding the externment of — from the Punjab. 631.

Motions for Adjournment *re* externment of — from the Punjab. 606; 693.

MASTER(S)—

Question *re* conditions for travelling of servants with their — in first and second class railway compartments. 669-70.

MASULIPATAM—

Question *re* reduction of third class fare between Bezvada and — on the Madras and Southern Mahratta Railway. 2339-40.

MATERIAL(S)—

Question *re* surplus — of the Calcutta Chord Railway. 1904-05.

MATHURADAS VISSANJI, MR.—

Indian Companies (Amendment) Bill—

Consideration of clause 2, 862, 863.

MATRICULATE(S)—

Question *re* stoppage of the recruitment of — and under-graduates in the Railway Clearing Accounts Office. 2980-81.

MATTRESSES—

Question *re* provision of mosquito curtains, — and bed sheets in the running rooms of drivers on State Railways. 3365.

MEAL RELIEF—

Question *re* provision for adequate — to certain telegraph staff. 2658-53.

MEAT—

Question *re* orders prohibiting the sale of *jharka* — on the North Western Railway Stations. 3190-91.

MEAT VENDOR(S)—

Question *re* — on the North Western Railway. 3302.

MECHANIC(S)—

Question *re*—

Pensionary benefits for — and mistries in the Posts and Telegraphs Department. 3301.

MECHANIC(S)—contd.Question *re*—*contd.*

Successful ex-apprentice — of the East Indian Railway Technical School. 74.

MECHANICAL DEPARTMENT—Question *re*—

Classification of technically trained supervising staff of the —, East Indian Railway. 681-82.

Racial discrimination in the — of the East Indian Railway. 2672.

MECHANICAL WORKSHOP—

See "Workshop(s)".

MECHANISATION—Question *re*—

Indianisation and — of the Indian Army. 1491-93.

— in the Army in India. 2490-91.

MEDICAL COLLEGE(S)—

Question *re* admission of Ajmer students in the — of other provinces. 1907-08.

MEDICAL OFFICER(S)—Question *re*—

High proportion of the number of — of the British Army in India and the Indian Army. 1612.

Muslim — and Compounders, etc., on the Assam Bengal Railway. 1478.

MEERUT—Question *re*—

Extensions sanctioned to the engineer of the — Cantonment Board. 1010.

Recruitment of staff for electric stations to be opened at — City, Muzaffarnagar and Saharanpur. 3310-11.

MEETING(S)—

Motion for Adjournment *re* suspension of some Patwaris of the Aligarh District for alleged attending an election —. 3203-06.

Question *re*—

Letter entitled "Transport Advisory Council —" published in the *Roy's Weekly*. 1927-29.

Staff of State Railways attending — of the Indian Railway Conference Association. 2768.

Staff of State Railways attending — of their Trade Unions. 2768.

MEETING(S)— contd.Question *re*—*contd.*

Travelling allowances of persons attending — of the Indian Railway Conference Association. 2767-68.

Travelling allowances of staff of State Railways attending — of the Indian Railway Conference Association. 2768.

Travelling allowances to staff on State Railways for attending — of their Trade Unions. 2768.

MEHTA, SIR HOMI—

Question *re* interview given by — to the *Manchester Guardian* regarding Indian Cotton Industry. 2178.

MELA(S)—Question *re*—

Arrangement for — at Hardwar, Garhmukhtesar and Roorkee on the East Indian Railway. 2840.

Collision of special — trains at Kalat railway station, North Western Railway. 2841.

MEMBER(S)—Question *re*—

Allegations against the — of the Port Haj Committee. 3128-29.

Freedom of speeches to the — of the Legislative Assembly in their constituencies. 2945-46.

Inspection of the Rohilkund and Kumaon Railway by the Railway —. 3172-73.

Invitations to the — of the Legislative Assembly to visit Auda-mans. 759-60.

Railway saloons supplied to the — of the Government of India. 677.

Representations made by — of Central Legislatures regarding serious abuse of powers by administrative officers on railways. 3335.

Speeches of — of Government against the policy of the Government in their personal capacity. 2944-45.

Ruling on the motion for adjournment *re* freedom of individual — of Government to express personal opinions. 1457-58.

MEMBERSHIP—Question *re*—

Continuance of the — of the League of Nations by India. 1778-79.

India's withdrawal from the — of the League of Nations. 246, 686, 1784-66, 1778, 1779.

MEMORANDUM (DA)—

Question *re*—

Anonymous — making false charges against Hindu and Sikh Railway Officers. 3301-02.

Applicability of certain notifications or Official — to the Staff on State Railways. 3334.

— issued every month by the Educational Printing Works, Lahore. 3191-92.

— submitted by the Indian National Association of Zanzibar to Mr. G. H. Binder. 2001-03.

Zanzibar Indian National Association's — submitted to the Riot Inquiry Commission. 431-32, 512.

MEMORIAL(S)—

Question *re*—

Appeals, —, or petitions submitted to the Governor General in Council by the staff in the Allahabad Division, East Indian Railway. 2764.

— from the industrial employees of the Government of India, Press, Calcutta. 2616-17.

— of the first grade pleaders of the Central Provinces and Berar against payment of a certain stamp duty. 2953-55.

Petitions and — submitted by the non-gazetted staff on State Railways. 3335.

Submission of — of Railway servants to the Governor General. 92.

MENIAL STAFF—

Question *re*—

Clearing away of a mango garden for the construction of quarters for the — of the Saharanpur Remount Depot. 2068-89.

Definitions of "clerical", "inferior" and "—" staff as applied to Government servants. 2644.

MERCHANT OF VENICE—

Question *re* passages in "—" derogatory to the Jews and their religion. 832.

MESSAGE(S)—

— from His Excellency the Viceroy and Governor General disallowing Mr. Mohan Lal Saksena's motion for adjournment *re* Secrecy of vote in the rural areas of the United Provinces. 2280.

MESSAGE(S)—*contd.*

— from His Excellency the Viceroy and Governor General disallowing Qazi Muhammad Ahmad Kazmi's motion for adjournment *re* prohibition of the recital of *Madhe-Sahaba* in Lucknow. 2390.

— from His Excellency the Viceroy and Governor General disallowing the adjournment motion of Mr. Mohan Lal Saksena, regarding the externment of Mr. M. R. Masani from the Punjab. 631.

— from His Excellency the Viceroy and Governor General regarding disallowance of the motion for adjournment *re* British policy in Palestine. 947-48.

MESSENGER(S)—

Question *re* task — employed in the Lahore Telegraph Office. 3319.

METAL PASS(ES)—

See "Pass(es)".

METCALFE, SIR AUBREY—

Bangalore Marriages Validating Bill— Motion for leave to introduce. 934.

Motion to consider. 3018-19.

Motion to pass. 3021.

Passed. 3021.

Motion for adjournment *re* Government's breach of promise. 379, 380.

Resolution *re* interference from public servants in the ensuing elections. 2196, 2211-14.

MIDNAPORE—

Question *re* order of the District Magistrate of — served on Mr. Amarendra Nath Chattopadhyaya. 434-38.

MIEVILLE, SIR ERIC—

Question *re* deputation of — to England to study the Cabinet System. 2951.

MIKIR HILL TRACT(S)—

Question *re* transfer of Borapathar Mauza in the Golaghat sub-Division in Assam to the —. 98.

MILEAGE ALLOWANCE—

See "Allowance(s)".

MILEAGE SYSTEM—

Question *re* introduction of payment of — on State Railways. 1689.

MILITARY—

Question *re* contracts of agency for purchase of grains for — and the management of Grains Depots at certain places. 2617-19.

MILITARY ACADEMY—

Question *re*—

Policy of recruitment to the Dehra Dun Indian —. 740-42.

Possibility of improving the quality of candidates for the Indian —. 1236.

MILITARY ACCOUNTS—

Question *re* discharge of nine Deputy Assistant Controllers of —. 2939-40.

MILITARY ASSISTANT SURGEONS—

See "Assistant Surgeon(s)".

MILITARY CONTROL—

Question *re* abolition of the — of the Fort Zone Area in Delhi. 915.

MILITARY EMPLOYEE(S)—

Question *re* disability pension to — invalidated during the Great War. 2649-50, 2661, 2664.

See also under "Employee(s)".

MILITARY ENGINEERING SERVICE(S)—

Question *re* clerks in the India Army Corps and the — getting Shorthand allowance. 105.

MILITARY GRASS FARM DEPTT.—

Question *re* Indian overseers in the —. 666-69.

MILITARY MEN—

Question *re* discharge of temporary employees in the inferior and labour services and the appointment of *ex* — in their places on the North Western Railway. 1787-88.

MILITARY SERVICE(S)—

Question *re* communal composition of certain —. 103-04.

MILITARY TRAINING—

Question *re*—

Bhonsla School of —. 1612-14.

Introduction of compulsory — in India. 272.

MILK—

Question *re*—

Adulteration in — and ghee. 3162.
Supply of — to the detenus at Deoli. 61.

MILK DIET—

Question *re* article entitled "Lord Linslithgow and —" published in the *Amrita Bazar Patrika*. 1598-99.

MILL(S)—

Motion for Adjournment *re* prohibition of the assembling of five or more persons within a radius of two miles of certain cotton — at Cawnpore. 1562.

Question *re*—

Situation arising out of the closing of the Ahmedabad —. 2946-47.
Strike in the Beawar —. 851-52.

MILLIGAN, MR. J. A.—

Indian Tea Cess (Amendment) Bill—
Motion to consider. 2885-93, 2899, 2900, 2901, 2903, 2910.

Consideration of clauses. 2916, 2929, 2931, 2934.

Motion to pass. 2935-36.

MIMOSA EXTRACT—

Question *re* abolition of Duty on —. 354.

MINE(S)—

Question *re*—

Filling up of the post of Principal, Indian School of —, Dhanbad. 588.

Measures for prevention of fires in coal —. 583.

Qualifications of the principal of the Dhanbad School of —. 361-62.

MINES (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

MINIMUM WAGES—

See "Wage(s)".

MINORITY(IES)—

Question *re* reservation of a Percentage for the Muslims and other — in the Punjab Circle. 3166-67.

MINORITY COMMUNITY(IES)—

Question *re* confirmation of qualified members of the — in the Chief Accounts Office, North Western Railway. 2984.

MINT

Demand for Excess Grant. 3261.

MIRZAPUR—

Question *re* permission for a break of journey at — or Chunar. 673.

MISAPPROPRIATION—

Question *re* — in the office of the Superintendent, Viceregal Estate. 3179-80.

MISCELLANEOUS OBLIGATIONS—

Demand for Excess Grant in respect of "Interest on —". 3257.

MISRA COMMITTEE—

See "Committee(s)".

MISTRY (IES)—

Question *re*—

Non-observance of orders regarding reservation on the Delhi Engineering Division for the cadre of telephone operators and —. 3165.

Pensionary benefits for mechanics and — in the Posts and Telegraphs Department. 3301.

Seasonal assistant — in the Posts and Telegraphs Department. 3324.

MODEL ROTATION—

See "Rotation".

MODY, SIR H. P.—

Indian Companies (Amendment) Bill—
Motion to consider. 701, 791, 792, 794, 811.

Consideration of amendment to add new clause after clause 4. 943-44.

Consideration of clause 7. 953-954; 955; 960; 962.

Consideration of clause 3. 1068.

Consideration of clause 22. 1103, 1104.

Consideration of clause 30. 1108, 1111-13.

Consideration of clause 32. 1171-72.

Consideration of clause 37. 1419, 1432, 1433, 1452, 1455.

Consideration of clause 40. 1543-44, 1588, 1737-40.

Consideration of clause 42. 1872, 1886, 1889, 1890, 1891, 1892, 1893.

1943-48, 1950, 1951, 1952, 1956,

1957, 1982-83, 2124-25, 2127, 2128,

2131, 2133, 2134, 2136, 2137, 2152,

2250, 2269, 2286, 2294.

Consideration of Clause 45. 2360-61.

Insertion of new clause after clause 47. 2362.

Consideration of clause 52. 2371.

Consideration of clause 55. 2379.

MODY, SIR H. P.—*contd.*

Indian Companies (Amendment) Bill —*contd.*

Consideration of clause 64. 2384.

Consideration of clause 65, 2387, 2388.

Consideration of Clause 75. 2417, 2426, 2427, 2438.

Consideration of Clause 52. 2443.

Consideration of clause 111. 2467, 2471, 2473, 2477, 2523, 2531.

Consideration of clause 113. 2550-52.

Consideration of clause 116, 2563, 2566.

Motion to pass. 2571-72.

Question *re* negotiations between the Government of India and the Kathiawar States to regulate the import of foreign goods. 2410-13.

Question (Supply.) *re* feeling of Muslims on the Happenings in Palestine. 2187.

MOGHALPURA—

Question *re* explosion at the — Workshop on the North Western Railway. 1793-95.

MOGHAL SARAI—

Question *re*—

Kalka-Delhi-Calcutta and the Calcutta-Bombay Mails run between Howrah and —. 1115-16.

Platform tickets at —. 1772.

Want of a bathroom and a lavatory in the Second Class Waiting Room at —. 1771-72.

MOHMAND TRIBE(S)—

Question *re*—

Arrest and detention of certain persons of the — residents of Peshawar District. 3322.

Reported massing of the — on the Frontier. 852-53.

MOMBASA—

Question *re* exhibition of Indian products in the Third Annual Exhibition of —. 336-37.

MONEY—

Question *re*—

— from the Indian Exchequer spent over the last European War. 3307.

— raised by voluntary contributions for the Great War. 3307.

MONEY CIRCULATING SCHEME—

Question *re* — started by certain firms. 2828.

MONEY LENDING—

Question *re* prohibition of — by railway employees. 1617-18.

MONEY ORDER(S)—

Question *re* village post offices where delivery of registered letters and — is not effected by postmen. 3349.

MONEY ORDER FORMS—

Question *re* privilege of writing something on the back of —. 1770-71.

MONKEY(S)—

Question *re* traffic in — from the Provinces to Calcutta for export to foreign countries. 84.

MONOPOLY(IES)—

Question *re* — for the supply of paints enjoyed by certain firms. 2327-28.

MONTHLY TICKETS—

See "Ticket(s)".

MONUMENT(S)—

Question *re*—

(Conservation of protected — in the Bombay Presidency and in Sind. 3058-59.

(Conservation of protected — in Sind. 3058.

Historical — at Chelrole in the Guntur District. 2988.

Money spent for conservation of protected — in Sind. 3058.

Protected — in the Western Circle. 3057.

Protection of the — of the ancient Amaravati Buddhistic Stupa in the Guntur District. 2987.

MOORE'S FAMILY MEDICINE—

Question *re* revised edition of the —. 2653-54.

MORADABAD—

Question *re*—

Allegations against a Police Sub-Inspector at the — Hindu Refreshment Room. 2819.

Allotment of quarters in the — Division of the East Indian Railway. 3336-37.

Option in the matter of scales of pay and seniority lists in the — Division of the East Indian Railway. 3333-34.

Protection of the honour of females using passenger hall at —. 2840-41.

Station Master's Examination in the — Division, East Indian Railway. 82.

MORADABAD—contd.

Question *re*—contd.

Supply on payment of application forms for the post of a typist in the Divisional Superintendent's Office. —. 2506-07.

Voluntary retirement of staff under economy campaign in the — Division, East Indian Railway. 2765.

MORATORIUM—

Question *re* possibility of further extension of the — in Zanzibar. 1593.

MORGAN, MR. G.—

Indian Railways (Amendment) Bill—
Motions to refer to Select Committee and to circulate. 135-37, 138.

Question (Supply.) *re*—

Certain facilities provided to the convicts sent to the Andamans. 985-88.

Defects in the jail life of the Andamans found by the Home Member. 1119-20.

Resolution *re* indebtedness of agriculturists. 1819-22.

Trade Disputes (Amendment) Bill—
Motion to circulate. 3113-15.

MOSQUITO CURTAINS—

Question *re* provision of —, mattresses and bed sheets in the running rooms of drivers on State Railways. 3365.

MOTION(S)—

Motion for adjournment *re* alleged frivolous nature of — of adjournment. 1243-44.

— re-expunction of certain passages from the proceedings of the Legislative Assembly. 933.

MOTION(S) FOR ADJOURNMENT—

See "Adjournment(s)".

MOTOR(S)—

Question *re*—

— and lorry traffic competition with the railway on the occasion of the Kurukshetra fair. 1138.

Speed for mail — on certain lines fixed by the Postal Department. 3350-51.

MOTOR BUS(ES)—

Question *re* circular issued by the Inspector General of Police, Punjab, to regulate the number of passengers in —. 1624.

MOTOR COMPETITION—

Question *re* remedies to meet — with Railways. 2168-69.

MOTOR LORRY (IES)—

See "Lorry (ies)".

MOTOR MAIL SERVICE—

See "Mail Service".

MOTOR TROLLEY (IES)—

Question *re* purchase of new fittings for the — by the East Indian Railway. 1017-18.

MOTOR VEHICLE(S)—

Question *re* import duty on —. 902.

MOVEMENT(S)—

Motion for adjournment *re* restrictions by the United Provinces Government on the — of the general public at Lucknow. 1244-46.

MUJALLIM—

Question *re* refusal to permit Shaikh Abdulla Kufi, a well-known — from entering India. 3371.

MUDALIAR, MR. C. N. MUTHURANGA—

Indian Companies (Amendment) Bill—

Consideration of clause 111. 2463, 2464.

Question *re*—

Allotment for civil aviation in the budgets. 1042.

Appointment of a foreign expert to advise Government on broadcasting. 1043-44.

Archaeological excavation by foreigners in India. 1039-40.

Archaeological investigation in the Chhota Nagpur Division. 1040.

Censoring of letters addressed to members of the Legislative Assembly. 1041.

Collection and preservation of ancient Indian manuscripts. 1041-42.

Confidential reports on the work of the staff maintained in the Government of India offices. 1032-33.

Employment of Indians in the India Office. 1467.

Employment of Indians in the Office of the High Commissioner for India. 1470-72.

Excavation work at Padampur. 1041.

MUDALIAR, MR. C. N. MUTHURANGA—*contd.*

Question *re*—*contd.*

Filling up of the vacancy of the Director of traffic, Railway Board. 3181-82.

Grievances of Indians in Kenya. 3148-49.

Import of rice in the hawk in the Madras Presidency. 2970-71.

Inauguration of direct Wireless Beam Service between India and Japan. 1043.

Introduction of new scales of pay for Superior Services. 1477.

Introduction of new type of third class carriages. 1472-73.

Letting out of buildings in Connaught Circus, New Delhi. 60.

Post of the Cabinet Secretary. 1475-77.

Post of the Director General of the Indian Medical Service. 2956.

Pre-historic stone implements taken to Cambridge. 1040-41.

Present position held by Mr. Franks, formerly News Editor in the Delhi Broadcasting Station. 1473.

Provision of aircraft depots or parks in Western or Southern India. 1469-70.

Publication of the Report of Mr. S. S. Markham, Empire Secretary, Museum Association, on the Museums in India. 1040.

Recruitment of officers from the provinces in the Government of India Secretariat. 1473-75.

Reduction of fare between Madras and Delhi and speeding up of the Grand Trunk Express. 2339-39.

Reduction of third class fare between Bezwada and Masulipatam on the Madras and Southern Mahratta Railway. 2339-40.

Report of the Wheeler Committee. 2338-39.

Revised edition of the Moore's Family Medicine. 2653-54.

Rules governing the recruitment of Britishers to the Indian Civil Service. 1477-78.

Schools for training telegraph signallers maintained by the Posts and Telegraphs Department. 92.

Share of Indians in the quota of immigration allowed into the United States of America. 1467-69.

Tanning industry in India and duty free import of wattle bark extract. 3147-48.

MUDALIAR, MR. C. N. MUTHURANGA—*concl'd.*Question *re—concl'd.*

Training of Indians in field work in the Archaeological Department. 1040.

Uniformity in the office hours in the Civil Secretariat and the Army Headquarters. 2937.

Uniformity in the office hours of the several Government of India Departments on Saturdays. 2938.

Visit of a deputation of the Members of the Legislative Assembly to the Andamans. 2884.

Wireless valves and other components. 1044-45.

Question (supplementary) *re—*

Appointment of an Indian as the Director General, Indian Medical Service. 2493.

Economy effected by the appointment of Indians in place of Europeans in the higher branches of Public Service. 1708.

Invitations to the members of the Legislative Assembly to visit Andamans. 759-60.

Manufacture of electrical bulbs in India. 1482-83.

Paddy imported from Siam to India. 250.

MUDIE, MR. R. F.—Indian Railways (Amendment) Bill—
Motion to refer to Select Committee and to circulate. 202, 203-04, 205.

Oath of office. 1, 2575.

Resolution *re* indebtedness of agriculturists. 1832-34.Question *re* non-observance of rules and terms regarding sale of iron scrap at — on the North Western Railway. 3159.**MUHAMMAD AHMAD KAZMI, QAZI—**

Code of Civil Procedure (Amendment) Bill—

Consideration of clauses. 3086-87.

Durgah Khawaja Saheb Bill—

Consideration of clauses. 3397-98.
Motion to pass.

Indian Companies (Amendment) Bill—

Consideration of clause 3. 889-90.

Consideration of clause 5. 949-50.

Indian Railways (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 220-22, 273-75.

MUHAMMAD AHMAD KAZMI, QAZI—*cont'd.*Indian Railways (Amendment) Bill—
*cont'd.*Message from His Excellency the Viceroy and Governor General disallowing —'s motion for adjournment *re* prohibition of the recital of *Madhe-Sahaba* in Lucknow. 2380.Motion for adjournment *re—*

Government's Currency Policy. 2098.

Interference by the Government of the United Provinces with the Sunni Muslims of Lucknow. 604, 605.

Prohibition of the recital of *Madhe-Sahaba* in Lucknow. 2348.

Revision of the Indian Currency and Exchange policy. 2706-07.

Question *re—*

Clearing away of a mango garden for the construction of quarters for the menial staff of the Saharanpur Remount Depot. 2088-89.

(Concessional) rates allowed to railway servants for the carriage of dead bodies. 1618-19.

Construction of a foot overbridge near Hapur Railway Station. 3346-47.

Contract for ice and aerated water on the East Indian Railway. 1621-23.

Definition of "Running Staff" on railways. 1686-88.

Demolition of the superior staff quarters in the Dicky Bazar in Saharanpur Remount Depot. 2084-86.

Dicky Bazar in the Saharanpur Remount Depot. 2089-90.

Dividends given by the Shahdara-Saharanpur Railway to its shareholders. 1118.

Electric charges realised from Indian refreshment rooms on the East Indian Railway. 1676-77.

Exemption of the running staff from the operation of Hours of Employment Rules on State Railways. 2599-2600.

Extension of the Western Platform at the Saharanpur Railway Station. 1118.

Free journeys enjoyed by beggars, *fakirs* and *sadhus* on State Railways. 1680-81.

Grant of extensions to superannuated persons and re-appointment of retired Government servants. 2513-14.

**MUHAMMAD AHMAD KAZMI,
QAZI—contd.**

Question re—concld.

- Honorary Special Magistrates dealing with cases of ticketless travelling on State Railways. 1681-84.
- Illicit travelling on State Railways. 1049-57.
- Improvements made in railway fencings of small stations to check ticketless travelling. 1685-86.
- Inspectors of Station Accounts on certain State Railways. 1689-90.
- Intermediate class fare on the East Indian Railway. 1700-01.
- Introduction of payment of mileage system on State Railways. 1689.
- Land taken for Babugarh Remount Depot. 3332-33.
- Open enclosures for third class passengers at Hardwar Railway Station. 1702-03.
- Opening of the telegraph offices on the Shahdara-Saharanpur Railway to the public. 1119.
- Paucity of drinking water taps at street corners or road crossings in New Delhi. 1607.
- Payment of full value for torn currency notes. 2091-92.
- Permanent travelling allowance for Travelling Ticket Examiners of the East Indian Railway. 2600-01.
- Provision of a waiting room for intermediate class passengers at Saharanpur. 1701.
- Provision of latrines in third class compartments on the Shahdara-Saharanpur Railway. 1118-19.
- Provision of proper waiting rooms for intermediate class passengers at Delhi. 1701-02.
- Quarters for the staff of the Saharanpur Remount Depot. 2087-88.
- Rates charged for articles of necessity in the precincts of railways. 1678-80.
- Rates of edibles in Indian refreshment rooms on the East Indian Railway. 1619-21.
- Recommendations of the Hides Committee. 1117.
- Reduction of third class fare on the Shahdara-Saharanpur Railway. 1117-18.
- Removal of the travelling ticket examiners from the list of running staff. 1688-89.
- Rent of Indian refreshment rooms on the East Indian Railway. 1677-78.

**MUHAMMAD AHMAD KAZMI,
QAZI—concld.**

Question re—concld.

- Rent of refreshment room buildings with furniture on the North Western Railway. 1675-76.
- Running of dining cars for Indians on the 17-Up and 18-Down Expresses between Howrah and Saharanpur. 1623.
- Temporary constructions made at Roorkee Railway Station for passengers during the Peeran Kaliah Fair. 1702.
- Ticketless travelling on State Railways. 1684-85.
- Question (Supplementary) re—
- Allegations against the magisterial checking at Samastipur Station on the Bengal and North Western Railway. 2732.
- Article entitled "Lord Linlithgow and Milk Diet" published in the *Amrita Bazar Patrika*. 1589.
- Basis for anticipated reduction in staff on railways. 2983-84.
- Dates for the election to the Provincial Legislature. 2186.
- Ecclesiastical Department of Government. 2827.
- Interview of candidates for certain posts in the Broadcasting Department. 2751.
- Leave, passes, etc., of the staff on the Bengal and North Western Railway. 2857.
- Latrines for third and intermediate class passengers on the Assam Bengal Railway. 2621.
- Loading and unloading work of the railways done by the porters. 2521.
- Maintenance of waiting lists of the retrenched staff of the Railways. 2866.
- Method of circulation of Bills for eliciting public opinion. 1706-07.
- Orders issued by the Railway Board for carrying out retrenchment on the North Western Railway. 2865.
- Permission to provincial executive councillors to stand for election. 2499.
- Rates for the sale of ice and aerated waters on the East Indian and North Western Railway. 2757.
- Recognition of the Andhra Passengers' Association, Bezvada, by the Madras and Southern Mahratta Railway. 2080.

**MUHAMMAD AHMAD KAZMI,
QAZI—contd.**Question (Supplementary) *re—contd.*

Reduction of Third Class fare between Bezwada and Masulipatam on the Madras and Southern Mahratta Railway. 2340.

Split of the clerical staff into several units on the North Western Railway. 2867.

System of voting at the coming Provincial elections by means of coloured boxes with or without symbols. 1558.

Tenders for the sale of ice and aerated waters on the East Indian Railway. 2758.

**MUHAMMAD SHAH, SHAHZADA
SALEEM—**Question *re—*

Claims of —'s debtors. 3328.

MUNICIPAL COMMITTEE(S)—Question *re—*

Alleged corruption in the Delhi —. 102.

Curtailement of the existing franchise by the Delhi —. 1908.

Delay in the disposal of appeals regarding construction of buildings lying in the —, Delhi. 3387.

Dismissal of certain employees of the Delhi —. 101.

Licence under the Indian Electricity Act applied for by the Delhi —. 913.

MUNICIPALITY(IES)—Question *re—*

Orders for the demolition of buildings issued by the Delhi —. 450.

Payment of property tax to District Boards and — by Railway Companies. 2093.

Period of supercession of the Ajmer —. 3065-66.

Raising of public loans by certain foreign — and Governments. 2740-41.

**MURARKA PAINT AND VARNISH
WORKS, LIMITED.—**Question *re* indigenous Signal Red Paint manufactured by the —. 2334.**MURDER—**Motion for adjournment *re —* of Mail Guard Golam Sattar on a Calcutta Sirajganj train between Ranaghat and Chuadanga. 772.**MURID HOSSAIN QURESHI, KHAN
BAHADUR NAWAB MAKHDOM—**Question *re* Indianisation of the Indian Medical Service. 1615.
Oath of office. 1.**MURTUZA SAHIB BAHADUR,
MAULVI SYED—**

Appointment of — to the Committee on Petitions. 109.

Arya Marriage Validation Bill—
Consideration of clauses. 2901-03.Durga Khawaja Sahib Bill—
Motion to pass. 3405-06.Motion for adjournment *re—*
Interference by the Government of the United Provinces with the Sunni Muslims of Lucknow. 604-05.

Situation in Palestine. 774-76.

Question *re—*
Clerks in the Indian Army, Corps and the Military Engineering Services getting Short-hand allowance. 105.

Communal composition of certain Military Services. 103-04.

Home Department Circular *re* the Friday Prayer. 105.

Re-employment of the North Western Railway strikers. 102.

MUSEUM(S)—Question *re—*

Advisability of establishing a Central — for Andhra Country in Bezwada. 2987-88.

Provision of a Library, zoo and —, etc., in New Delhi. 3359.

Publication of the report of Mr. S. S. Markham, Empire Secretary, — Association, on the — in India. 1040.

MUSLIM(S)—Motions for adjournment *re—*

Interference by the Government of the United Provinces with the Sunni — of Lucknow. 604-05.

Question *re—*

Absence of Hindu and — refreshment rooms on the Rohilkund and Kumaon Railway. 3176.

Appointment of a — as a Commissioner of Income-tax in Bihar and Orissa. 2648-49.

Article entitled "N. W. R. Lower Gazetted Service and —" published in the *Eastern Times*. 2486-87.Aspersions flung on the — community in the *Postal Observer*. 18. 19.

MUSLIM(S)—contd.**Question re—contd.**

- Bathing arrangement for Hindu and — railway employees at Sukkur. 2646-47.
- Cancellation of the appointments of — Inspectors in the Crew Department, Eastern Bengal Railway. 76.
- Discharge of — employees on the North Western Railway due to economy campaign. 2865.
- Employment of — clerks in the Opium Agent's Office, Ghazipur. 344-46.
- Employment of — in the superior services of the Bombay, Baroda and Central India Railway. 2652-53.
- Feeling of — on the happenings in Palestine. 2186-87.
- Gazetted — officers in the Bihar and Orissa Income-tax Department. 2647.
- Low percentage of — in the Opium Agent's Office, Ghazipur. 349.
- Maltreatment of the — staff by the Postmaster, Rawalpindi. 19.
- Medical Officers and Compounders, etc., on the Assam Bengal Railway. 1478.
- refreshment rooms at certain railway stations. 2828-29.
- representation in the electric sub-station opened at Jacobabad. 2646.
- representation in the Electrical and Accounts Departments of the North Western Railway. 2645.
- in the Survey of India. 3556.
- recruited as telephone operators in the Lahore Engineering Division. 3164-65.
- Percentage of Bihari Hindus and — in the East Indian Railway. 2067.
- Percentage of Bihari Hindus and — in the Indian Medical Service. 2068.
- Promotion of non— as Assistant Wiremen in the Karachi Division of the North Western Railway. 2645-46.
- Propaganda for — religion through the Delhi Broadcasting Station. 1617.
- Recruitment of — as Engineering Supervisor, Telegraphs. 3164.
- Recruitment of Muslims in Port Trust. 62-63.
- Recruitment of — in the Indian Medical Service. 2827.

MUSLIM(S)—contd.**Question re—contd.**

- Reduction of — clerks in the Opium Agent's Office, Ghazipur. 346-49.
- Representation of — in the Audit and Accounts Service. 27-29.
- Representation of — in the Central Public Works Department. 29-31.
- Representation of — in the Government of India Offices. 23-26.
- Representation of — in the Posts and Telegraphs Department. 20-23.
- Representation of — Sindhis and Baluchistanis in railway services. 2651-52.
- Reservation of a Percentage for the — and other minorities in the Punjab Circle. 3166-67.
- Safeguarding of the interests of — in the Posts and Telegraphs Department in observance of new rules for recruitment. 3167-68.

MUSLIM UNIVERSITY—**Question re—**

- Educational assistance to the children of the railway staff reading in the Hindu University and —. 3061.
- Strike of students in the Aligarh —. 2580-81.

MUTTRA—

- Pay of the Executive Officer, debited to the Cantonment Fund of —. 1008-09.
- Running of the Bombay-Calcutta Mail via Allahabad and Benares and through railway services between Delhi and Calcutta via —. Agra. 825.

MUZAFFARNAGAR—

- Question re recruitment of staff for electric stations to be opened at Meerut City, — and Saharanpur. 3310-11.

MUZAFFARPUR—

- Question re contract for building the Postal Superintendent's and Overseer's quarters at —. 2067.

MYSORE GOVERNMENT—

- Question re transfer of the Bangalore Hubli Section of the Madras and Southern Mahratta Railway to the —. 1709.

NAGESWARA RAO, MR. K.—

Question *re* construction of an over-bridge at Bezwada Railway Station. 2487.

NAGPUR—

Question *re* non-inclusion of Patna and — in the list of centres for examinations for appointment to public services. 1046-47.

NASIRABAD—

Question *re*—

Assessment of annual value of property in the — Cantonment. 1713.
Enhancement of water tax in the — Cantonment. 1713.

Rate charged for water supply in the — Cantonment. 1712.

Refund of the amount paid by the — Cantonment Board for the supply of water. 1712.

Supersession of the Building Committee of the — Cantonment. 1714.

NATHNAGAR—

Question *re* provision of a waiting room at — Station. 73.

NATION(S)—

Question *re* preparations for war by the European —. 1780-82.

NATIONAL AIRWAYS—

Question *re* Indianisation of Ground Engineers employed by the Indian —, Limited. 3178-79.

NATIONAL AIRWAYS COMPANY—

See "Airways Company(ies)".

NATIONAL ART(S)—

See "Art(s)".

NATIONAL ASSOCIATION—

See "Association(s)".

NATIONAL CALL—

Question *re* article entitled "Indians not wanted" published in the — regarding Indians in Ceylon. 503-04.

NAUMAN, MR. MUHAMMAD—

Durgah Khawaja Sahab Bill—
Consideration of clauses. 3394.

NAUMAN, MR. MUHAMMAD—contd.

Hindu Women's Rights to Property Bill—

Motion to refer to Select Committee. 3284.

Indian Companies (Amendment) Bill—

Consideration of clause 37. 1427-28.

Question *re*—

Appointment of a Muslim as a Commissioner of Income-tax in Bihar and Orissa. 2648-49.

Determination of seniority among the staff of the Bihar and Orissa Income-tax Department. 2648.

Gazetted Muslim officers in the Bihar and Orissa Income-tax Department. 2647.

Non-interference of Government with the Commissioners of Income-tax in the matter of appointments, promotions and discipline. 2648.

Summoning of candidates for *Viva Voce* examination by the Public Service Commission. 3067-68.

NAVAL POWER—

Question *re* article entitled "India as a —" published in the *Statesman*. 510-11.

NAVAL TREATY—

See "Treaty(ies)".

NAVIGATION COMPANY—

Question *re* appointment of committees to advise the Indian — regarding the complaints of the passengers. 922-23.

NAWABSHAH—

Question *re* extension of the railway line to — in Sind. 1480.

NAYDU, DIWAN BAHADUR B. V. SRI HARI RAO—

Oath of Office. 1.

NAZUL REVENUE—

See "Revenue(s)".

NEGLIGENCE—

Question *re* losses sustained by Government through fraud or — on the East Indian Railway. 1028-29.

NEGOTIATION(S)—

Question re—

- Demands to put off all — by fresh agreements between the United Kingdom and India. 586.
- between the Government of India and the Kathiawar States to regulate the import of foreign goods. 2410-13.
- for a fresh Indo-Japanese Trade Agreement. 3299.
- for a fresh trade agreement to replace the Ottawa Trade Agreement. 2169-70.
- for a trade agreement in place of the Ottawa Trade Agreement. 2582-85.
- for an Indo-Japanese Trade Agreement. 385-86, 439-40, 585, 2170.
- for bilateral Trade Agreement. 175-76.
- for bilateral trade agreements with Great Britain and other countries. 587-88.
- for the establishment of better trade relations with foreign countries. 2012-14.
- for the settlement of the Tungabhadra dispute. 602.
- for Trade Agreements on the basis of reciprocity. 601.
- with the British Government for a new trade agreement. 2069-71.

NEHRU, PANDIT JAWAHARLAL—

Question re—

- Alleged suppression of a letter written by — to Mr. Subhash Chandra Bose. 2947-48.
- Civil Liberties Association started by —. 3304.

NEIMEYER, SIR OTTO—

Motion for adjournment re —'s Report. 190.

Question re—

- Article entitled "Madras and —'s Report" regarding borrowing arrangements of provinces. 655-56.
- Article entitled "The — Order-in-Council" published in the *Hindu*. 762.
- Discussion of the report of — in the Legislative Assembly. 739-40.
- Opinions on the Report of —. 655.
- Public opinion on the report of —. 2014.

NEIMEYER, SIR OTTO—*contd.*Question re—*contd.*

- Publication of the report of —. 266.
- Report of —. 170-73.
- Special qualifications of — for conducting the Financial Enquiry in India. 686.

NELLORE—

Question re construction of Railway Stations at Machavaram in the Guntur District and Nidigallu in the — District. 2073.

NEUTRALITY—

Motion for adjournment re strict — on the part of local Governments in respect of provincial elections. 365-73, 452.

NEW DELHI—

Question re—

- Allotment of quarters near Gof Market, —, to non-migratory staff. 2943-44.
- Cattle byres in —. 2721, 3387.
- Construction of hydrants supplying drinking water or urinals and latrines by the roadside in —. 90.
- Drainage system of — and old Delhi. 909-10, 3387.
- Irregularities connected with the acceptance of tenders for the Irwin Hospital, —. 910-12.
- Letting out of buildings in Connaught Circus, —. 60.
- Levy of water charges from the inferior servants of the Posts and Telegraphs Department in Delhi and —. 2882-83.
- Paucity of drinking water taps at street corners or road crossings in —. 1607.
- Provision of a library, zoo and museum, etc., in —. 3359.
- Provision of latrines in the peons' quarters at Panchkuin Road, —. 2940.
- Tenders invited for the supply of conservancy plants in —. 98.

NEW SCALES OF PAY—

See "Scales of Pay".

NEWS AGENCIES—

Question re — patronised by the All India Radio Service. 1789-91.

NEWS EDITOR—

Question *re* present position held by Mr. **Franks**, formerly — in the Delhi Broadcasting Station. 1473.

NEWSPAPER(S)—

Question *re*—

East Indian Railway advertisements in the *Aj* and *Pratap* — 826-27.

— supplied to prisoners in the Cellular Jail. 998-99.
Railway advertisement in the Indian — 76.

NIDIGALLU—

Question *re* construction of Railways Stations at Machavaram in the Guntur District and — in the Nellore District. 2073.

NIGHT DUTY—

Question *re* — of Assistant Station Masters on the Rohilkund and Kumaon Railway. 3172.

NIGHT FLYING—

Question *re* landing grounds, aerodromes and runways made and airports fitted out for — 1856-57.

NIGHT SCHOOLS—

See "School(s)".

NILURIPATHRA COLLIERY—

Question *re* accident at the — in the Jharia coalfield. 2521-22.

NIMSAR—

Question *re* absence of sheds on the platforms of the Balamau Junction and — Station on the East Indian Railway. 923-24.

NIND, MR. W. W.—

Oath of Office. 1843.

NIZAM, HIS EXALTED HIGHNESS THE—

Question *re*—

Agreement between His Majesty's Government and — about Berar referred to in section 47 of the Government of India Act, 1935. 1002-04.

Giving back of the administration of Berar to — 591-93.

NOMENCLATURE—

Question *re*—

Change in the — of the Poona Bangalore Mails 1709-11.
— used in Government Publications in reference to Indian languages. 1859-61.

NOMINATED PERSONS—

Question *re* effect of taking into the Indian Civil Service of — 425.

NOMINATION(S)—

— of the Panel of Chairmen 109.
Motion for adjournment *re* introduction of the system of — in the selection of candidates for the Indian Civil Service in England. 199.

Question *re*—

Applications for — to the Indian Civil Service in England. 1211-212.

Indians in Fiji and substitution of — for election. 254-56.

— of a Malayalee to the State Council and appointment of a Malayalee officer to look after the interests of Malayalees in Ceylon. 2606.

NON-GAZETTED STAFF—

See "Staff".

NON-MIGRATORY STAFF—

See "Staff".

NON-OFFICIAL VISITOR(S)—

See "Visitor(s)".

NON-REGULATED PROVINCE(S)—

Question *re* non-applicability of the Child Marriage Restraint Act to —, administered areas and Cantonments. 2749-50.

NORTH-WEST FRONTIER POSTAL CIRCLE—

Question *re*—

Approved candidates of each community examined and declared successful in the Punjab and — 3318.

Postal clerks in the Punjab and — required to pass a test in Gurmukhi. 3165-66.

NORTH-WEST FRONTIER PROVINCE—

- Motions for adjournment *re*—
 Arrest of public workers in the — 605.
 Order served on Khan Abdul Ghaffar Khan not to enter the — and the Punjab. 521.

NORTH-WESTERN RAILWAY—

See "Railway(s)".

NOTE(S)—

- Question *re*—
 Initiating of the — on research made by readers by the Librarian of the Imperial Library. 362-64.
 — entitled "Frontier Post Attacked" published in the *Statesman*. 2006-01.
 Payment of full value for torn currency —. 2091-92.

NOTICE(S)—

- Question *re*—
 Consultation of commercial and industrial opinions after giving — of termination of the Ottawa Trade Agreement. 754-55.
 Delay in giving — of termination of the Ottawa Trade Agreement. 338.
 — sent out by Income-tax Officers to income-tax payers to send in their returns. 2095-96.
 — terminating the services of a non-gazetted Railway Employee. 2631-32.

NOTIFICATION(S)—

- Question *re*—
 Applicability of certain — of Official Memoranda to the Staff on State Railways. 3334.
 Books forfeited under a certain — of the Finance Department. 674-75.
 — amending the word "Manager" to the word "Agent" as used on State Railways. 2844.
 — investing the Railway Board with the power of the officer referred to in section 47 of the Indian Railways Act. 2843.
 — of the Railway Board making rules in respect of certain matters. 2843-44.
 — regarding the cancellation, recession or variation of a rule under section 47 of the Indian Railways Act. 2845-46.

NOYCE, THE HONOURABLE SIR FRANK—

Indian Motor Vehicles (Amendment) BILL—

- Motions to refer to Select Committee and to circulate. 394-99, 409, 411, 463, 465, 472, 475-83.
 Statement laid on the table by — *re*—
 Cases in which the lowest tenders have not been accepted by the High Commissioner for India. 2350-51.
 Objects on which the Aviation share of the Petrol Tax Fund was expended during 1935-36, 110-11.
 Statement of Business by the —. 3047-48, 3123-24.
 Trade Disputes (Amendment) Bill—
 Motion for leave to introduce. 113
 Motion to circulate. 3099-3104, 3109, 3120-23.

NUTRITION—

- Question *re* investigation into the — problems. 601-02.

NUTRITIONAL RESEARCH—

- Question *re* development of — in India. 753.

O

OAKGROVE—

- Question *re* non-application of the Revised State Railway Leave Rules to teachers of the — School. 2965.

OATH OF OFFICE—

- Abdul Hamid, Khan Bahadur, Sir. 123.
 Bajpai, Sir Girja Shankar. 1557.
 Bartley, Mr. John. 1591, 1899, 2409.
 Benjamin, Mr. H. D. 1899.
 Bewoor, Mr. G. V. 2409.
 Bhat, Mr. M. D. 1.
 Chapman-Mortimer, Mr. T. 1.
 Darling, Mr. Malcolm Lyall. 1763.
 Das-Gupta, Mr. S. K. 1. 2301.
 Dey, Mr. R. N. 1.
 Grant, Mr. C. F. 2.
 Griffiths, Mr. P. J. 1.
 Mudie, Mr. R. F. 1. 2575.
 Murid Hussain Qureshi, Khan Bahadur Nwab Mukhdum. 1.
 Naydu, Diwan Bahadur B. V. Sri Hari Rao. 1.
 Nind, Mr. W. W. 1845.
 Rau, Mr. P. R. 1899.
 Rau, Mr. P. S. 2.

OATH OF OFFICE—*contd.*

- Robertson, Mr. G. E. J. 1.
 Roy, Mr. S. N. 1.
 Sen, Mr. Susil Chandra. 1, 3125.
 Sharma, Mr. D. 2.
 Sprawson, Major-General Sir Cuthbert Allan. 1207.
 Thorne, Mr. J. A. 1.
 Tottenham, Mr. G. R. F. 2479.
 Yeatts, Mr. M. W. W. M. 3125.

OCEAN—

- Question *re* number and tonnage of Indian ships in the — going traffic. 853.

OFFENCE(S)—

- Question *re* jail — committed in the Cellular Jail. 994-96.

OFFICE HOUR(S)—

- Question *re*—
 Uniformity in the — in the Civil Secretariat and the Army Headquarters. 2937.
 Uniformity in the — of the several Government of India Departments on Saturdays. 2938.

OFFICE PEON—

- See "Peon(s)".

OFFICE SUPERINTENDENT—

- See "Superintendent(s)".

OFFICER(S)—

- Question *re*—
 Advisability of not sending away any Indian — under the War Block Scheme. 3306.
 Alleged harassment of local Baluchistan employees by their —. 2650-51.
 Allowances fixed for wives of Indian — in the Indian Army Veterinary Corps. 3178.
 Anonymous memoranda making false charges against Hindu and Sikh Railway —. 3301-02.
 Appointment of a Sikh — in the appointments under the control of the Home Department. 3196-99.
 Appointment of an — to watch the interests of Indians in Zanzibar. 440.
 Discharge of Provincial Forest Service — by the Punjab Government on compensation pension. 3296-97.
 Dismissal or discharge of an employee by a senior scale or administrative — on State Railways. 83.

OFFICER(S)—*contd.*Question *re*—*contd.*

- Employment of the "Dufferin" cadets as —. 3299-3300.
 Gazetted Muslim — in the Bihar and Orissa Income-tax Department. 2647.
 Impartiality of — in the Provinces *re* legitimate activities of constitutional parties. 2581-82.
 Injustice done to Indian — on the North Western Railway. 3370.
 Inspection carriages used by — on State Railways. 3337-38.
 Issue of orders regulating and restricting the tours of supervising — of the Posts and Telegraphs Department in the Hill Districts. 2879.
 Limitation of power of discharge by a senior railway —. 51.
 Nomination of a Malayalee to the State Council and appointment of a Malayalee — to look after the interests of Malayalees in Ceylon. 2606.
 — next in authority to a Divisional Superintendent on State Railways. 96, 3142.
 — rest houses at Simla. 2846-49.
 — under training for Political Agency and Residencies. 2823-24.
 Power to pass an order of discharge by a senior scale — on State Railways. 82-83.
 Promotion of clerical staff to the posts of Transportation Inspectors and lower gazetted —. 3062.
 Rank of — under district system equivalent to senior — under divisional system on railways. 3055-56.
 Recruitment of — from the provinces in the Government of India Secretariat. 1473-75.
 Reduction in the emoluments and number of certain — on the East Indian Railway. 2771.
 Refusal to forward appeals of staff by — on State Railways. 2766-67.
 Representations made by Members of Central Legislatures regarding serious abuse of powers by administrative — on railways. 3335.
 Retirement of — who have served their usual terms in the Assam Rifles. 680-81.
 Senior subordinate — in the Loco. and Carriage Department, Bombay Baroda and Central India Railway. 2957.
 Tenure of an — of the Railway Board. 3196.
 Travelling of — on duty passes when they are not on duty. 2767.

OFFICER(S) ON SPECIAL DUTY—

Question *re* appointment of Mr. Heseltine as — on the East Indian Railway. 2772-73.

OFFICIAL(S)—

Question *re*—

Confirmation^s of — and inferior servants in the Bombay Postal Circle. 450.

Discharge and dismissal powers delegated to certain — by the Railway Board. 2978.

Grant of holidays to the — working in the Railway Mail Service sorting offices. 73-74.

— in the Bombay Postal Circle allowed to continue in service after attaining the age of superannuation. 3349.

OFFICIAL DOCUMENTS—

See "Document(s)".

OFFICIAL MEMORANDUM—

See "Memorandum(a)".

OFFICIAL PUBLICATION(S)—

See "Publication(s)".

OFFICIAL TRUSTEE—

See "Trustee(s)".

OFFICIATING ALLOWANCE—

See "Allowance(s)".

OLD DELHI—

See "Delhi".

OLD SCALES OF PAY—

See "Scales of Pay".

OPERATOR(S)—

Question *re* communal composition of candidates declared successful in the examination for recruitment of wireless —. 3319.

OPINION(S)—

Motion for adjournment *re* freedom of individual Members of Government to express personal —. 1155-61.

Question *re*—

Consultation of commercial and industrial — after giving notice of termination of the Ottawa Trade Agreement. 754-55.

Method of circulation of Bills for eliciting public —. 1705-07.

— on the Bihar Cess (Amendment) Bill. 4-5.

OPINION(S)—contd.

Question *re*—contd.

— on the Report of Sir Otto Neimeyer. 655.

Public — on the report of Sir Otto Neimeyer. 2014.

OPIUM—

Question *re*—

Employment of Muslim clerks in the — Agent's Office, Ghazipur. 344-46.

Low percentage of Muslims in the — Agent's Office, Ghazipur. 349.

Reduction of Muslim clerks in the — Agent's Office, Ghazipur. 346-49.

Steps taken to reduce the consumption of — in India. 260-61.

Strength of clerks in the — Agent's Office, Ghazipur. 343.

Termination of the — traffic in India. 2726-28.

OPTIONAL SUBJECT(S)—

Question *re* removal of Indian Philosophy from the list of — for Indian Civil Service Examination. 1926-27.

ORDER(S)—

Motion for adjournment *re* — served on Khan Abdul Ghaffar Khan not to enter the North-West Frontier Province and the Punjab. 521.

Question *re*—

Issue of — regulating and restricting the tours of supervising officers of the Posts and Telegraphs Department in the Hill Districts. 2879.

— for the demolition of buildings issued by the Delhi Municipal Committee. 450.

— issued by the Railway Board for carrying out retrenchment on the North Western Railway. 2864-65.

— of the District Magistrate of Midnapore served on Mr. Amarendra Nath Chattopadhyaya. 434-38.

Restraint and externment — on Shrimati Satyavati of Delhi and Ratan Parkash Gupta. 1850-51.

ORDER(S)-IN-COUNCIL—

Question *re* article entitled "The Neimeyer —" published in the *Hindu*. 762.

ORDERLY PEON(S)—

See "Peon(s)".

ORDNANCE CORPS—

Question *re*—

Question *re* promotion of the storemen of the Indian Army — as Assistant Storekeepers. 2336-37.

ORDNANCE FACTORY(IES)—

Question *re* distinction between Indians and Europeans in —. 74.

ORGANISATION(S)—

Question *re*—

Institutions and — banned during the Civil Disobedience Movement. 3159.

Personnel — on State Railways. 3333.

Re- — of establishment work on the East Indian Railway. 1007-08.

ORISSA—

Motion for adjournment *re* shifting of the Provincial Headquarters of — from Cuttaek. 190.

Question *re* selection of the — capital site. 1717.

ORIYA(S)—

Question *re* alleged throwing out from a moving train of an — boy by a Travelling Ticket Collector of the Bengal Nagpur Railway. 3155-56.

OTTAWA TRADE AGREEMENT—

Question *re*—

Action taken on the Resolution *re* —. 188.

Appointment of a committee to examine the working of the —. 738.

Consultation of commercial and industrial opinions after giving notice of termination of the —. 754-55.

Consultation with Governments concerned in the — *re* their continuation. 738-39.

Delay in giving notice of termination of the —. 338.

Indian delegation to London in connection with the conclusion of a trade agreement in place of the —. 2171-74.

Negotiations for a fresh trade agreement to replace the —. 2169-70.

Negotiations for a trade agreement in place of the —. 2582-85.

Notice of termination of the —. 175.

OTTAWA TRADE AGREEMENT—
contd.

Question *re*—*contd.*

Question and answer in the House of Commons on the 17th June, regarding revision of the —. 1218-19.

Termination of the —. 1153-54, 1227, 1229-30.

See also under "Trade Agreement(s)".

ODDH AND ROHILKHAND RAILWAY—

See "Railway(s)".

OVERBRIDGE(S)—

Question *re*—

Absence of an — at the Bhojeepera Railway Station. 3173.

Construction of a foot — near Hapur Railway Station. 3346-47.

Construction of an — at Bezwada Railway Station. 2487.

OVERCROWDING—

Question *re* — in railway compartments. 831-32.

OVERSEA(S)—

Question *re*—

Article entitled "Indians —" published in the *Hindustan Times*. 520.

Indians sent — during the last European War. 3306-07.

OVERSEAS TRADE—

Question *re* article on the working of the British Department of — published in the *Hindu*. 596-97.

OVERSEER(S)—

Question *re*—

Contract for building the Postal Superintendent's and —'s quarters at Mazaffarpur. 2067.

Indian — in the Military Grass Farm Department. 666-69.

OVERTIME—

Question *re* — worked by the drivers on the Rohilkund and Kumaon Railway. 3173.

OXFORD—

Question *re* unsympathetic and anti-Indian attitude of the Educational Adviser for Indian students at —. 75-76.

P

PACHMAHAL--

Question *re* railway concession for transport of food and fodder to the famine-stricken areas in the Jhalod Taluka and — District. 2943.

PACT(S)—

Question *re*—

Editorial notes in the *Indian Finance* on the — with Japan. 1919-20.

— entered into between the Government of Great Britain and the Communist Government of Soviet Russia. 842.

PADAMPUR--

Question *re* excavation work at —. 1041.

PAJJDY—

Question *re* — imported from Siam to India. 247-50.

PAINT(S)—

Question *re*—

Annual contract placed by the Indian Stores Department for the supply of — Black Readymixed for underframes and wagon bodies. 2333-34.

Determination of the quality of — varnishes and enamels, etc. 2726.

Indian Stores Department contract for Carbon Black Ready Mixed —. 2948-50.

Indigenous Signal Red — manufactured by the Murarka Paint and Varnish Works, Limited. 2334.

Interference by the Railway Board in the matter of purchase of the red oxide —. 2942-43.

Monopoly for the supply of — enjoyed by certain firms. 2327-28.

Non-supply of accurate forecasts of quantities by the Railway Board *re* purchase of — and varnishes. 2876-77.

Preferential treatment shown to a European Firm in the matter of testing of —. 2834-35.

Readymixed oxide — purchased by the North Western Railway. 2733-34.

Refusal by the Indian Railways to accept black — of a certain firm. 2736-37.

Supplementary tender for the supply of — invited by the Indian Stores Department. 2328-29.

Tender for — invited by the Indian Stores Department, Calcutta Circle. 2332.

PAINT(S)—*contd.*

Question *re*—*contd.*

Tenders for readymixed red oxide — required for certain Railways. 2734-35.

Tenders for Red Oxide — accepted by the Indian Stores Department. 2331-32.

Tenders for the supply of Indigenous Red Oxide —. 3312-13.

Tenders for the supply of — invited by the Indian Stores Department. 2331.

Tenders invited by the Indian Stores Department, Calcutta Circle, for — Readymixed Lead White. 2329-30.

Test of samples of readymixed red oxide — submitted by certain firms. 2726.

Testing of readymixed black —. 2735-36.

Use of red oxide — for painting of railway underframes, wheels, etc. 2869-76.

PALESTINE—

Motion for adjournment *re*—

British policy in —. 932-33.

Situation in —. 774-76.

Question *re*—

British policy in —. 931-32.

Feeling of Muslims on the happenings in —. 2186-87.

Views regarding the British Government's Policy in —. 847-49.

PALIWAL, PANDIT SRI KRISHNA DUTTA—

Arya Marriage Validation Bill—

Consideration of clauses. 2061

Indian Companies (Amendment) Bill—

Motion to consider. 620, 727.

Consideration of clause 5. 945.

Consideration of clause 7. 952-53.

Consideration of clause 13. 1074

Consideration of clause 14. 1076-77

Consideration of clause 16. 1096-97.

Consideration of clause 32. 1170.

Consideration of clause 40. 1527-28. 1536, 1587, 1588.

Consideration of clause 42. 2111-2135.

Consideration of clause 52. 2370-71, 2371.

Consideration of clause 75. 2404-06. 2408.

Consideration of clause 97. 2450.

Consideration of clause 109. 2455-56, 2460.

Motion for adjournment *re*—

Cancellation of the Press Gallery
Pass of the correspondent of the *Amrita Bazar Patrika*. 2665.

**PALIWAL PANDIT SRI KRISHNA
DUTTA—contd.**

Motion for adjournment re—contd.

Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting. 3388.

Question re—

Certain clerks of the Adjutant General's Branch on deputation. 1048.

Clerical and store-keeping appointments in the Royal Indian Army Service Corps. 2649

Clerks in the Government of India Secretariat qualified for first and second divisions not yet provided in those divisions. 854.

Delay in the supply of Government of India publications to the public. 2747-49.

Departmental examination held in 1922 for the Government of India offices. 1048-49.

Disability pension to military employees invalidated during the Great War. 2649-50, 2661-64.

Dividends given by the Shahdara-Saharanpur Railway to its shareholders. 1118.

Drivers in the Jhansi Division of the Great Britain Peninsula Railway. 3369.

Examinator for recruitment of clerks in the Government of India Secretariat and attached offices. 3374-77.

Extension of the Western Platform at the Saharanpur Railway Station. 1118.

Indianisation of the senior subordinate services in the carriage and wagon shops at Ajmer. 3340.

Interview of candidates for certain posts in the Broadcasting Department. 2750-52.

Life Insurance Companies in the provinces. 3377-78.

Non-applicability of the Child Marriage Restraint Act to Cantonments in Central India. 2750.

Non-applicability of the Child Marriage Restraint Act to non-regulated provinces, administered areas and Cantonments. 2749-50.

Non-filling of a post of Superintendent in the Railway Board. 3348.

Old coaching and goods carriages and wagons on the Bombay, Baroda and Central India Railway. 3064-65.

Opening of the telegraph offices on the Shahdara-Saharanpur Railway to the public. 1119.

**PALIWAL PANDIT SRI KRISHNA
DUTTA—contd.**

Question re—contd.

Period of supersession of the Ajmer Municipality. 3065-66.

Promotions to the upper time-scale posts of Assistants in the Railway Board. 3348.

Prosecution of prostitutes in Ajmer. 3067.

Provision of latrines in third class compartments on the Shahdara-Saharanpur Railway. 1118-19.

Purchase of Cash Certificates by the Superintendent of Post Offices of Jalpaiguri Division. 2868-69.

Recommendations of the Hides Committee. 1117.

Recruitment to the cadre of Divisional Accountants. 70.

Redress of grievances of the railway staff. 51.

Reduction in the grant-in-aid of the East Indian Railway Anglo-Vernacular High School, Tundla. 98.

Reduction of third class fare on the Shahdara-Saharanpur Railway, 1117-18.

Report of the Istamrardars Enquiry Committee. 3065.

Salto gambling in Ajmer. 3339-40.

Stoppage of the teaching of Sanskrit and Persian in the East Indian Railway Anglo-Vernacular High School, Tundla. 98-99.

Thefts committed in the Ajmer city. 3066.

Question (Supplementary) re—

Definition of "Running Staff" on railways. 1688.

Persons convicted in connection with the raid on the Benda village. 660-61.

Qualifications for appointment as High Commissioner for India in London. 240.

Use of Broadcasting stations for political propaganda. 168.

Resolution re—

Interference from public servants in the ensuing elections. 2692, 2693.

PANCHMAHALS—

Question re vernacular schools in the Railway colony at Freelandganj, District —. 2627-28.

PANEL OF CHAIRMEN—

Nomination of the —. 109.

**PANT. PANDIT GOVIND
BALLABH—**

Arya Marriage Validation Bill—
Consideration of clauses. 1670, 2790, 2807.

PANT. PANDIT GOVIND
BALLABH—contd.

- Cantonments (Amendment) Bill—
Consideration of clauses. 531-35, 554,
1569-70.
- Chittagong Port (Amendment) Bill—
Motion to consider. 3039, 3040.
Motion to pass. 3046.
- Demand for Excess Grant in respect
of—
Excise. 3255.
- General 'Clauses' (Amendment) Bill—
Motion to consider. 3037.
- Geneva Convention Implementing
Bill—
Consideration of clauses. 3000-01,
3003.
- Indian Companies (Amendment) Bill—
Motion to consider. 637, 714, 715,
805, 808, 810.
Consideration of clause 2. 863, 864,
867, 868, 869, 870.
Consideration of clause 3. 884, 885,
886.
Consideration of clause 7. 972-73,
974.
Consideration of clause 15. 1081-85.
Consideration of clause 30. 1110.
Consideration of clause 32. 1169.
Consideration of clause 37. 1196-97,
1200, 1205, 1430-38, 1439, 1440,
1445, 1446, 1447, 1448.
Consideration of clause 40. 1514.
1527, 1540, 1543, 1544-46, 1547,
1585, 1587, 1588, 1589, 1730-33,
1745, 1753, 1756.
Consideration of clause 42. 1873,
1880-96, 1945, 1946, 1967, 1969,
1970, 1986, 2198, 2104-07, 2108,
2126-27, 2130-32, 2136, 2137, 2138,
2139, 2141, 2146, 2148, 2257, 2258-
59, 2260, 2273-75, 2285, 2292, 2293,
2294-95, 2296, 2352, 2353, 2354.
Insertion of new clause after clause
47. 2361-62.
Consideration of clause 52. 2372.
2373, 2374.
Consideration of clause 55. 2379.
Consideration of clause 75. 2408
2417, 2421-29, 2434.
Consideration of clause 52. 2442-43
Consideration of new clauses 94B
and 94 C. 2449.
Consideration of clause 110. 2461-
62.
Consideration of clause 111. 2467,
2468, 2469-71, 2472, 2473, 2475,
2477, 2523-24, 2531, 2533.
Consideration of clause 109. 2540-
43.
Consideration of clause 114. 2559
2560.
Motion to consider Council of
State amendments. 3245, 3246.
Consideration of Council of State
amendments. 3248.

PANT. PANDIT GOVIND
BALLABH—contd.

- Indian Motor Vehicles (Amendment)
Bill—
Motions to refer to Select Com-
mittee and to circulate. 477, 478.
- Indian Railways (Amendment) Bill—
Motion to refer to Select Committee
and to circulate. 202, 391.
- Indian Tea Cess (Amendment) Bill—
Consideration of clauses. 2917.
- Indian Tea Control (Amendment)
Bill—
Consideration of clauses. 3027,
3028.
- Motion for adjournment re—
Arrest of public workers in the
North-West Frontier Province.
605.
- Manoeuvres Field Firing and Artillery
Practice Bill—
Motion to circulate. 3280-81
Exterment of Mr. M. R. Massani
from the Punjab. 606, 693.
Government's Currency Policy.
2098.
- Indian-owned shipping service bet-
ween India and Europe. 2242-45.
Mr. Subhash Chandra Bose. 382.
New rules for recruitment to the
Indian Civil Service. 155-58.
Prohibition of the recital of *Madhe-
Sahaba* in Lucknow. 2348-49.
Reduction of the duty on British
textiles without consulting the
Legislative Assembly. 316-19.
Revision of the Indian Currency
and Exchange policy. 2712-15
Suspension of some Patwaris of the
Aligarh District for alleged at-
tending an election meeting.
3203-06.
- Question re—
Acquisition of the Rohilkund and
Kumaon Railway by the State.
3153-54.
Adulteration in milk and ghee
3162.
Determination of methods of voting
in the Provinces. 3153.
Discontinuance of the use of castor
oil as lubricant on State Railways.
2239-40.
Fixation of dates for polling in the
Provinces for the coming elections.
3200-02.
Improvement in the breeding of
cattle and maintenance of pedigree
Bulls. 3160-61.
Institutions and organisations
banned during the Civil Disobedi-
ence Movement. 3159.
Instructions regarding polling
stations. 3153.

PANT, PANDIT GOVIND BALLABH—contd.
Question re—contd.
 Non-observance of rules and terms regarding sale of iron scrap at Moghalpura on the North Western Railway. 3159.
 Persons prohibited from entering British India. 3159.
 Raising of rupee or sterling loans. 3154.
 Scales of pay of teachers in Railway Middle Schools. 97-98.
Question (Supplementary) re—
 Absence of intermediate class waiting rooms on the Rohilkund and Kumaon Railway. 3175-76
 Allegations against the staff of the Rohilkund and Kumaon Railway. 3170-72.
 Application of State Railway Leave Rules to teachers in certain East Indian Railway Schools. 2966.
 Appointment of a Sikh officer in the appointments under the control of the Home Department. 3196-99.
 Ceylon Government Railway contract for the supply of coal. 2992.
 Contract for the construction of the Howrah Bridge. 2993.
 Fees charged by the Public Service Commission for competitive examinations. 3176-78
 Indianisation of Ground Engineers employed by the Indian National Airways, Limited. 3178-79.
 Indianisation of higher services in the Karachi Port Trust. 3188-89.
 Inspection of the Rohilkund and Kumaon Railway by the Railway Member. 3172-73.
 Leave rules governing the teachers in State Railway schools. 2963, 2964.
 Non-application of the Revised State Railway Leave Rules to teachers of the Oakgrove school. 2965.
 Overtime worked by the drivers on the Rohilkund and Kumaon Railway. 3173.
 Re-distribution of income-tax areas. 2974, 2975.
 Report on the health of Mr. Subhash Chandra Bose. 2990-91.
 Resignation by Sir Sikandar Hayat Khan from the Deputy Governorship of the Reserve Bank of India. 2977.
 Rules regarding conduct of elections under the coming reforms. 2976, 2977.
 System of voting at the coming provincial elections by means of coloured boxes with or without symbols. 1558, 1559.

PANT, PANDIT GOVIND BALLABH—contd.
Resolution re—
 Indebtedness of agriculturists. 1804, 1805, 1b33.
 Interference from public servants in the ensuing elections. 2223, 2234-35, 2690, 2694, 2699-2700.

PARACHINAR—
 Question re passport for Indians going to — (Kuram). 2850.

PARADE(S)—
 Question re peons and dufftaries of the Government of India Offices required to attend fire —. 3338-39.

PARCEL(S)—
 Question re delivery of — containing fresh fruits. 322-23.

PARCEL CLERKS—
 See "Clerk(s)".

PARENT(S)—
 Question re treatment of adoptive — as natural — on Railways. 3137.

PARK(S)—
 Question re provision of aircraft depots or — in Western or Southern India. 1469-70.

PARMA NAND, BHAI—
 Arya Marriage Validation Bill—
 Consideration of clauses. 1672-73, 2026, 2027, 2036, 2052.
 Indian Companies (Amendment) Bill—
 Consideration of new clause 81. 2445, 2446.
 Question re—
 Allegations against an Inspector, Railway Mail Service. 3361.
 Allowances of camp clerks in the Punjab and North-West Frontier Postal Circle. 3362.
 Appointment for training in the Commercial and Transportation Groups on the North Western Railway. 2867-68.
 Appointment of Assistant Secretary in the Public Service Commission. 2864.
 Collision of trains on the occasion of the Kurukshetra fair. 1128-29.
 Defects in the jail life of the Andamans found by the Home Member. 1119-20.
 Effect given to the Resolution re appointment of a Joint Standing Army Committee. 1485.

PARMA NAND BHAI—contd.**Question re—contd.**

Extension of the present railway line to Jacobabad via Garhi Khairo in Sind. 1481.

Extension of the railway line to Nawabshah in Sind. 1480.

Extra-Departmental Sub-Postmasters and Branch Postmasters in the Punjab and North-West Frontier circle. 3361-62.

Indigenous supplies of raw materials for the glass industry. 1481.

Maintenance of waiting lists of the retrenched staff of the Railways. 2865-66.

Manufacture of electrical bulbs in India. 1482-83.

Motor and lorry traffic competition with the railway on the occasion of the Kurukshetra fair. 1128.

Orders issued by the Railway Board for carrying out retrenchment on the North Western Railway. 2864-65.

Overhauling of the jail rules and regulations. 1120-27.

Passengers who attended the Kurukshetra Fair. 1127-28.

Prohibition of money lending by railway employees. 1617-18.

Promotion of the storemen of the Indian Army Ordnance Corps as Assistant Storekeepers. 2336-37.

Promotion of third division clerks in the Government of India Offices. 88-89.

Propaganda for Muslim religion through the Delhi Broadcasting Station. 1617.

Reduction in the protective duty on cotton and piece-goods of British manufacture. 1485.

Removal of the portrait of Lord Krishna by the Superintendent, Railway Mail Service, "L" Division. 3360-61.

Scheme to retire Government servants at the age of 50. 3327.

Selection of candidates by the Public Service Commission for the Indian Audit and Accounts Service examination. 3327.

Split of the clerical staff into several units on the North Western Railway. 2866-67.

Ticketless passengers travelling on the North Western Railway. 1129.

Trained cadets of the "Dufferin". 1483-84.

Transfer of postal clerks who suffered in the Quetta earthquake to the Punjab Circle. 2335-36.

Transfers of certain clerks in the Punjab and North-West Frontier Circle. 3362-63.

PARSI MARRIAGE AND DIVORCE BILL—

See "Bill(s)".

PASS(ES)—

Motion for adjournment *re* cancellation of the Press Gallery — of the correspondent of the *Amrita Bazar Patrika*. 6264-65.

Question re—

Classification of — to railway employees on the lines of the Central Government travelling allowance rules. 1785-86.

Grant of — to the staff employed in railway institutes. 3055.

Interchange of — with Jodhpur-Bikaner State Railways. 3356.

Introduction of new — rules on State Railway. 3138.

Leave, —, etc., of the staff on the Bengal and North Western Railway. 2855-58.

— on the North Western Railway. 3311-12.

Penalties for irregular use, etc., of privilege ticket orders and — on Railways. 3136.

Permission for dogs and domestic animals to travel on metal — issued to Railway Gazetted staff. 3139-40.

Revision of the free — rules in the East Indian Railway. 684.

Travelling of Officers on duty — when they are not on duty. 2767.

PASS RULE(S)—

Question *re* revision of the — for the employees on State Railways. 1783-84.

See also under "Rule(s)".

PASSAGE(S)—

Motion *re* expunction of certain — from the proceedings of the Legislative Assembly. 933.

Question re—

Expenditure incurred on Lee concession —. 3369.

Expunction of certain — in a question put by Mr. Kabeer-ud-Din Ahmed. 2413.

Opening of a passage direct to the Dharamshala outside Etawah Railway Station. 90. 673-74.

PASSENGER(S)—

Motion for adjournment *re* protection of female — travelling in female compartments of trains. 2665-67.

Question re—

Appointment of committees to advise the Indian Navigation Company regarding the complaints of —. 922-23.

PASSENGER(S)—contd.**Question re—contd.**

- Arrangements for the supply of drinking water to — on the East Indian Railway. 3128.
- Carriage of ice by first and second class — on the East Indian Railway. 828-29.
- Circular issued by the Inspector General of Police, Punjab, to regulate the number of — in motor buses. 1624.
- Deck — Conference held at Vizagapatam. 1464-66.
- Inconvenience felt by intermediate and third class through — on the East Indian Railway. 829.
- Inconvenience suffered by third class — on the East Indian Railway. 1154.
- Intermediate class — travelling from Howrah to Burdwan and vice versa. 2952.
- Latrines for third and intermediate class — on the Assam Bengal Railway. 2620-21.
- Open enclosures for third class — at Hardwar Railway Station. 1702-03.
- detected travelling without tickets. 3140-41.
- earnings fixed for each station on the Eastern Bengal Railway. 1021-22.
- who attended the Kurukshetra Fair. 1127-28.
- Permission to intermediate class — to carry attache cases and handbags free of charge. 929-30.
- Protection of female — in the intermediate and third class compartments on railways. 843.
- Provision of proper waiting rooms for intermediate class — at Delhi. 1701-02.
- Provision of a waiting room for intermediate class — at Saharanpur. 1701.
- Rail-road competition and conveniences for third class —. 2006.
- Railway servants and — killed in the accident at Seganli, Bengal and North Western Railway. 3053-54.
- Rates of — fares and goods freight on Indian and Japanese Railways. 984.
- Recording of names of the crew staff who fail to collect excess fares from — on the Eastern Bengal Railway. 3365-66.
- Redress of the grievances of third class —. 176-78, 981-83.
- Return tickets for intermediate and third class — on certain Railways from Simla. 3184.

PASSENGER(S)—contd.**Question re—contd.**

- Signature of — on monthly tickets on the East Indian Railway. 37.
- System of Railway Raid for detecting ticketless — on the Bengal and North Western Railway. 2851-53.
- Temporary constructions made at Roorkee Railway Station for — during the Peeran Kallar Fair. 1702.
- Ticketless — charged and punished in India. 251-52.
- Ticketless — travelling on the North Western Railway. 1129.
- Waiting room for intermediate class — at the Benares Cantonment Railway Station. 670.

PASSENGER HALL(S)—

- Question re protection of the hour of females using — at Moradabad. 2840-41.

PASSENGER TRAIN—

See "Train(s)".

PASSPORT(S)—**Question re—**

- Final authority in the matter of grant of —. 1859.
- Grant of —. 832-33.
- for Indians going to Parachinar (Kurm). 2850.
- Persons refused — for going out of India. 1858-59.
- Seizure of the — of Mr. Subhash Chandra Bose at Port Said. 421-22.

PATNA—**Question re—**

- Acting arrangement as Postmaster General, —. 3163-64.
- Damages done to Railway lines in the districts of Gaya and —. 1559-61.
- Non-inclusion of — and Nagpur in the list of centres for examinations for appointment to public services. 1046-47.

PATTUKOTTAI—

- Question re construction of a railway line from Tanjore to —. 2306-07.

PATWARI(S)—

- Motion for adjournment re suspension of some — of the Aligarh District for alleged attending an election meeting. 3203-06, 3388-89.

PAY—Question *re—*

- Applicability of fundamental and supplementary rules to gazetted staff on State Railways in respect of —, allowances, leave, etc. 2763.
- Cut in — or special — on the East Indian Railway. 41-42.
- Enhancement of the — of the Inspector appointed to investigate cases of claims preferred against the East Indian Railway. 100.
- Grant of higher initial rates of — to graduate and intermediate clerks in the Posts and Telegraphs Department. 2656.
- Introduction of new scales of — for Superior Services. 1477.
- Introduction of the revised scales of — on certain State Railways. 48.
- Introduction of the revised scales of — on the Eastern Bengal Railway. 48.
- Leave, holidays and —, etc., of industrial workers of railways. 853.
- New scales of — for journeymen on the North Western Railway. 72-73.
- and allowances of Travelling Ticket Inspectors on the East Indian Railway. 2771-72.
- house rent and electricity charges, etc., paid to Assistant Surgeons on State Railways. 3332.
- of postal employees stationed at Simla. 3365.
- Railway Board's letter regarding revised scales of —. 3129.
- Ranks and designations with scales of — on State Railways. 3055.
- Reduction in the — of the Managers and the Assistant Managers of the Dead Letter Offices. 2832.
- Reduction of scales of — in the Railway and the Posts and Telegraphs Departments and its effect on Anglo-Indians. 505-06.
- Representations held up for claims of old scales of — by the Postmaster General, Bombay. 3350.
- Rules governing the advancement of — of non-gazetted staff on State Railways. 2762.
- Savings expected by introduction of new scales of —. 50.
- Scale of — applicable to the staff recruited by the East Indian Railway between 1st July, 1925, and 1st November, 1928. 80.
- Scales of — in force on the East Indian Railway on certain dates. 101.

PAY—contd.Question *re—contd.*

- Scales of — revised with effect from 1st August, 1928, on the East Indian Railway. 80.
- Special — of employees on State Railways. 1024.
- Staff in each scale of — as budgeted for the year 1936-37 by the East Indian Railway. 80.
- Staff on the East Indian Railway employed on posts other than those against which their — is charged. 2761-62.
- Uniformity of rules for —, allowances, appeals and seniority on State Railways. 2762.

PAYMENT—Question *re—*

- Introduction of — of mileage system on State Railways. 1689.
- for holidays to the employees of the East Indian Railway Press. 69.
- made to certain airways. 2515.

PAYMENT OF WAGES ACT—

See "Act(s)".

PAYMENT OF WAGES BILL—

See "Bill(s)".

PAYMENTS TO INDIAN STATES AND COMPANIES—

- Demand for Excess Grant. 3263.
- Demand for Supplementary Grant. 3264-65.

PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS—

- Demand for Excess Grant. 3258.

PEASANT(S)—

- Question *re* relief given to the — of Bengal in the famine-ridden areas. 1604-07.

PEDIGREE BULL(S)—

See "Bull(s)".

PEERAN KALIAR FAIR—

- Question *re* temporary constructions made at Roorkee Railway Station for passengers during the —. 1702.

PENALTY (IES)—**Question re—**

- Competent authority empowered to inflict — on staff on State Railways. 3135-36.
— for irregular use, etc., of privilege ticket orders and passes on Railways. 3136.

PENSION(S)—**Question re—**

- Disability — of Military Employees invalidated during the Great War. 1010-13, 2649-50, 2661-64, 2756.
Discharge of Provincial Forest Service Officers by the Punjab Government on compensation —. 3295-97.
— of telegraph delivery peons. 3146-47.
Retiring — for record sorters and dufftries. 2721-22.

PENSIONABLE ESTABLISHMENT—

- Question re stoppage of recruitment of pensionable hands to non- — of State Railways. 2982-83.**

PENSIONABLE SERVANT(S)—

- Question re maintenance of Records of subordinate non- — on State Railways. 3372.**

PENSIONER(S)—**Question re—**

- Applicability of certain provisions of the Government Servants' Conduct Rules to Government —. 3340-41.
Government pensioners. 1045-46.
Prohibition against Government — standing as Congress Candidates to the Provincial Legislatures. 2167.

PENSIONS, COMMUTED VALUE OF—

- Demand for Excess Grant. 3262.

PEON(S)—**Question re—**

- Boy peons, office and delivery — of the Posts and Telegraphs Department. 3300.
Pension of telegraph delivery —. 3146-47.
— and dufftries of the Government of India Offices required to attend fire parades. 3338-39.
Provision of latrines in the — quarters at Punchkuin Road, New Delhi. 2940.

PEON(S)—contd.**Question re—contd.**

- Reduction in the task-work earnings of foot — of the Madras Central Telegraph Office. 2658.
Removal and transfer of orderly — by the Postmaster, Delhi. 3181.

PERCENTAGE—**Question re—**

- of Muslims in the Opium Agent's Office, Ghazipur. 349.
— of Bihari Hindus and Muslims in the East Indian Railway. 2067.
— of Bihari Hindus and Muslims in the Indian Medical Service. 2068.
Reservation of a — for the Muslims and other minorities in the Punjab Circle. 3166-67.

PERIODICAL(S)—

- Question re books, — and films prohibited from entering India. 2602-03.**

PERMANENT ESTABLISHMENT—

- See "Establishment".

PERSIA—

- Question re Afghan refugees deported from —. 2819-20.**

PERSIAN—

- Question re stoppage of the teaching of Sanskrit and — in the East Indian Railway Anglo-Vernacular High School, Tundla. 98-99**

PERSONAL OPINION(S)—

- Ruling on the motion for adjournment re freedom of individual members of Government to express —. 1457-58.**

PERSONNEL ORGANISATION—

- Question re — on State Railways and the actions taken thereon by the Railway Board. 447.**
See also under "Organisation".

PERSONNEL SECTION—

- Question re extension of a building to house the — of the Agent's Office, East Indian Railway. 46-47.**

PESHAWAR—**Question re—**

- Alleged kidnapping of a Hindu girl in —. 598-99.
Arrest and detention of certain persons of the Mohmand Tribe residents of — District. 3322.

PETITION(S)—

Appointment of the Committee on — 109.

Question re—

Appeals, memorials, or — submitted to the Governor General in Council by the staff in the Allahabad Division, East Indian Railway. 2764.

Disposal of — in the East Indian Railway Press. 2609.

— and memorials submitted by the non-gazetted staff on State Railways. 3335.

— from the Amritsar Commercial Association to the Board of Inland Experts for Enquiry into the Inland Income-tax System. 441-42.

Submission of — of the Railway staff to the Governor General in Council. 1020.

PETROL TAX—

Statement laid on the table showing the Objects on which the Aviation share of the — Fund was expended during 1935-36. 110-11.

PHILOSOPHY—

Question re removal of Indian — from the list of optional subjects for the Indian Civil Service Examination. 1777-78, 1926-27.

PHOTO(S)—

Question re circular regarding letters bearing — of leaders and slogans of boycott. 1865-66.

PHULWARI SHARIF—

Question re absence of a waiting room or shed at — Station on the East Indian Railway. 2067.

PICTURE(S)—

Motion for adjournment re prohibition of the printing of — of Mahatma Gandhi and others, etc., on cards and covers. 364.

Question re refusal by the Post Office to deliver a postcard containing Mr. Gandhi's —. 915-16.

PIE-MONEY LINES—

Question re employment of telegraphists for working on —. 2660.

PIECE-GOODS—

Question re reduction in the protective duty on cotton and — of British manufacture. 1485.

PIG IRON—

See "Iron".

PILGRIM(S)—

Question re hardships experienced by — at Rajgir fair on account of suspension of the Bihar-Bukhtiarpur Light Railway Train Service. 1715-17.

PILGRIMAGE, PLACES OF—

Question re appointment of committees similar to Haj Committee for those going to — in India and outside. 3049-50.

PIT(S)—

Question re provision of garages and —, etc., for non-gazetted staff on State Railways. 3343-44.

PLANNING—

Question re — of public works. 1225-26.

PLANT—

Question re obsolete railway stores, stock, — and machinery, etc. 2093-94.

PLATFORM(S)—

Question re—

Absence of a — at the Ranipet Railway Station, Madras and Southern Mahratta Railway. 767-68.

Absence of a shed on the — of the Hardwar Railway Station. 90.

Absence of sheds on the — of the Balamau Junction and Nimsar Station on the East Indian Railway. 923-24.

Construction of covered — on the Benares Cantonment Railway Station. 2156-57.

Extension of the Western — at the Saharanpur Railway Station. 1118.

Translations from English of the notices posted on Railway — and inside the compartments. 1116.

Want of a raised — on the branch line between Chichoki Malian *via* Jaranwala on the North Western Railway. 1487.

PLATFORM TICKET(S)—

Question re—

Government servants exempted from the necessity of purchasing — 676-77.

PLATFORM TICKET(S)—contd.

Question *re*—*contd.*

Issue of — to the members of the Criminal Investigation Department. 824-25.

See also under "Ticket(s)".

PLEADER(S)—

Question *re* memorial of the first grade — of the Central Provinces and Berar against payment of a certain stamp duty. 2953-55.

POINT OF ORDER—

— raised by Mr. K. Ahmed as to whether identical questions can be asked. 819.

POLICE—

Question *re*—

Close observation by the Postal and — Authorities in Calcutta on the subscribers of the *Railway Labour*. 92.

Circular issued by the Inspector General of —, Punjab, to regulate the number of passengers in Motor Buses. 1624.

Recruitment in the Baluchistan — force. 2652.

POLICE FORCE—

Question *re* duty and function of the — on railway stations. 2815-16.

POLICE OFFICIAL(S)—

Question *re* use of refreshment rooms on State Railways by —. 2818-19

POLICE SUB-INSPECTOR(S)—

See "Sub-Inspector(s)".

POLICY(IES)—

Question *re*—

Declaration of — regarding the future of mandated territories. 600-01.

Development of an All-India — for Indian Ports. 2591.

Government's Loan —. 686-88.

Government's — in respect of Treasury Bills. 2589.

— in respect of the issue of Treasury Bills. 506-07.

POLLING—

Question *re* fixation of dates for — in the Provinces for the coming elections. 3200-02.

POLLING STATION(S)—

Question *re* instructions regarding —. 3153.

POLITICAL ACTIVITY(IES)—

Motion for adjournment *re* alleged active acquiescence of the Government of India in the recent — of Sir Sikandar Hayat Khan, a Deputy Governor of the Reserve Bank of India. 364.

POLITICAL AGENCY(IES)—

Question *re* officers under training for and Residencies. 2823-24.

POLITICAL EXILE—

Question *re* restrictions on the movement of Mr. Sailendra Nath Ghose. 3 — in the United States. 3297

POLITICAL LEADER(S)—

See "Leader(s)".

POLITICAL OFFENCE(S)—

Question *re* removal of disqualification of candidates convicted of — desiring to contest the ensuing elections. 3321.

POLITICAL PRISONERS—

See "Prisoner(s)".

POLITICAL PROPAGANDA—

Question *re*—

— by Executive Councillors intending to contest the elections. 2577-78.

Use of Broadcasting stations for —. 167-69.

POLITICAL REASON(S)—

Question *re* Indians outside India externed or not permitted to return to India for —. 1858

POLITICAL SUSPECT(S)—

See "Suspect(s)".

POLITICAL WORKER(S)—

Question *re* interception of correspondence and tapping of telephones of — of Delhi. 1851-54.

PONDICHERY GOVERNMENT—

Question *re* externment of Mr. V. V. Giri by the —. 259.

POONA BANGALORE MAILS—

See "Mail(s)".

POPULATION—Question *re*—

- of Fiji and communal representation in the Fiji Legislative Council. 2068-69.
- of the Hazaribagh and Ranchi Districts. 8.

PORT(S)—Question *re*—

- Competition between certain shipping companies plying between Rangoon and the — in Bengal. 2496-97.
- Development of an All-India policy for Indian —. 2591.
- Landing grounds, aerodromes and runways made and air- — fitted out for night flying. 1856-57.
- Sunday Fees Fund at the major —. 3368.

PORT HAJ COMMITTEE(S)—

Question *re* necessity for the continuation of —. 3052.
See also under "Committee(s)".

PORT SAID—

Question *re* seizure of the passport of Mr. Subhash Chandra Bose at —. 421-22.

PORT TRUST(S)—Question *re*—

- Indianisation of higher services in the Karachi —. 3188-89.
- Recruitment of Muslims in —. 62-63.

PORTER(S)—Question *re*—

- Abolition of the use of the word "Coolie" for — at Railway Stations. 659.
- Loading and unloading work of the railways done by the —. 2520-21.

PORTRAIT(S)—

Question *re* removal of the — of Lord Krishna by the Superintendent, Railway Mail Service, "L" Division. 3360-61.

POSSESSION(S)—

Question *re* negotiations regarding the cession of the French — in India 1222-23.

POST(S)—Question *re*—

- Employment of relatives in the supervisory — in the non-gazetted railway service. 3346.
- Promotions from subordinate service to gazetted — made on the North Western Railway. 3317.

POST OFFICE(S)—Question *re*—

- Book-binders in the Calcutta General — and its Town Sub-Offices. 2830-31.
- Clerical vacancies in the Dacca Head — filled in contravention of the revised communal orders. 19.
- Communal composition of the staff in the Simla Head —. 3318-19.
- Construction of a new — building at Bisheswargunj in Benares. 2960-61.
- Conversion of departmental — into extra-departmental — in the Jalpaiguri Division. 2879-80.
- Dead and unclaimed amount lying in the — Saving Bank. 1004-06.
- Examination for appointment of clerks in the Allahabad General —. 3322-23.
- Examinations for recruitment of clerks in the Delhi General —. 3180.
- Extra Departmental —. 3326-27.
- Leave reserve clerks in the Jalpaiguri and Coochbehar Head —. 2878.
- Leave reserve clerks in the — in the Jalpaiguri Division. 2878.
- Non-observance of orders regarding model rotation by the Superintendent of —, Rohtak. 3165.
- Propaganda made by the Royal Consul General for Italy through the —. 688-89.
- Purchase of Cash Certificates by the Superintendent of — of Jalpaiguri Division. 2868-69.
- Recruitment in — of the sons and relatives of Postal staff. 2831.
- Refusal by the — to deliver a post-card containing Mr. Gandhi's picture. 915-16.
- Restoration of extra-departmental Sub- — at Kotla. 2832-34.
- Restriction of the powers of Superintendents of — in certain matters. 2664.
- Village — opened during the last two years. 1863.
- Village — where delivery of registered letters and money orders is not effected by postmen. 3349.

**POST OFFICE(S), INSPECTOR(S)
(OF—**

See "Inspector(s) of Post Office(s)".

POSTAGE RATE(S)—

Question re—

Higher — on outgoing mails by air.
1485-86.

Issue of — and currency with the
new King's effigy. 823.

Letters sent by the Officers of the
Postal Department on His
Majesty's Service without any —
being affixed to them. 1006-07.

Sale of — on holidays and Sundays.
3060.

POSTAL ARTICLE(S)—

Question re transhipment of — from
cities in Bihar connected with the
Bengal and North Western Railway.
2747.

POSTAL AUDIT OFFICE—

Question re transfer of a portion of
the —, Madras, to Rangoon. 2960-
61.

POSTAL AUTHORITIES—

Question re close observation by the
— and Police Authorities in Cal-
cutta on the subscribers of the
Railway Labour. 92.

POSTAL CHARGE(S)—

Question re—

Higher — on outgoing mails by air.
1485-86.

— on mails by air. 2241.

POSTAL CIRCLE—

Question re—

Approved candidates of each com-
munity examined and declared
successful in the Punjab and
North-West Frontier —. 3318.

Confirmation of officials and inferior
servants in the Bombay —.
450.

Halting allowance sanctioned to the
Inspectors and Superintendents
of Post Offices in the Hill Dis-
tricts of the Bengal and Assam
—. 2879.

Postal clerks in the Punjab and
North-West Frontier — required
to pass a test in Gurmukhi. 3165-
66.

Preponderance of Hindus in — and
the posts and telegraphs Director-
ate. 3167.

Reservation of a percentage for the
Muslims and other minorities in
the Punjab —. 3166-67.

POSTAL CIRCLE—contd.

Question re—contd.

Sanction of leave reserve clerks in
the Bengal and Assam — and
other —. 2878-79.

POSTAL CLERKS—

See "Clerk(s)".

POSTAL DEPARTMENT—

Question re—

Age for examination for recruitment
to the clerical cadre in the —.
3352.

Letters sent by the Officers of the
— on His Majesty's Service with-
out any Postage Stamps being
affixed to them. 1006-07.

Making of the — partly a com-
mercial and partly a service de-
partment. 169-70.

Officiating increments for inferior
servants of the — in the Konkan
Division. 3351-52.

Speed for mail motors on certain
lines fixed by the —. 3350-51.

POSTAL DIVISION(S)—

Question re—

Postal signallers in the Jalpaiguri
—. 2353-54.

Reserve clerks in the Jalpaiguri —.
2854.

POSTAL EMPLOYEES—

See "Employee(s)".

POSTAL ENQUIRY COMMITTEE—

Question re report of the —. 2656.

POSTAL FACILITY(IES)—

Question re additional — provided for
rural areas. 2081-82.

POSTAL HOLIDAY(S)—

Question re arrangements for work on
Sundays and — in the Howrah
Railway Mail Service. 70-71.

POSTAL OBSERVER—

Question re aspersions flung on the
Muslim community in the —. 18-19.

POSTAL OFFICIAL(S)—

Question re—

Letters sent by the — on His
Majesty's Service without any
Postage Stamps being affixed to
them. 1006-07.
— stationed at Jalpaiguri. 2950.

POSTAL OVERSEER—

See "Overseer(s)".

POSTAL PEON(S)—

Question *re* provision of extra — for leave arrangements. 1861-63.

POSTAL RATE(S)—

Question *re* — for Inland letters and postcards in certain countries. 1863-64.

POSTAL SIGNALLER(S)—

See "Signaller(s)".

POSTAL STAFF—

Question *re* compulsory insurance for the — and Railway Mail Service Staff.

See also under "Staff". 1779.

POSTAL STOCK DEPOT(S)—

See "Depot(s)".

POSTAL SUPERINTENDENT—

See "Superintendent(s)".

POSTCARD(S)—

Question *re*—

Advisability of increasing the size of embossed —. 824.

Postal rates for Inland letters and — in certain countries. 1863-64.

Refusal by the Post Office to deliver a — containing Mr. Gandhi's picture. 915-16.

POSTING—

Question *re* fee for certificate of —. 1859.

POSTMAN(MEN)—

Question *re*—

Candidate — in Calcutta. 2830.

Fixation of the length of beats of — in hilly tracts. 3350.

Non-appointment of — in Calcutta in the Lower Division Posts. 2829.

Non-increase in the number of — in Calcutta. 2830.

Orders in regard to promotions of — and other lower grade staff. 3351.

Provision of extra — for leave arrangements. 1861-63.

Village Post Offices where delivery of registered letters and money orders is not effected by —. 3349.

POSTMASTER(S)—

Question *re*—

Extra-Departmental Sub- — and Branch — in the Punjab and North-West Frontier circle. 3361-62.

Maltreatment of the Muslim staff by the — Rawalpindi. 19.

New scales of pay introduced for the second grade postal clerks and sub- —. 2163-64.

Removal and transfer of orderly peons by the —, Delhi, 3181.

POSTMASTER GENERAL—

Question *re*—

Acting arrangement as —, Patna. 3163-64.

Representations held up for claims of old scales of pay by the —, Bombay. 3350.

POSTMEN AND LOWER GRADE STAFF UNION—

Question *re* —, Delhi Province. 84-85.

POSTS AND TELEGRAPHS DEPARTMENT—

Question *re*—

Amalgamation of two grades in the superior traffic service of the —. 3382-83.

Boy peons, office and delivery peons of the —. 3300.

Committees formed for the —. 3382.

Delegation of powers in the —. 3182-83.

Difference between the old lower division and new second grade clerical cadres in the —. 3323-24.

Grant of higher initial rates of pay to graduate and intermediate clerks in the —. 2656.

Installation of "Carrier System" in the —. 2880-81.

Issue of orders regulating and restricting the tours of supervising officers of the — in the Hill Districts. 2879.

Levy of water charges from the inferior servants of the — in Delhi and New Delhi. 2882-83.

Pensionary benefits for mechanics and mistries in the —. 3301.

Recognised Service Unions and Associations of the Staff of the —. 3384-85.

Reduction of scales of pay in the Railway and the — and its effect on Anglo-Indians 505-06.

POSTS AND TELEGRAPHS DEPARTMENT—contd.

Question re—contd.

Representation of Muslims in the — 20-23.

Safeguarding of the interests of Muslims in the — in observance of new rules for recruitment. 3167-68.

Schools for training telegraph signallers maintained by the — 92.

Seasonal assistant mistries in the — 3324.

POSTS AND TELEGRAPHS DIRECTORATE—

Question re—

Classification of duties of assistants and clerks in the — 2738.

Dealing of representations and appeals of staff in the Posts and Telegraphs Directorate. 2739-40.

Duties of assistants and clerks in the — 2738-39.

Duties of superintendents in the — 2739.

Grant of extensions to some of the Superintendents in the — 2738.

Preponderance of Hindus in Postal Circles and the — 3167.

Supernumeraries in the cadre of Assistants in the — 2737.

POTATO(ES)—

Question re adverse effect of the import of foreign — on its indigenous production. 1479-80.

POTHAN JOSEPH, MR.—

Question re appointment of — as editor of programme at the Delhi Broadcasting Station. 1911-12.

POWER(S)—

Question re—

Abuses of — in regard to appeals from Railway servants on the East Indian Railway. 80.

Delegation of — by the Agent of the East Indian Railway to his subordinate. 45.

Delegation of — in the Posts and Telegraphs Department. 3182-83.

Limitation of — of discharge by a — railway officer. 51.

— given to Agents of State Railways to modify the rules for the grant of allowances. 3367-68.

— of Divisional Superintendents on the East Indian Railway. 67.

— to pass an order of discharge by a senior scale officer on State Railways. 82-83.

POWER(S)—contd.

Question re—contd.

Representations made by Members of Central Legislatures regarding serious abuse of — by administrative officers on railways. 3335.

Restriction of the — of Superintendents of Post Offices in certain matters. 2664.

PRATAF—

Question re East Indian Railway advertisements in the *Aj* and — newspaper. 826-27.

PRAYER(S)—

Question re Home Department Circular re the Friday —. 105.

PREFERENCE—

Question re grant of a — to Indian Coffee. 1237.

PREFERENTIAL TREATMENT—

Question re — shown to a European Firm in the matter of testing of paints. 2834-35.

PREM MAHA VIDYALAYA—

Question re ban on — of Brindaban. 676.

PRESERVATION—

Question re collection and — of ancient Indian manuscripts. 1041-42.

PRESIDENT, MR. (THE HONOURABLE SIR ABDUR RAHIM)—

Expressions of regret on the deaths of Khan Bahadur Mian Sir Fazli Hussain, Sir M. Ramachandra Rao and Mr. W. S. Lamb. 109.

Expunction by — of certain passages in a question put by Mr. Kabeer-ud-Din Ahmed. 2413.

Remarks by — as to the propriety of the speeches delivered by the Governor General to the Legislature being included in the Legislative Assembly Debates. 1142-43.

Remarks by — that as regards questions on important matters of policy which are brought to the notice of the House, the Government might well consider whether, instead of categorically answering the question in its separate sub-divisions, they might make a comprehensive statement which might elucidate the entire position. 164-65.

PRESIDENT, MR. (THE HONOURABLE SIR ABDUR RAHIM)—contd.

Remarks by — that where the answer to a question consists only of a statement containing figures, an oral answer should not be required. Questions of that character should be unstarred. 2762.

PRESS(ES)—**Question re—**

Binders in the East Indian Railway —. 2608-09.

Committee to enquire into the grievances of the East Indian Railway — staff. 2612.

Committee to enquire into the working of the Government of India — and State Railway —. 2611.

Concession in telegraph rates allowed to Railways, — and Indian States. 2655-56.

Disposal of petitions in the East Indian Railway —. 2609.

Industrial employees of the Railway — at Calcutta. 2613.

Introduction of new scales of pay in the amalgamated Railway — at Calcutta. 2613.

Leave rules for the industrial employees of the Railway — at Calcutta. 2614.

Memorials from the industrial employees of the Government of India —, Calcutta. 2616-17.

Non-provision of old scales of pay for retrenched employees of the East Indian Railway —. 2607-08.

Payment for holidays to the employees of the East Indian Railway —. 69.

Persons suspended in the East Indian Railway —. 2623.

Promotions in the East Indian Railway —. 2609.

Promotions of demoted employees in the Railway — at Calcutta. 2612-13.

Recognition of the Railway — Workers' Union, Calcutta. 2614.

Reduction of the salaries of the supervising staff and of the workers of the East Indian Railway —. 2611.

Stoppage of increments of the binding staff of the East Indian Railway —. 2608.

Transfer of certain industrial employees of the Government of India —, Calcutta, from the temporary to the permanent establishment. 2617.

Works Committee of the East Indian Railway —. 69.

PRESS GALLERY PASS(ES)—

See "Pass(es)".

PRICE(S)—**Question re—**

Fixation of the — of Government publications. 1867-68.

— of production of quinine. 2017.
Reduction in the prices of steel materials in bar sections in the Madras market by the Tata Iron and Steel Company, Limited. 2958.

Sir Montague Webb's Book on the trade depression and fall in — in India. 1782-83.

PRINCE(S)—

Question re draft of the Instrument of Accession of Indian —. 2179-83.

PRINCIPAL(S)—**Question re—**

Filling up of the post of — Indian School of Mines, Dhanbad. 583.

Qualifications of the — of the Dhanbad School of Mines. 361-62.

PRINTING—

Motion for adjournment re prohibition of the — of pictures of Mahatma Gandhi and others, etc., on cards and covers. 364.

PRINTING—

Question re employment of the — Superintendent as the caretaker of the head office buildings of the East Indian Railway. 1019.

PRINTING WORKS—

Question re memorandum issued every month by the Educational —, Lahore. 3191-92.

PRISONER(S)—**Question re—**

Abolition of classification of political prisoners. 3310.

Amnesty to State and Political — at the time of the inauguration of the provincial autonomy. 841.

Bringing back of — unwilling to stay in the Cellular Jail and allowing others to work outside the Jail. 1000.

Chittagong Armoury Raid — in the Andamans. 3060.

Classification of European —. 1906-07.

Classification of political —. 1934-36.

PRISONER(S)—contd.Question *re*—*contd.*

- Classification of — 1906.
 Condition of health of political —
 in the Cellular Jail in the Andamanas. 3063-64.
 Condition of health of State —
 Bhupendra Kishore Rakshit Roy
 detained in the Bareilly Central
 Jail. 3363-54.
 Condition of — in the Cellular Jail.
 992-93.
 Interviews with — in the Cellular
 Jail. 993-94.
 Male and female — in the convict
 settlement in the Andamans. 985.
 Newspapers supplied to — in the
 Cellular Jail. 998-99.
 Object in transporting terrorist —
 to the Andamans. 990-91.
 Out-door Games allowed to — in
 the Cellular Jail. 997.
 Political — confined in the Cellular
 Jail in the Andamans. 835-41.
 — confined in the Cellular Jail.
 996-97.
 Refugees and State — in Bihar and
 Orissa. 2820-21.
 Release of certain classes of — on
 the occasion of the coronation of
 His Majesty the King Emperor.
 841-42.
 Representations made by the — of
 the Cellular Jail. 989-90.
 Rules for classification of political
 —. 2176-77.

PRIVATE SECRETARY—Question *re* post of the — to the
Finance Member. 2951.**PRIVILEGE(S)—**

Question *re*—
 Amendment of rules and standing
 orders in respect of — of the
 Legislative Assembly. 32-33.
 — enjoyed by the inhabitants of
 Borpathar Mouza in Assam. 2620.
 Rights and — of the non-gazetted
 railway staff. 3338.

PRIVILEGE TICKET ORDER(S)—Question *re* penalties for irregular use,
etc., of — and passes on Railways.
3136.**PROBLEM(S)—**

Question *re*—
 Article entitled "Inter-related —"
 published in the *Hindustan Times*
 regarding unemployment problem.
 499-500.
 Article entitled "Road Rail —"
 published in the *Statesman*. 1931.

PROBLEM(S)—contd.Question *re*—*contd.*

- Investigation into the nutrition —
 601-02.
 — affecting Indians in Malaya.
 2311.
 Unemployment —. 1929-31.

PROCEEDINGS—Motion *re* expunction of certain pas-
sages from the — of the Legisla-
tive Assembly. 933.**PRODUCT(S)—**Question *re* exhibition of Indian — in
the Third Annual Exhibition of
Mombasa. 336-37.**PROGRAMME(S)—**

Question *re*—
 Appointment of a Director for
 village — at the Delhi Broad-
 casting station. 3330-31.
 Five-year — of broadcasting. 663-
 65, 761.
 — issued by the Delhi Broadcasting
 Station and securing of the ser-
 vices of Sikhs. 3199-3200.

PROHIBITION—

Motion for Adjournment *re* — of the
 assembling of five or more persons
 within a radius of two miles of cer-
 tain cotton mills at Cawnpore. 1562.
 Question *re* — of persons from enter-
 ing British India. 3159.

PROMISE(S)—Motion for adjournment *re* Govern-
ment's breach of —. 379-81.**PROMOTION(S)—**

Question *re*—
 Dividend declared by the Rohil-
 kund and Kumaon Railway and
 stoppage of — in the Traffic De-
 partment. 3169.
 Indian commissioned officers in the
 Army passing — examination and
 reported fit for —. 3306.
 Non-interference of Government
 with the Commissioners of In-
 come-tax in the matter of ap-
 pointments, — and discipline.
 2648.
 Orders in regard to — of postmen
 and other lower grade staff. 3351.
 Procedure in the matter of — ob-
 served in the Howrah Division of
 the East Indian Railway. 47.
 — and demotions of electricians and
 chargemen, etc., on the Great In-
 dian Peninsula Railway. 71.

PROMOTION(S)—contd.**Question re—contd.**

- from subordinate service to gazetted posts made on the North Western Railway. 3317.
- in the East Indian Railway Press. 2609.
- of clerical staff to the Posts of Transportation Inspectors and lower gazetted officers. 3062.
- of demoted employees in the Railway Press at Calcutta. 2612-13.
- of employees in the Howrah Division of the East Indian Railway. 42-43.
- of guards on the North Western Railway. 3185.
- of non-gazetted staff in certain Departments of the East Indian Railway. 36.
- of non-Muslims as Assistant Wiremen in the Karachi Division of the North Western Railway. 2645-46.
- of Office Superintendent on the North Western Railway. 3316-17.
- of relatives of gazetted officers on the East Indian Railway. 1037-38.
- of storemen of the Indian Army Ordnance Corps as Assistant Storekeepers. 2336-37.
- of Sub-Assistant Surgeons of the Indian Medical Department. 1711-12.
- of third division clerks in the Government of India Offices. 88-89.
- on the East Indian Railway. 1031-32.
- to the post of Sub-Heads in the Railway Clearing Accounts Office. 2979-80.
- to the rank of a Jamadar or Subedar in Indianised units. 3305.
- Racial discrimination in the matter of — in the Howrah Division of the East Indian Railway. 3342-43.
- Racial discrimination in the matter of — of Office Superintendents on the North Western Railway. 3316, 3342-43.
- Rules for the recruitment and training of clerical staff and the avenues for their — on the East Indian Railway. 1020.
- Selection and — of guards in the Dinapore Division of the East Indian Railway. 92-93.
- Selection and — of guards on the East Indian Railway. 2630 31.

PROPAGANDA—**Question re—**

- Anti-Indian — abroad. 749-50.
- for Muslim religion through the Delhi Broadcasting Station. 1617.
- made by the Royal Consul General for Italy through the Post Offices. 688-89.

PROPERTY(IES)—**Question re—**

- Assessment of annual value of — in the Naairabad Cantonment. 1713.
- Loss of life or — of Indians in Abyssinia. 247.
- Maintenance allowance for the inheritants of the — under the Court of Wards management in Delhi. 3328.

PROPERTY TAX—

See "Tax(es)".

PROSCRIBED BOOKS—

See "Book(s)".

PROSCRIBED LITERATURE—

See "Literature".

PROSTITUTE(S)—

Question re prosecution of — in Ajmer. 3067.

PROTECTION(S)—**Motion for Adjournment re—**

- of female passengers travelling in female compartments of trains. 2665-67.
- Refusal of the British Delegation in Addis Ababa to give — to the Indians there. 190.

Question re—

- Action taken on the resolution re — to cottage industries. 1904.
- Appointment of a Committee to — into the working of the policy of —. 445-46.
- to Indian cocoanuts. 1462-63.
- to the coconut industry. 2575 76, 2579-80.
- to the glass industry. 1463-64.
- to the handloom industry. 1460-62.
- Reduction in the — duty on cotton and piece-goods of British manufacture. 1485.
- Refusal of the British Legation to give — to the Indians in Addis Ababa. 340.

PROTECTIVE DUTY(IES)—

See "Duty(ies)".

PROTECTED MONUMENT(S)—

See "Monument(s)".

PROTECTIVE POLICY—

Question *re* views of the Finance Member on industrialisation by a —. 427-29.

PROTOCOL(S)—

Question *re* Indo-Japanese Convention and —. 420-21.

PROVINCE(S)—

Question *re*—
Article entitled "Madras and Neineyer Report" regarding borrowing arrangements of —. 655-56.

Determination of methods of voting in the —. 3153.

Recruitment of officers from the — in the Government of India Secretariat. 1473-75.

System of enrolling the electorate for the forthcoming elections in the —. 3297-98.

Varying excise rules and regulations in the different —. 585-86.

Statement laid on the table *re* payments from sugar excise duty to sugar manufacturing —. 111-12.

PROVINCIAL AUTONOMY—

Question *re*—
Amnesty to State and Political prisoners at the time of the inauguration of the —. 841.
Article entitled "— and the Centre" published in the *Hindu*. 1236.

PROVINCIAL CONGRESS COMMITTEE(S)—

See "Congress Committee(s)".

PROVINCIAL ELECTION(S)—

See "Election(s)".

PROVINCIAL FOREST SERVICE—

Question *re* discharge of — Officers by the Punjab Government on compensation pension. 3296-97.

PROVINCIAL GOVERNMENT(S)—

Question *re* regulation or control of broadcasting by Indian States and —. 850-51.

PROVINCIAL LEGISLATURE—

Question *re* dates for the election to the —. 2185-86.

See also under "Legislature".

PROVINCIAL ELECTION(S)—

Question *re*—

Candidates for — with previous conviction. 3294.

Fixation of dates for polling in the —. 3200-02.

Strict neutrality on the part of Local Governments in respect of —. 365-73.

System of voting at the coming — by means of coloured boxes with or without symbols. 1557-59.

PROVINCIAL EXCISE REGULATION(S)—

See "Regulations".

PROVINCIAL GOVERNMENTS—

Demand for Excess Grant in respect of "Payments to — on account of Administration of Agency Subjects". 3258.

See also under "Government(s)".

PROVINCIAL HEADQUARTERS—

Motion for adjournment *re* shifting of the — of Orissa from Cuttack. 190.

PROVINCIAL LEGISLATIVE COUNCIL—

See "Legislative Council(s)".

PROVINCIAL LEGISLATURE—

Motion for adjournment *re* election of the — in Bihar. 373-79.

Question *re* fixation of time for election to the —. 165-66.

See also under "Legislature".

PUBLIC—

Motion for adjournment *re* restrictions by the United Provinces Government on the movements of the general — at Lucknow. 1244-46.

Question *re*—

Delay in the supply of Government of India publications to the —. 2747-49.

Facilities for the travelling — on the East Indian Railway. 3125.

Opening of the telegraph offices on the Shahdara-Saharanpur Railway to the —. 1119.

Precautions for the safety of the travelling —. 2638.

PUBLIC ACCOUNTS COMMITTEE—

Presentation of the Report of the Public Accounts Committee. 1246-1417.

Reports of the — (Consideration postponed). 3265.

PUBLIC HEALTH—

Demand for Excess Grant. 3260

PUBLIC LOAN(S)—

See "Loan(s)".

PUBLIC OPINION—

See "Opinion(s)".

PUBLIC SERVANT(S)—

Resolution *re* interference from — in the ensuing election. 1840-41, 2192-2223, 2233-36, 2668-2700.

PUBLIC SERVICE(S)—

See "Service(s)".

PUBLIC SERVICE COMMISSION—

Question *re*—

Appointment of Assistant Secretary in the —. 2854.

Fees charged by the — for competitive examinations. 3176-78.

Procedure for selection of candidates for — Examinations. 3308.

Refund of fees of applicants not admitted to competitive examination of the —. 3309.

Rules regarding the selection of applicants for admission to — examinations. 3309.

Selection of candidates by the — for admission to examination for certain services. 3354-55.

Selection of candidates by the — for certain examinations. 3309.

Selection of candidates by the — for the Indian Audit and Accounts Service Examination 3308-09, 3327.

Summoning of candidates for *vice voce* examination by the —. 3067-68.

PUBLIC SUBSCRIPTION(S)—

See "Subscription(s)".

PUBLIC WORKER(S)—

Motions for Adjournment *re*—

Arrests and detentions of — in the Punjab. 603-04.

Arrests of — in the North West Frontier Province. 605.

Question *re* histories of — of Delhi. 1000.

PUBLIC WORKS—

Question *re*—

Organisation of — in connection with the relief of unemployment. 256-58.

Planning of public works. 1225-26.

PUBLIC WORKS DEPARTMENT—

Question *re* representation of Muslims in the Central —. 29-31.

PUBLICATION(S)—

Question *re*—

Delay in the supply of Government of India — to the public. 2747-49

Departmental — to the credit of the Deputy Director General of Archaeology. 68-69.

Fixation of the prices of Government —. 1867-68.

Nomenclature used in Government — in reference to Indian languages, 1859-61.

— of the Report of Mr. S. S. Markham, Empire Secretary, Museum Association, on the Museums in India. 1040.

PUNCHING MACHINE—

Question *re* installation of a time — in the Railway Board Office. 3143-3149-50.

PUNCHKUI ROAD—

Question *re* provision of latrines in the peons' quarters at —, Ne. Delhi. 2940.

PUNISHMENT(S)—

Question *re* — inflicted under section 71-H of the Indian Railways Act. 2844-45.

PUNJAB—

Message from H. E. the Viceroy and G. G. disallowing the adjournment motion of Mr. Mohan Lal Saksena, regarding the externment of Mr. M. R. Massani from the —. 631.

Motions for Adjournment *re*—

Arrests and detentions of public workers in the —. 603-04.

Externment of Mr. M. R. Massani from the —. 606, 693.

Failure of the Government of India to secure secrecy of ballot in the — as recommended by the Assembly. 2773.

Order served on Khan Abdul Ghaffar Khan not to enter the North-West Frontier Province and the —. 521.

PUNJAB—contd.Question *re*—

Approved candidates of each community examined and declared successful in the Punjab and North-West Frontier Postal Circle. 3318.

Circular issued by the Inspector General of Police, — to regulate the number of passengers in motor buses. 1624.

Insanitary condition of the third class compartment attached to the Howrah Express for a through journey to the —. 1487.

Reservation of a Percentage for the Muslims and other minorities in the — Circle. 3166-67.

Postal clerks in the — and North-West Frontier Postal Circle required to pass a test in Gurmukhi. 3165-66.

PUNJAB AND NORTH-WEST FRONTIER CIRCLE—Question *re*—

Allowances of camp clerks in the —. 3362.

Extra-Departmental Sub-Postmasters and Branch Postmasters in the —. 3361-62.

Transfers of certain clerks in the —. 3362-63.

PUNJAB CIRCLE—

Question *re* transfer of postal clerks who suffered in the Quetta earthquake to the —. 2335-36.

PUNJAB EXCISE ACT—

See "Act(s)".

PUNJAB GOVERNMENT—Question *re*—

Discharge of Provincial Forest Service Officers by the — on compensation pension. 3296-97.

Enforcement of Government of India Act X of 1858 in portion of the Delhi District which was under the —. 3332.

PUNJAB MAIL—Question *re*—

Attachment of a third class bogie for servants to the East Indian Railway —. 671-73.

Idea to run the — on the Jaunpur-Sultanpur-Lucknow Section of the East Indian Railway. 823-24

PURCHASE—

Question *re* — of stores by inviting tenders by the Indian Stores Department. 2350-51.

PUSA—

Question *re* provision of a bridge over the Gandar river at Saidpur Ghat near —. 3054.

Q**QUALIFICATION(S)—**Question *re*—

— for appointment as High Commissioner for India in London. 239-41.

— of Assistant Surgeons on State Railways. 3052.

Special — of Sir Otto Neimeyer for conducting the Financial Enquiry in India. 686.

QUARTER(S)—Question *re*—

Allotment of — in the Moradabad Division of the East Indian Railway. 3336-37.

Allotment of — near Gol Market, New Delhi, to non-migratory staff. 2943-44.

Allotment of Railway — at Simla. 3055.

Clearing away of a mango garden for the construction of — for the menial staff of the Saharanpur Remount Depôt. 2088-89.

Provision for building the Postal Superintendent's and Overseer's — at Muzaffarpur. 2067.

Demolition of the superior staff — in the Dicky Bazar in Saharanpur Remount Depôt. 2084-86.

Electricification of — for Railway subordinates. 3136.

Grant of free — or rent in lieu to the ticket collectors on the East Indian Railway. 3138.

Non-provision of — at Aishbagh Junction, Bareilly and Mailani for the members of the Traffic and Loco. Department. 3173.

Provision of latrines in the peons' — at Punchkuin Road, New Delhi 2940.

— for the staff of the Saharanpur Remount Depôt. 2087-88.

Racial discrimination in the allotment of — in the Howrah Division of the East Indian Railway. 3342.

QUARTER(S)—contd.

Question *re*—contd.

Racial discrimination in the allotment of — to railway staff. 2597-99.

Railway staff entitled to rent-free —. 2596.

Rent-free — for Indian railway staff. 2597.

QUESTION(S)—

Expunction of certain passages in a — put by Mr. Kabeer-ud-Din Ahmed. 2413.

Question *re* — and answer in the House of Commons on the 17th June, regarding revision of the Ottawa Trade Agreement. 1318-19.

QUETTA—

Question *re*—

Breaches on the — Division of the North Western Railway. 2983.

Defalcations discovered at — Grass Farm. 103.

Tenders for the re-building of —. 2183-85.

Transfer of postal clerks who suffered in the — earthquake to the Punjab Circle. 2335-36.

QUININE—

Question *re*—

Price of production of —. 2017.

Production and distribution of — in the provinces. 2479-80.

Production of — in India. 2015-17, 2586-87.

Sale of — in England and other countries. 2343-44.

R

RACIAL DISCRIMINATION—

Question *re*—

Article entitled "British Colonial Policy and —," published in the *Hindu* regarding Kenya Highlands. 1603.

— in the allotment of quarters in the Howrah Division of the East Indian Railway. 3342.

— in the allotment of quarters to railway staff. 2597-99.

— in the Howrah Division of the East Indian Railway in the matter of placing certain staff under suspension. 1020-21.

— in the matter of promotion of Office Superintendents on the North Western Railway. 3316.

RACIAL DISCRIMINATION—contd.

Question *re*—contd.

— in the matter of promotions in the Howrah Division of the East Indian Railway. 3342-43.

— in the Mechanical Department of the East Indian Railway. 2642.

RACIALISM IN EAST AFRICA—

Question *re* article entitled "—" published in the *Hindu*. 1591-92.

RADIO—

Question *re* change of the name "All India Broadcasting Service" to "All India — Service". 850.

RADIO SERVICE—

Question *re* broadcasting on short waves and travelling —. 899-900.

RADIO SET(S)—

Question *re*—

Customs revenue realized on foreign —. 900

Manufacture of cheap —. 516-17.

Manufacture of cheap — in India. 900.

Provisions of — in villages. 1788-89.

RADIO STUDIO(S)—

Question *re* housing of —. 901.

RAID(S)—

Question *re* persons convicted in connection with the — on the Benda village. 660-61.

RAIL MOTOR(S)—

Question *re* — run from Simla to Kalka on the 20th August, 1936. 3373-74.

RAIL-ROAD—

Question *re*—

Article written by Mr. Hawkes, Chief Commercial Manager, North Western Railway, on — Competition. 3370.

Letter entitled "Railway Finance and — Competition" published in the *Hindu*. 493-95.

— competition. 166-67.

RAILWAY(S)—

Assam Bengal—
Question re—

Appointment of Assamese in the superior service of the —. 3314-15.

Arrangement for water for guards of the —. 2621.

Latrines for third and intermediate class passengers on the —. 2620-21.

Muslim Medical Officers and Compounders, etc., on the —. 1478.

Railway collision between Tinsukia and Lumding District on the —. 3314.

Bengal and North Western—

Question re—

Accident at Segauli on the —. 1909-10.

Allegations against the magisterial checking at Samastipur Station on the —. 2731-33.

Bihari employees in the superior service of the —. 1909.

Enquiry into the grievances of the employees of the —. 2858-63.

Goods wagons of the —. 1910-11.

Grievances against the —. 358.

Grievances of the travelling public against the —. 2065-66.

Grievances of the Travelling Public on the —. 1909.

Leave, passes, etc., of the staff on the —. 2855-58.

Non-maintenance of a sufficient number of *Hamals* on the —. 2863.

Railway servants and passengers killed in the accident at Segauli, —. 3063-54.

Schools for the education of the girls of European and Anglo Indian Employees maintained by the —. 3074.

State control of the —. 1142, 2335.

State control of the — and Rohilkund and Kumaon Railways. 925-26.

State control of the — and the Madras and Southern Mahratta Railway. 180-81.

System of Railway Raid for detecting ticketless passengers on the —. 2851-53.

Third class carriages built by the —. 1910.

Transshipment of postal articles from cities in Bihar connected with the —. 2747.

Bengal Nagpur—

Question re—

Allegations against certain employees of the —. 3156.

RAILWAY(S)—*contd.*Bengal Nagpur—*contd.** Question re—*contd.*

Alleged throwing out from a moving train of an Oriya boy by a Travelling Ticket Collector of the —. 3155-56.

Dismissal of certain scavengers at Waltair by the —. 1769-70.

Strike in the — Workshops at Kharapur. 520-21.

Bihar Bukhtiarpur Light—

Question re hardships experienced by pilgrims at Rajgir fair on account of suspension of the — Train Service. 1715-17.

Bombay, Baroda and Central India—

Question re—

Action taken on the Resolution re State Management of the Madras and Southern Mahratta and —. 1903.

Employment of Muslims in the superior services of the —. 2652-53.

Old coaching and goods carriages and wagons on the —. 3064-65.

Recruitment in superior grades of the —. 2957.

Senior subordinate officers in the Loco and Carriage Department, —. 2957.

Calcutta Chord—

Question re surplus materials of the —. 1904-05.

East Indian—

Question re—

Abolition of posts of inspectors in the crew system on the —. 2761.

Absence of a waiting room or shed at Phulwari Sharif Station on the —. 2067.

Absence of sheds on the platforms of the Balamau Junction and Nimsar Station on the —. 923-24.

Abuses of power in regard to appeals from — servants on the —. 80.

Acceptance of Baptism and University Certificates in support of applications for changes in ages of the — Staff. 97.

Acting allowances of the *ex-Compan*y staff of the —. 81-82.

Allotment of quarters in the Moradabad Division of the —. 3336-37.

Alteration in the recorded age of the employees on the —. 50.

Appeal against the discretion of the Divisional Superintendent on the —. 3372.

RAILWAY(S)—*contd.*East Indian—*contd.*Question *re—contd.*

- Appeals against orders of the Divisional Superintendents on the — 2770.
- Appeals, memorials, or petitions submitted to the Governor General in Council by the staff in the Allahabad Division, — 2764.
- Application of State Railway Leave Rules to teachers in certain — Schools. 2966.
- Appointment, discharge and dismissal of staff in the — Schools. 448-49.
- Appointment of apprentices on the — 682-83.
- Appointment of Mr. Heseltine as Officer on Special Duty on the — 2772-73.
- Arrangement for *melas* at Hardwar, Garhmuktesar and Roorkee on the — 2840.
- Arrangement for the supply of drinking water to passengers on the — 3128.
- Attachment of a third class bogies for servants to the — Punjab Mail. 671-73.
- Avenues of economy on the — 1015-17.
- Binders in the — Press. 2608-09.
- Boards indicating the destinations of trains fitted on through compartments on the — 1489-90.
- Brakemen on the — 3200.
- Carriage of ice by first and second class passengers on the — 828-29.
- Certain improvements on the —, Eastern Bengal and North Western Railways. 842-43.
- Checking of the work of Station Masters by a Traffic Inspector on the — 82.
- Classification of technically trained supervising staff of the Mechanical Department, — 681-82.
- Commercial and Transportation Departments of the — 2636.
- Committee to enquire into the grievances of the — Press staff. 2612.
- Congestion in the office of the Chief Commercial Manager, — 2637.
- Consolidated allowances of Travelling Ticket Inspectors, etc., on the — 2772.
- Construction of a huge railway station at Jamalpur, — 1772-74.
- Contract for ice and aerated water on the — 1621-23.
- Counting of period spent in certain capacities towards seniority by the Chief Accounts Officer, — 3138.

RAILWAY(S)—*contd.*East Indian—*contd.*Question *re—contd.*

- Creation of a post of Assistant Accounts Officer, travelling, on the — 3345.
- Creation of two posts after the surrender of the post of transportation inspector, commercial, — 2765-66.
- Cut in pay or special pay on the — 41-42.
- Delegation of powers by the Agent of the — to his subordinate. 45.
- Designation of ticket checkers on the — 3129.
- Difference in the nature of duties of certain staff on the — 81.
- Disposal of appeals from Railway servants on the — 81.
- Disposal of petitions in the — Press. 2609.
- advertisements in the *Aj* and *Pratap* newspapers. 826-27.
- Electric charges realised from Indian refreshment rooms on the — 1676-77.
- Employees discharged from the — on account of defective eye-sight. 2594-95.
- Employment of the Printing Superintendent as the caretaker of the head office building of the — 1019.
- Enhancement of the pay of the Inspector appointed to investigate cases of claims preferred against the — 100.
- Ex-apprentices of the Jamalpur Technical School, — 683-86.
- Exemption of the — Accounts Department from the operation of certain instructions. 1037.
- Extension of a building to house the Personnel Section of the Agent's Office, — 46-47.
- Facilities for the travelling public on the — 3125-27.
- Facilities given to the staff to sit for the Goods Accounts Examination on the — 40-41.
- Filling up of vacancies on the — without the medium of Selection Boards. 100.
- Gazetted rank for the four Headmasters of the — Indian High Schools. 449.
- Grant of acting allowance to the employees of the — taken over by the State. 1018.
- Grant of free quarters or rent in lieu to the ticket collectors on the — 3138.

RAILWAY(S)—*contd.*East Indian—*contd.*Question *re—contd.*

Grant of Loans to the employees by the — Co-operative Society. 2972-73.

Grievances of the old — staff on the Delhi-Umbala-Kalka section placed under the North Western Railway Administration. 37-38.

Hardwar station on the —. 84.

Honorary Magistrates on the —. 3059.

Idea to run the Punjab Mails on the Jaunpur-Sultanpur-Lucknow Section of the —. 823-24.

Inconvenience and hardship caused by silting up of a certain waterway between Buxar and Chausa Railway Station on the —. 2978-79.

Inconvenience felt by intermediate and third class through passengers on the —. 829.

Inconvenience suffered by third class passengers on the —. 1154.

Increase in the price of the — Time Tables. 926-27.

Ineligibility of certain staff to officiate as accountants on the —. 1034-36.

Insufficiency of latrines in third class compartments on the —. 1207.

Intermediate class fare on the —. 1700-01.

Irregularities in charging salaries of the subordinates on the —. 60.

Lavatories in the new type of second class compartments of the Calcutta-Kalka Mails of the —. 833-34.

Leave on average pay in cases of illness for teachers in the — Schools. 2967.

Losses sustained by Government through fraud or negligence on the —. 1028-29.

Mileage allowance of ticket checking staff on the —. 2769-70.

Mis-declaration of goods on the —. 1027-28.

Non-confirmation of persons officiating in higher grades in the Howrah Division of the —. 1038-39.

Non-prosecution of *sadhus*, *fakirs* and beggars travelling without tickets on the —. 89.

Non-provision of old scales of pay for retrenched employees of the — Press. 2607-08.

Non-sanction of grade advancement to the staff on the —. 2762.

RAILWAY(S)—*contd.*East Indian—*contd.*Question *re—contd.*

Old — Leave Rules for the staff employed in the — Schools. 448.

Option in the matter of scales of pay and seniority lists in the Moradabad Division of the —. 3333-34.

Pay and allowances of Travelling Ticket Inspectors on the —. 2771-72.

Percentage of Bihari Hindus and Muslims in the —. 2067.

Permanent travelling allowance for Travelling Ticket Examiners of the —. 2600-01.

Persons suspended in the — Press. 2623.

Posts of Special Investigating Inspectors on the —. 3767.

Posts of Transportation Inspectors sanctioned by the —. 67, 2635-37.

Powers of Divisional Superintendents on the —. 67.

Price of aerated water on the —. 2969.

Procedure in regard to the convening of selection boards on the Howrah Division of the —. 83.

Procedure in the matter of promotions observed in the Howrah Division of the —. 47.

Procedure *re* condemnation of an employee on the —. 2635-36.

Promotion of employees in the Howrah Division of the —. 42-43.

Promotions in the — Press. 2600.

Promotions of the non-gazetted staff in certain Departments of the —. 36.

Promotions of the relatives of gazetted officers on the —. 1037-38.

Promotions on the —. 1031-32.

Provision of cooks to drivers on the —. 3365.

Purchase of new fittings for the motor trolleys by the —. 1017-18.

Racial discrimination in the allotment of quarters in the Howrah Division of the —. 3342.

Racial discrimination in the Howrah Division of the — in the matter of placing certain staff under suspension. 1020.

Racial discrimination in the matter of promotions in the Howrah Division of the —. 3342-43.

Racial discrimination in the Mechanical Department of the —. 2642.

RAILWAY(S)—*contd.*East Indian—*contd.*Question *re—contd.*

- Rates for the sale of ice and aerated waters on the — and North Western Railways. 2756-57
- Rates of edibles in Indian refreshment rooms on the —. 1619-21.
- Reduction in the emoluments and number of certain officers on the —. 2771.
- Reduction in the grant-in-aid of the — Anglo-Vernacular High School, Tundla. 98.
- Reduction of the salaries of the supervising staff and of the workers of the — Press. 2611.
- Regulations for recruitment of Station Masters and Assistant Station Masters on the —. 2770-71.
- Rent charged by the — for refreshment rooms. 77.
- Rent of Indian refreshment rooms on the —. 1677-78.
- Re-organisation of establishment work on the —. 1007-08.
- Report of the committee that visited a certain school on the —. 3182.
- Report of the Misra Committee on the position and salary of travelling ticket examiners on the —. 2772.
- Reservation of intermediate and third class seats on the —. 1487-89.
- Revision of the Free Pass Rules on the —. 684.
- Rules for charging rents from the employees on the —. 2630.
- Rules for the recruitment and training of clerical staff and the avenues for their promotion on the —. 1020.
- Rules on the — preventing the employment of staff suffering from defective vision to certain posts. 1022.
- Rules on the — *re* alternate routes for through travelling and break of journey. 671, 827-28.
- Scale of pay applicable to the staff recruited by the — between 1st July, 1925, and 1st November 1928. 80.
- Scales of pay in force on the — on certain dates. 101.
- Scales of pay revised with effect from 1st August, 1928, on the —. 80.
- Selection and promotion of guards in the Dinapore Division of the —. 92-93.
- Selection and promotion of guards on the —. 2630-31.

RAILWAY(S)—*contd.*East Indian—*concl'd.*Question *re—cont'd.*

- Seniority of — and Old Oudh and Rohilkhand Railway Staff. 82.
- Seniority of transportation and commercial staff on the —. 101, 3142.
- Signature of passengers on monthly tickets on the —. 37.
- Staff in each scale of pay as budgeted for the year 1936-37 by the —. 30.
- Staff on the — employed on posts other than those against which their pay is charged. 2761-62.
- Station Master's Examination in the Moradabad Division, —. 82.
- Stoppage of increments of the binding staff of the — Press. 2608.
- Stoppage of the teaching of Sanskrit and Persian in the — Anglo-Vernacular High School, Tundla. 98-99.
- Successful ex-apprentice Mechanics of the — Technical School. 74.
- Tank-wagons constructed by the —. 2969-70.
- Tenders for the sale of ice and aerated waters on the —. 2757-59.
- Tenders for the supply of inside body varnish approved by the —. 2941-42.
- Ticket checking staff on the — and North Western Railways. 3060.
- Ticket checking system on the — and North Western Railways. 3053.
- Use of office requisites for the benefit of the gazetted officers on the —. 1025-27.
- Voluntary retirement of staff under economy campaign in the Moradabad Division, —. 2765.
- Wagons painted black by the —. 2725.
- Workmens train running from and to Jamalpur on the —. 2743-44.
- Eastern Bengal—
- Question *re—*
- Allegations against the staff at the Kamalasagar Station on the —. 262-63.
- Cancellation of the appointments of Muslim Inspectors in the Crew Department, —. 76.
- Certain improvements on the East Indian, — and North Western Railways. 842-43.
- Discharge of certain firemen and shunters on the —. 3363.
- Disciplinary action against the non-gazetted staff on the —. 2640-41.

RAILWAY(S)—contd.**Eastern Bengal—contd.****Question re—contd.**

Donations for defending defamation suits on the — 3546.

Duties of the Deputy Agent, Personnel, and the Welfare Officer of the — 38-39.

Grants from the staff benefit fund on the — 1019.

Introduction of Ross Patent Ticket Cabinets on the — 77.

Introduction of the revised scales of pay on the — 48.

Mileage allowance granted for crew staff on the — 3366.

Passenger earnings fixed for station on the — 1021-22.

Recording of names of the crew staff who fail to collect excess fares from passengers on the — 3365-66.

Reduction in working expenses on the — 3367.

Rules for the recruitment and training of non-gazetted — on the — 1022-23.

Running parcel clerks on the — 3367.

Running room arrangement for crew staff on the — 3366.

Subsidiary rules regarding disciplinary action framed by the Agent, — 1013-14.

Unrecorded leave granted to certain drivers on the — 3344-45.

Great Indian Peninsula—**Question re—**

Drivers in the Jhansi Division of the — 3369.

Form of certificate granted to an employee on termination of service on the — 3336.

Promotions and demotions of electricians and chargemen, etc., on the — 71.

Supply of necessary uniforms for a cabinman officiating as a guard on the — 83-84.

Indian—

Question re refusal by the — to accept black paint of a certain firm. 2736-37.

Jodhpur-Bikaner State—

Question re interchange of passes with — 3336.

Kalka-Simla—

Question re improvement of the — service. 2741-42.

Madras and Southern Mahratta—**Question re—**

Absence of a platform at the Ranipet Railway Station, — 767-68.

RAILWAY(S)—contd.**Madras and Southern Mahratta—contd.****Question re—contd.**

Action taken on the Resolution re State Management of the — and Bombay, Baroda and Central India Railways. 1903.

Amalgamation of the — and the South Indian Railway Companies. 269-70.

Labour conditions on the — 920-22.

Minor accidents on the — 1902-03.

Recognition of the Andhra Passengers' Association, Bezwada, by the — 2079-80.

Reduction of third class fare between Bezwada and Masulipatam on the — 2339-40.

State control of the Bengal and North Western Railway and the — 180-81.

State control of the — 268-69.

Transfer of the Bangalore-Hubli Section of the — to the Mysore Government. 1709.

North Western—**Question re—**

Appointment for training in the Commercial and Transportation groups on the — 2967-68.

Appointment of Mr. Hales as Divisional Superintendent, Rawalpindi Division of the — 3370-71.

Article written by Mr. Hawkes, Chief Commercial Manager, —, on Rail-Road Competition. 3370.

Breaches on the Quetta Division of the — 2988.

Certain improvements on the East Indian, Eastern Bengal and — 842-43.

Check over the work of travelling ticket examiners on the — 3137.

Collision of special *mela* trains at Kalat railway station, — 2841.

Confirmation of qualified members of the minority community in the Chief Accounts Office, — 2984.

Confirmation of Special Ticket Examiners on the — 3311.

Discharge of Commercial Staff on the — 73.

Discharge of Muslim employees on the — due to economy campaign. 2983.

Discharge of temporary employees in the inferior and labour services and the appointment of ex-military men in their places on the — 1787-88.

Disposal of cast iron scrap on the — 3162-63.

RAILWAY(S)—*contd.*North Western—*contd.*

Question re—

Disposal of export scrap on the — 3463.

Explosion at the Moghalpura Workshop on the — 1793-95.

Filling up of vacancies of coolies and wiremen in the Electric Department of the —, Delhi. 3310.

Grievances of the old East Indian Railway staff on the Delhi-Umbala-Kalka section placed under the — Administration. 37-38.

Guards on the —. 3386-87.

Guards retrenched in the Delhi Division of the —. 3186-87.

Holidays Home provided for the — at Hill stations. 3333.

Inadequate drainage at Larkana station on the —. 3187-88.

Income and expenditure of the Sales Department of the —. 3369-70.

Injustice done to Indian Officers on the —. 3370.

Issue of single and return tickets at reduced rates from Shahabad Markanda on the — to certain places. 2839.

Joint inquiry by Accounts and Traffic Department of the — in the Electric Department. 2981.

Lack of water arrangements at Kot Daya Kishen on the —. 2839-40.

Meat vendors on the —. 3302.

Mileage allowance paid to the road van clerks on the —.

Muslim representation in the Electrical and Accounts Departments of the —. 2645.

New scales of pay for journeymen on the —. 72-73.

Non-observance of rules and terms regarding sale of iron scrap at Moghalpura on the —. 3159.

Non-stoppage of 1-Up and 2-Down trains at Shahabad-Markanda on the —. 2837-39.

Orders issued by the Railway Board for carrying out retrenchment on the —. 2864-65.

Orders prohibiting the sale of *jhatka* meat on the — Stations. 3190-91.

Pass Rules on the —. 3311-12.

Period for claiming the travelling allowance on the —. 2842.

Permission to Station Masters on the — to issue charge sheets. 3185.

Policy regarding alteration of the age of employees on the —. 1494-95.

Promotion of guards on the —. 3185.

Promotion of non-Muslims as Assistant Wiremen in the Karachi Division of the —. 2645-46.

RAILWAY(S)—*contd.*North Western—*contd.*Question re—*contd.*

Promotion of Office Superintendents on the —. 3316-17.

Promotions from subordinate service to gazetted posts made on the —. 3317.

Racial discrimination in the matter of promotion of Office Superintendents on the —. 3316.

Rates for the sale of ice and aerated waters on the East Indian and —. 2756-57.

Ready mixed red oxide paint purchased by the —. 2733-34.

Reduction of pay of retrenched staff in the Delhi Division of the — on their absorption in other posts. 3187.

Re-employment of the — strikers. 102.

Removal of restrictions on the markers on the — for training in goods duties. 1787.

Rent of refreshment room buildings with furniture on the —. 1676-76.

Special Ticket Examiners in the Headquarters Office, —. 2989.

Special ticket examiners on the —. 3338.

Split of the clerical staff into several units on the —. 2866-67.

Supersession of Indians by Europeans on the —. 2603-04.

Ticket checking staff on the East Indian and —. 3060.

Ticket checking system on the East Indian and —. 3053.

Ticketless passengers travelling on the —. 1129.

Transfer of staff from one division to another division on the —. 3185.

Travelling ticket examiners on the —. 3139.

Vacancies of stenographers in Headquarters and Divisional Offices on the —. 2989.

Want of a raised platform on the branch line between Chichoki Malian via Jaranwala on the —. 1487.

Working hours of drivers working between Rohri and Sibi on the —. 3315.

Oudh and Rohilkhand—

Question re—

Periodical eye-sight tests of the employees in the mechanical workshop of the old —. 2595.

Seniority of East Indian Railway and old — Staff. 82.

Supernumerary brakemen of the old —. 71-72.

RAILWAY(S)—*contd.*

Question re—

- Absence of an overbridge at the Bhojsepara — Station. 3173.
- Adverse remarks recorded in confidential reports of non-gazetted staff on —. 3139.
- Alteration in the age of — employees. 3138-39.
- Appointment of a Committee to enquire into the finances of —. 491-92.
- Article entitled "A Suicidal Poiley" published in the *Amrita Bazar Patrika* re earnings of —. 1459.
- Article entitled "— Coal Ramp" published in the *Bombay Sentinel*. 515.
- Article entitled "Transport Advisory Council Meeting" regarding — published in the *Roy's Weekly*. 2167-68.
- Basis for anticipated reduction in staff on —. 2983-84.
- Catches supplied in — Compartments for "Lift-up" window shutters. 1209-10.
- Churches established by certain — for the use of their European and Anglo-Indian employees. 1493-94.
- Concession in telegraph rates allowed to —, Press and Indian States. 2655-56.
- Conditions for travelling of servants with their masters in first and second class — compartments. 669-70.
- Contemplated appointment of a European as Financial Commissioner of —. 356-58.
- Continuation of the cut on allowances of the — staff at Howrah and Calcutta. 1030-31.
- Court of Enquiry regarding the retrenchment of staff on —. 2624.
- Definition of "Running Staff" on —. 1686-88.
- Disciplinary action against non-gazetted — staff. 1035.
- Effect on the earnings of — of increasing fares and freight. 1915.
- Electrification of quarters for Railway subordinates. 3136.
- Examination by an expert of the financial position of the —. 737-38.
- Extension of the present railway line to Jacobabad via Garhi Khairo in Sind. 1481.

RAILWAY(S)—*contd.*Question re—*contd.*

- Extension of the — line to Nawabshah in Sind. 1480.
- Extension of the Western Platform at the Saharanpur — Station. 1118.
- Financial position of the —. 178-80.
- Gazettes published by — Administrations. 3140.
- Grant of concession rate for transport of fodder by — into famine-stricken areas in the Bombay Presidency. 1793.
- Hardship and inconvenience of the travelling public on the District — Branch line running from Siliguri to Kishungunj. 3072-73.
- Hill allowance paid to — staff at Simla. 3184.
- Import and excise duties on coal used by —. 2094-95.
- Improvements made in — fencings of small stations to check ticketless travelling. 1685-86.
- Insanitary condition of the third class — compartment attached to the Howrah Express for a through journey to the Punjab. 1487.
- Introduction of new scales of pay in the amalgamated — Presses at Calcutta. 2613.
- Joining of — Unions and Federations by — employees. 3186.
- Leave, holidays and pay etc., of industrial workers of —. 853-54.
- Legislation to restrict the number of trains on any —. 2819.
- Liability of — servants to be dismissed from service for insolvency or habitual indebtedness. 1029-30.
- Loading and unloading work of the — done by the porters. 2520-21.
- Maintenance of waiting lists of the retrenched staff of the —. 2865-66.
- Motor and lorry traffic competition with the — on the occasion of the Kurukshetra fair. 1128.
- Overcrowding in — compartment. 831-32.
- Penalties for irregular use, etc., of privilege ticket orders and passes on —. 3136.
- Permission for dogs and domestic animals to travel on metal passes issued to — Gazetted staff. 3139-40.
- Placing of — finance on a proper footing. 984-85.

RAILWAY(S)—*contd.*Question *re—contd.*

- Proposal to appoint Mr. K. M. Hassan as Supervisor of — Labour. 3185-86.
- Protection of female passengers in the intermediate and third class compartments on —. 843.
- Provision of rest rooms for Indian guards at certain — stations. 3169.
- Purchase of coal by staff from the — for their own use. 2633.
- carriages for shooting and camping parties. 1014-15.
- earnings. 1145.
- saloons supplied to the members of the Government of India. 677.
- Rank of officers under district system equivalent to senior officers under divisional system on —. 3055-56.
- Rates charged for articles of necessity in the precincts of —. 1678-80.
- Rates of passengers fares and goods freight on Indian and Japanese —. 984.
- Ratio in the recruitment of Assistant Surgeons for —. 3052.
- Re-appointment of retrenched persons borne on the waiting list of —. 2612.
- Recommendations of the Royal Commission on Labour pertaining to —. 1857-58, 2596.
- Reduction in the staff of the —. 2066-67.
- Reduction of scales of pay in the — and the Posts and Telegraphs Departments and its effect on Anglo-Indians. 505-06.
- Refresher Courses of —. 3346.
- Remedies to meet motor competition with —. 2168-69.
- Representations made by Members of Central Legislatures regarding serious abuse of powers by administrative officers on —. 3335.
- Reservation of four first class berths on payment of one fare on —. 2160-61.
- Reservation of some compartments for men only on —. 660.
- Retrenchment on —. 927-29, 1900-01.
- Return tickets for intermediate and third class passengers on certain — from Simla. 3184.
- Rules regulating discipline and rights of appeal of the non-gazetted — servants. 1023-24.

RAILWAY(S)—*contd.*Question *re—contd.*

- Speech of Mr. Khaitan on non-business like running of —. 2312-15.
- Steps taken to improve the — Revenues and reduce the — Expenditure. 1145.
- Submission of petitions of the — staff to the Governor General in Council. 1020.
- Tenders for readymixed red oxide paint required for certain —. 2734-35.
- Translations from English of the notices pasted on — Plat forms and inside the compartments. 1116.
- Treatment of adoptive parents as natural parents on —. 3137.
- Treatment of — as a commercial proposition. 2639-40.
- Rohilkund and Kumaon—
- Question *re—*
- Absence of an employees' Welfare Committee on the —. 3170.
- Absence of Hindu and Muslim refreshment rooms on the —. 3176.
- Absence of inter-locking system on the —. 3174.
- Absence of intermediate class waiting rooms on the —. 3175-76.
- Acquisition of the — by the State. 3153-54.
- Allegations against the staff of the —. 3170-72.
- Circular No. 11 of 1932 of the Agent, —. 3170.
- Dividend declared by the — and stoppage of promotions in the Traffic Department. 3169.
- Employees in the Traffic Department of the — discharged on grounds of protracted illness. 3170.
- Hospitals and dispensaries on the —. 3175.
- House rent paid by Foremen and Assistant Foremen on the —. 3294.
- Inspection of the — by the Railway Member. 3172-73.
- Introduction of mail and express trains on the —. 3174.
- Night duty of Assistant Station Masters on the —. 3172.
- Overtime worked by the drivers on the —. 3173.
- State control of the Bengal and North Western and —. 925-26.
- Supply of suits to the guards on the —. 3169.

RAILWAY(S)—*contd.*

Shahdara-Saharanpur—

Question re—

- Alleged mismanagement on the — 3189-90.
- Dividends given by the — to its shareholders. 1118.
- Opening of the telegraph offices on the — to the public. 1119.
- Provision of latrines in third class compartments on the — 1118-19
- Reduction of third class fare on the — 1117-18.

Sind Left Bank Feeder—

Question re — 1786-87.

South Indian—

Question re—

- Amalgamation of the Madras and Southern Mahratta and the — Companies. 269-70.
- Non-appointment of an Indian as Deputy Agent of the — 819-22.
- Reduction of freight on yarn on the — 333-34.

State—

Question re—

- Allotment of residential buildings to the — Staff. 2842.
- Appeal to the Governor General in Council against an order of the Agent of a — 2769.
- Appeals against the removal of cooly Jamadar or a cooly on staff — 68.
- Applicability of certain notifications of Official Memoranda to the Staff on — 3334.
- Applicability of fundamental and supplementary rules to gazetted staff on — in respect of pay, allowances, leave, etc. 2763.
- Applicability of fundamental and supplementary rules to non-gazetted staff on — in respect of pay, allowance, leave, etc. 2763.
- Applicability of the Government Servants' Conduct Rules to the staff on — 2634-35, 2642-43.
- Changes in ranks and designations of the staff on — 3056-57.
- Committee to enquire into the working of the Government of India Presses and — Presses. 2611.
- Competent authority empowered to inflict penalties on staff on — 3135-36.
- Conductors employed on — 2849.
- Designation of heads of Departments on — 3056.
- Discontinuance of the use of castor oil as lubricant on — 2237-40.
- Dismissal or discharge of an employee by a senior scale or administrative officer on — 83.

RAILWAY(S)—*contd.*State—*contd.*Question re—*contd.*

- Disposal of appeals against orders of discharge or dismissal on — 2629.
- Exemption of the running staff from the operation of Hours of Employment Rules on — 2599-2600, 2968-69.
- Facilities to the employees of the Railway Institutes in certain matters on — 74.
- Free journeys enjoyed by beggars, *fakirs* and *sadhus* on — 1680-81.
- Free pass rules governing the journey of staff on — 2764.
- Honorary Special Magistrate dealing with cases of ticketless travelling on — 1681-84.
- Illicit travelling on — 1049-57.
- Inadmissibility of officiating allowance to non-gazetted staff on — 2841.
- Indianisation of posts in the highest grades on — 3184.
- Inspection carriages used by officers on — 3337-38.
- Inspectors of Station Accounts on certain — 1689-90.
- Introduction of new pass rules on — 3138.
- Introduction of payment of mileage system on — 1689.
- Introduction of the revised scales of pay on the certain — 48.
- Leave rules governing the teachers in — schools. 2961-64.
- Libraries and institutes subsidized by — 76.
- Maintenance of Records of subordinate non-pensionable servants on — 3372.
- Notification amending the word "Manager" to the word "Agent" as used on — 2844.
- Officer next in authority to a Divisional Superintendent on — 96, 3142.
- Pay, house rent and electricity charges, etc., paid to Assistant Surgeons on — 3332.
- Personnel organisation on — 3333.
- Personnel organisation on — and the actions taken thereon by the Railway Board. 447.
- Petitions and memorials submitted by the non-gazetted staff on — 3336.
- Policy of abolition of posts in the highest grades on — 3183-84.
- Position of teachers in — Schools. 2867.

RAILWAY(S)—contd.

State—contd.

Question re—contd.

- Power to pass an order of discharge by a senior scale officer on — 82-83.
- Powers given to Agents of — to modify the rules for the grant of allowances. 3367-68.
- Procedure on — for punishing or reducing the staff from superior to inferior service on failure to pass an Examination. 78-80, 3371.
- Provision of fans in the third and intermediate class compartments on — 983-84.
- Provision of garages and pits, etc., for non-gazetted staff on — 3343-44.
- Provision of mosquito curtains, mattresses and bed sheets in the running rooms of drivers on — 3365.
- Qualifications of Assistant Surgeons on — 3052.
- Ranks and designations with scales of pay on — 3055.
- Refusal to forward appeals of staff by Officers on — 2766-67.
- Relationship between the Agent and certain other staff on — 82.
- Rent recovered for residential buildings from — staff and outsiders. 2843.
- Responsibility of the Governor General-in-Council for the actions of the Agents of — 3183.
- Responsibility of the Secretary of State for India in Council for the actions of the Agents of — 3183.
- Retrenchment of surplus staff on — 3337.
- Retrenchment on — 2624-25.
- Revision of the pass rules for the employees on the — 1783-84.
- Rules and conditions governing allowances admissible to gazetted staff on — 2753.
- Rules and conditions governing allowances admissible to non-gazetted staff on — 2763.
- Rules for residential buildings on — 81, 3064.
- Rules governing the advancement of pay of non-gazetted staff on — 2762.
- Rules governing the allotment of residential buildings to — staff 2843.
- Rules governing the occupation of residential buildings on — 2842.

RAILWAY(S)—contd.

State—contd.

Question re—contd.

- Special pay of employees on — 1024.
- Staff of — attending meetings of the Indian Railway Conference Association. 2768.
- Staff of — attending meetings of their Trade Unions. 2768.
- Staff with defective vision employed as drivers and Assistant Loco Foremen, etc., on — 2632-33.
- Stoppage of recruitment of pensionable hands to non-pensionable establishment of — 2982-83.
- Strength of staff on — 3056.
- Ticketless travelling on — 1684-85.
- Travelling allowances of staff of — attending meetings of the Indian Railway Conference Association. 2768.
- Travelling allowances to staff on — for attending meetings of their Trade Unions. 2768.
- Uniform interpretation and application on all — of the Rules framed by the Railway Board. 61.
- Uniformity of rules for pay, allowances, appeals and seniority on — 2762.
- Use of refreshment rooms on — by police officials. 2818-19.
- Welfare Committees on — 2641
- Tinnevely-Tiruchenur—
- Question re dispute regarding the — Line. 444-45.

RAILWAY ADMINISTRATION(S)—

Question re—

- Connotation of the expression “—”. 2978.
- Educational institutions maintained by — for the education of the children of their employees. 63-66.

RAILWAY ADVERTISEMENTS—

See “Advertisement(s)”.

RAILWAY ADVISORY COMMITTEES—

Question re allowances given to the Members of the —. 2073-74.

RAILWAYS (AMENDMENT)

BILL—

See “Indian —” under “Bill(s)”.

RAILWAY BOARD—

- Question re—
 Allegations against Mr. K. M. Hassan, Deputy Director, Establishment, —. 3293-94.
 Appointment of a Sikh officer in the —. 3192-95.
 Discharge and dismissal powers delegated to certain officials by the —. 2978.
 Filling up of the vacancy of the Director of Traffic, —. 3181-82.
 Incumbent of the Post of the Deputy Director, Establishment II, —. 3372.
 Installation of a time punching machine in the — Office. 3143.
 Installation of time punching machines in the — Office. 3149-50.
 Interference by the — in the matter of purchase of the red oxide paint. 2942-43.
 Metal sleepers designed in the Central Standards Office of the —. 1989.
 Methods of recruitment in the —. 2981-82.
 Non-filling of a post of Superintendent in the —. 3348.
 Non-supply of accurate forecasts of quantities by the — re purchase of paints and varnishes. 2876-77.
 Notification investing the — with the power of the officer referred to in section 47 of the Indian Railways Act. 2843.
 Notification of the — making rules in respect of certain matters 2843-44.
 Orders issued by the — for carrying out retrenchment on the North Western Railway. 2864-65.
 Personnel organisation on State Railways and the actions taken thereon by the —. 447.
 Post of the Deputy Director, Establishment II, —. 3140.
 Promotions to the upper time-scale posts of Assistants in the —. 3348.
 —'s letter regarding revised scales of pay. 3129.
 Tenure of an officer of the —. 3196.
 Uniform interpretation and application on all State Railways of the Rules framed by the —. 61.

RAILWAY CARRIAGE(S)—

See "Carriage(s)".

RAILWAY CLEARING ACCOUNTS OFFICE—

- Question re—
 Filling up of a post of higher grade clerk in the —. 2979.
 Promotions to the post of Sub-Heads in the —. 2979-80.
 Stoppage of the recruitment of matriculates and under-graduates in the —. 2980-81.

RAILWAY COLLIERY(IES)—

See "Colliery(ies)".

RAILWAY COLLISION—

See "Collision".

RAILWAY COLONY(IES)—

- Question re—
 Vernacular schools in the — at Freelandganj, District Fanchmahals. 2627-28.

RAILWAY COMPANY(IES)—

- Question re—
 Payment of land tax by —. 2092-93.
 Payment of property tax to District Boards and Municipalities by —. 2093.

RAILWAY CONCESSIONS—

See "Concession(s)".

RAILWAY CONFERENCE ASSOCIATION—

- Question re letter from the South India Chamber of Commerce to the Indian —. 1235-36.
 See also under "Indian —".

RAILWAY CONTRACT—

- Question re Ceylon Government — for the supply of coal. 2991-92.

RAILWAY DEPARTMENT—

- Question re—
 Insistence by the — to purchase a particular brand and trade mark of articles. 95.
 Preparation of an establishment manual for the —. 1615-17.
 Tenure of the posts of Directorate establishment of the —. 7139.

RAILWAY EARNING(S)—

- Question re article entitled "A Suicidal Policy" published in the *Amrita Bazar Patrika* re — 1459.

RAILWAY EMPLOYEE(S)—

Question *re* prohibition of money lending by —. 1617-18.
See also under "employee(s)".

RAILWAY FINANCE(S)—

Question *re*—
Appointment of an expert from England to consider the question of improving the —. 271-72.
Improvement of finances and reduction in the deficit in the —. 270-71.
Question of the —. 173.
See also under "Finance".

RAILWAY INSTITUTE(S)—

Question *re*—
Facilities to the employees of the — in certain matters on State Railways. 74.
Grant of passes to the staff employed in —. 3055.

RAILWAY LABOUR—

Question *re* close observation by the Postal and Police Authorities in Calcutta on the subscribers of the —. 92.

RAILWAY LEVEL CROSSING—

See "Level Crossing".

RAILWAY LINE(S)—

Question *re*—
Construction of a — from Tanjore to Pattukottai. 2306-07.
Damages done to — in the districts of Gaya and Patna. 1559-61.

RAILWAY MAIL SERVICE—

Question *re*—
Allegations against an Inspector, —. 3361.
Arrangements for work on Sunday and postal holiday in the Howrah —. 70-71.
Compulsory insurance for the postal and — Staff. 1779.
Fixation of working hours of inferior staff in the —. 71.
Grant of holidays to the officials working in the — sorting offices. 73-74.
Grant of relaxations on Sundays and holidays to the clerks in the Sub-Record Office of the Howrah —. 71.
Reduction of one set of certain sections of the —. 3317-18.
Removal of the portrait of Lord Krishna by the Superintendent, —, "L" Division. 3360-61.

RAILWAY MEMBER—

See "Member(s)".

RAILWAY MIDDLE SCHOOLS—

See "School(s)".

RAILWAY OFFICERS—

See "Officer(s)".

RAILWAY PRESS—

See "Press(es)".

RAILWAY PRESS WORKERS' UNION—

Question *re* recognition of the — Calcutta. 2614.

RAILWAY QUARTERS—

See "Quarter(s)".

RAILWAY RAID(S)—

Question *re* system of — for detecting ticketless passengers on the Bengal and North Western Railway. 2851-53.

RAILWAY RATE(S)—

Question *re* article entitled "Proposed Changes in —" published in the *Hindu*. 1459-60.

RAILWAY REVENUE(S)—

See "Revenue(s)".

RAILWAY SERVANT(S)—

Question *re*—
Abuses of power in regard to appeals from — on the East Indian Railway. 80.
Concessional rates allowed to — for the carriage of dead bodies. 1619-19.
Disposal of appeals from — on the East Indian Railway. 81.
— and passengers killed in the accident at Seganli, Bengal and North Western Railway. 3053-54.
Rules regulating the conduct of —. 2769.
Running of businesses by the wives of —. 3341.
Statute or Act governing the conduct of —. 2769.
Submission of memorials of — to the Governor General. 92.

RAILWAY SERVICE(S)—

Question *re*—
Employment of relatives in the supervisory posts in the non-gazetted —. 3346.

RAILWAY SERVICE(S)—*contd.*

Question *re—contd.*

Representation of Muslim Sindhis and Baluchistanis in —. 2651-52.
Special class apprentices of superior —. 3303-04.

RAILWAY SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES—

See "Rule(s)".

RAILWAY STAFF—

Question *re—*

Period of submission of appeals from subordinate —. 3338.

Periodical health and eye sight examinations of the —. 2593-04.
— entitled to rent-free quarters. 2596.

Rights and privileges of the non-gazetted —. 3338.

RAILWAY STAFF—

See also "Staff".

RAILWAY STATION(S)—

Question *re—*

Abolition of the use of the word "Coolie" for porters at —. 659.
Construction of a huge — at Jamalpur, East Indian Railway. 1772-74.

Death of one Zamir Ahmad by a train at the Devi Nagar crossing near Changigarh —. 678.

Fixation of the value of a shilling in Indian Currency for the sale of English books at the Wheeler's stalls on —. 2626.

Improvement of the Hardwar —. 1912-15.

Opening of a passage direct to the Dharmashala outside the Etawah —. 673-74.

Platform tickets for persons going to — to receive Viceroys and Governors. 2517-19.

Waiting room for intermediate class passengers at the Benares Cantonment —. 670.

See also under "Station(s)".

RAILWAY STORE(S)—

Question *re—*

Imposition of import duty on — and locomotives. 2092.

Obsolete —, stock, plant and machinery etc. 2093-94.

RAILWAY TICKET(S)—

See "Ticket(s)".

RAILWAY UNDERFRAME(S)—

See "Underframe(s)".

RAILWAY WAGON—

See "Wagon(s)".

RAILWAY WORKERS—

See "Worker(s)".

RAJGIR FAIR—

Question *re* hardships experienced by pilgrims at — on account of suspension of the Bihar-Bukhtiar-pur Light Railway Train Service. 1715-17.

RANAGHAT—

Motion for adjournment *re* murder of Mail Guard Golam Sattar on a Calcutta Sirajganj train between — and Chaudanga. 772.

RANCHI—

Question *re—*

Population of the Hazaribagh and — Districts. 8.

Removal of income-tax office from Hazaribagh to —. 2728-30.

RANGA, PROF. N. G.—

Cantonments (Amendment) Bill—

Consideration of clause 22. 552-53, 554.

Consideration of clause 34. 556-57.
Consideration of clause 48. 564-65, 566.

Consideration of clause 10. 1567, 1568, 1569.

Chittagong Port (Amendment) Bill—

Motion to consider. 3044, 3045.

Code of Civil Procedure (Amendment) Bill—

Motion to consider. 3076-78.

Consideration of clauses, 3090, 3093-94.

Demand for Excess Grant in respect of—

Excise. 3253, 3254, 3255, 3256.

Indian Companies (Amendment) Bill—

Motion to consider. 647-64, 693-707.

Consideration of clause 2. 871, 874.

Consideration of clause 5. 945-46.

Consideration of clause 7. 954, 956-57, 967, 968.

Consideration of clause 15. 1089-91.

Consideration of clause 30. 1161-62.

Consideration of clause 32. 1178-79.

RANGA, PROF. N. G.—*contd.***Indian Companies (Amendment) Bill—*contd.***

- Consideration of clause 35. 1189-90.
 Consideration of clause 37. 1446, 1508, 1510.
 Consideration of clause 40. 1746-48, 1756.
 Consideration of clause 42. 1945, 2255, 2288-89.
 Consideration of clause 109. 2543-45.
 Consideration of clause 113. 2553, 2556, 2557.
 Consideration of clause 116. 2566.
 Consideration of Council of State amendments. 3252.

Indian Motor Vehicles (Amendment) Bill—

- Motions to refer to Select Committee and to circulate. 471.

Indian Railways (Amendment) Bill—

- Motion to refer to Select Committee and to circulate. 202, 207, 219.

Indian Tea Cess (Amendment) Bill—

- Consideration of clauses. 2921-22, 2923-24.

Indian Tea Control (Amendment) Bill—

- Motion to consider. 3022.
 Consideration of clauses. 3024, 3026, 3027, 3028, 3029.

Manoeuvres Field Firing and Artillery Practice Bill—

- Motion to circulate. 3283.

Motion for adjournment re—

- Abolition of the Tariff Board. 231-31.
 Revision of the Indian Currency and Exchange policy. 2707-11.

Question re—

- Action taken on the Resolution re protection to cottage industries. 1904.
 Action taken on the Resolution re State-Management of the Madras and Southern Mahratta and Bombay, Baroda and Central India Railways. 1903.
 Additional postal facilities provided for rural areas. 2081-82.
 Advisability of establishing a Central Museum for Andhra Country in Bezwada. 2987-88.
 Allegations against certain British soldiers of the Gloucestershire regiment in Madras. 105.
 Allowances given to the members of the Railway Advisory Committees. 2073-74.
 Amalgamation of Booking Offices and extension of waiting rooms at Waltair. 1903-04.
 Cattle byres in New Delhi. 2721, 3387.

RANGA, PROF. N. G.—*contd.***Question re—*contd.***

- Cleaning of carriages and latrines of trains. 1903.
 Cloth purchased by the Indian Stores Department for certain Departments. 1901-02.
 Compulsory retirement of Government servants after twenty-five years of service. 2724.
 Construction of an overbridge at the Gudur Junction Station. 2072-73.
 Construction of Railway Stations at Machavaram in the Guntur District and Nidigallu in the Nellore District. 2073.
 Contracts of agency for purchase of grains for Military and the management of Grain Depots at certain places. 2617-19.
 Deck Passengers' Conference held at Vizagapatam. 1464-66.
 Distribution and utilisation of the grant for the development of co-operative movement. 2485-86.
 Effects of the recommendations of the Tariff Board on the Cotton Textile Industry upon the handloom weavers. 2078-79.
 Extension of the Indian Trade Union Act to the Bangalore Cantonment. 2986-87.
 Failure of crops in Ahmedabad and other districts of Gujerat. 85.
 Filling up of the vacancy of the Director of Traffic, Railway Board. 3161-82.
 Grant of house-rent to duffries at Simla. 2722-24.
 Help to the handloom weavers. 2077-78.
 Historical Monuments at Chelrole in the Guntur District. 2988.
 Lascars employed on the F. L. V. "Danidaw" and "Kalagonk" plying in the Rangoon Port. 1464.
 Minor accidents on the Madras and Southern Mahratta Railway. 1902-03.
 Peons and duffries of the Government of India Offices required to attend fire parades. 3338-39.
 Permanent extension of the salt concessions to the North Vizagapatam District. 1467.
 Persons arrested in connection with the "Agency Rebellion" in the Madras Presidency. 446-47.
 Production and distribution of quinine in the provinces. 2479-80.
 Proposed retrenchment of railway staff and the lowering of wages and salaries. 2062-84.

RANGA, PROF. N. G.—*contd.*Question re—*concl'd.*

- Protection of the monuments of the ancient Amaravati Buddhist Stupa in the Guntur District. 2987.
- Railway concession for transport of fodder to the famine-stricken areas in Guzerat and Maharashtra. 2943.
- Railway concession for transport of food and fodder to the famine-stricken areas in the Jhalod Taluka and Panchmahal District. 2943.
- Ratification of the International Labour Convention regarding forced labour. 2075-77.
- Recognition of the Andhra Passengers' Association, Bezwada, by the Madras and Southern Mahratta Railway. 2079-80.
- Recommendations of the Royal Commission on Labour pertaining to Railways. 1857-58.
- Recruitment to the Income-tax Department. 2074-75.
- Relief given to the peasants of Bengal in the famine-ridden areas. 1604-07.
- Report of the Wheeler Committee. 2938-39.
- Reports of the Local Governments upon the distribution and utilisation of the Rural Development Grant. 2480-85.
- Retiring pension for record sorters and duffries. 2721-22.
- Sale of quinine in England and other countries. 2343-44.
- Salt concessions availed of in the famine-stricken areas in Bengal. 2486.
- Strike in the Bangalore Tobacco Factory. 2964-86.
- Strike in the Beawar Mills. 851-52.
- Uniformity in the office hours in the Civil Secretariat and the Army Headquarters. 2937.
- Uniformity in the office hours of the several Government of India Departments on Saturdays. 2938.
- Unsympathetic and anti-Indian attitude of the Educational Advisor for Indian students at Oxford. 75-76.
- Visit of a deputation of the Members of the Legislative Assembly to the Andamans. 2284.
- Working of the Payment of Wages Act in Burma. 1466.

RANGA, PROF. N. G.—*contd.*

Question (Supplementary) re—

- Abolition of the Tariff Board. 1221-22.
- Allegations against the staff of the Rohilkund and Kumaon Railway. 3170-72.
- Anti-Indian propaganda abroad. 749-50.
- Applications for the grant of export quotas of tea by the Tawnpong and other States. 1615.
- Appointment of a Committee to advise the Indian Navigation Company regarding the complaints of the passengers. 923.
- Appointment of a Committee to enquire into the finances of Railways. 491-92.
- Appointment of a Sikh officer in the appointments under the control of the Home Department. 3196-99.
- Article entitled "Borrowing of Local Bodies" published in the *Indian Finance*. 2438.
- Article entitled "Development of Road Transport" published in the *Hindustan Times*. 1924.
- Article entitled "Full Speed Ahead" regarding agricultural improvements published in the *Amrita Bazar Patrika*. 1933.
- Article entitled "Indian Air Force" published in the *Statesman*. 1922.
- Article entitled "India's Defence" published in the *Statesman*. 432-34.
- Article entitled "Indo-Japanese Trade Talks" published in the *Statesman*. 2004.
- Article entitled "Inter-related problems" published in the *Hindustan Times* regarding unemployment problem. 499-500.
- Article entitled "Road Rail Problems" published in the *Statesman*. 1931.
- Article entitled "Ryots and Research" published in the *Hindu*. 1602.
- Article entitled "Secondary Education in India" published in the *Hindu*. 762-65.
- Article entitled "The Madras Budget" published in the *Madras Mail*. 442-44.
- Article entitled "The Secret Agent" published in the *Statesman*. 2492.
- Article entitled "Unemployment" published in the *Hindu* regarding educational reconstruction. 1595.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—contd.*

- Books forfeited under a certain notification of the Finance Department. 674-75.
- Books, periodicals and films prohibited from entering India. 2603.
- Campaign of fight against malaria scourge. 766-67.
- Change in the nomenclature of the Poona Bangalore Mails. 1711.
- Circular issued by the Inspector General of Police, Punjab, to regulate the number of passengers in motor buses. 1624.
- Circulation of Bills affecting women's rights. 1792.
- Conclusions arrived at by the Transport Advisory Council in Simla. 2506.
- Convention *re* establishment of a machinery for fixing minimum wages. 260.
- Consultation of commercial and industrial opinions after giving notice of termination of the Ottawa Trade Agreement. 754-55.
- Dates for the election to the Provincial Legislature. 2186.
- Dead and unclaimed amount lying in the Post Office Saving Bank. 1004-06.
- Delay in the supply of Government of India publications to the public. 2748.
- Details of certain allowances of His Excellency the Viceroy's Household. 509-10.
- Development of an All-India policy for Indian Ports. 2591.
- Discrimination by Malaya and Ceylon against India. 341.
- Dismissal of certain scavengers at Waltair by the Bengal Nagpur Railway. 1770.
- Duty and function of the police force on railway stations. 2816.
- Duty on the imports of Aden salt into India after separation. 2096.
- Effect of taking into the Indian Civil Service of nominated persons. 425.
- Employment of Indians in the Office of the High Commissioner for India. 1470-72.
- Encouragement of the cottage and small industries. 342-43.
- Encouragement to the cottage and small industries. 182.
- Explosion in a colliery at Sitarampur. 1923.
- Financial position of the Railways. 180.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—contd.*

- Fixation of the prices of Government publications. 1867-68.
- Fixation of time for election to the Provincial Legislatures. 166.
- Freedom of speeches to the Members of the Legislative Assembly in their constituencies. 2945.
- Functions and duties of the Imperial Dairy Experts. 3132-33.
- Government Cottage Industries Institute, Delhi. 504-05.
- Government deposits with the Reserve Bank of India. 501-03.
- Grant for broadcasting. 849-50.
- Grievances and demands of the agriculturists of the Delhi Province. 906.
- Help to private flying clubs in India. 2504.
- Honorary Magistrates in the Centrally administered areas. 829-30.
- Implementing of the convention on forced labour. 2623.
- Import duty on motor vehicles. 2092.
- Importation of vegetable ghee into India. 1611.
- Improvement of the Kalka-Simla Railway service. 2742.
- Indian delegation to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2172, 2173.
- Indian delegation voting against the British delegation in the League of Nations. 2512.
- India's Defence problems. 511-12.
- Initialling of the notes on research made by readers by the Librarian of the Imperial Library. 362-64.
- Inspection of the accounts of the Tata Iron and Steel Company, Limited. 244.
- Interview of candidates for certain posts in the Broadcasting Department. 2751.
- Investigation to find out the cost of cultivation of crops. 2761.
- Invitations to the members of the Legislative Assembly to visit Andamans. 759-60.
- Issue of postage stamps and currency with the New King's effigy. 823.
- Jail offences committed in the Cellular Jail. 994-96.
- King George Memorial Fund. 2071, 2072.
- Labour conditions on the Madras and Southern Mahratta Railway. 921-22.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—contd.*

- Leave, passes, etc., of the staff on the Bengal and North Western Railway. 2857.
- Letter entitled "Transport Advisory Council Meeting" published in the *Roy's Weekly*. 1927-29.
- Loading and unloading work of the railways done by the porters. 2620.
- Loans taken by the Indian States from the British Government. 768-70.
- Making of the Postal Department partly a commercial and partly a service department. 170.
- Measures to combat unemployment. 1847-48.
- Mechanisation in the Army in India. 2491.
- Method of circulation of bills for eliciting public opinion. 1706-07.
- Negotiation for an Indo-Japanese Trade Agreement. 439-40.
- Negotiations for an Indo-British Trade Agreement. 2501-02.
- Negotiations for an Indo-Japanese Trade Agreement. 12, 335-36, 2494.
- Negotiations for the establishment of better trade relations with foreign countries. 2013.
- Negotiations for the Tungabhadra Project. 251.
- New rules for recruitment to the Indian Civil Service. 423-24, 577-78, 1926.
- Non-applicability of the Child Marriage Restraint Act to non-regulated provinces, administered areas and Cantonments. 2750.
- Non-supply of the copies of Acts and of Budgets, as finally passed by the Legislative Assembly to the members of the Assembly. 1866-01.
- Object in transporting terrorist prisoners to the Andamans. 990-91.
- Officers under training for Political Agency and Residencies. 2824.
- Order of the District Magistrate of Midnapore served on Mr. Amarendra Nath Chattopadhyaya. 434-38.
- Organisation of public works in connection with the relief of unemployment. 257-58.
- Overcrowding in railway compartment. 831-32.
- Pacts entered into between the Government of Great Britain and the Communist Government of Soviet Russia. 842.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—contd.*

- Paddy imported from Siam to India. 250.
- Permission to Provincial executive Councillors to stand for election. 2499.
- Planning of public works. 1225-26.
- Plight of weavers in Madras. 1999.
- Political prisoners confined in the Cellular Jail in the Andamans. 835-41.
- Possibilities of industrialization in India. 518-19.
- Production of quinine in India. 2016, 2017.
- Progress made in the village uplift work in the centrally administered areas. 2319.
- Prohibition of moneylending by railway employees. 1618.
- Protection to the cocoanut industry. 2576, 2579, 2580.
- Protection to the handloom industry. 1462.
- Provision of extra postmen for leave arrangements. 1861-63.
- Quota principle of regulating trade between India and Japan. 2592.
- Rates of commission charged by the Imperial Bank of India and advances made by it. 3143-45.
- Rates of edibles in Indian refreshment rooms on the East Indian Railway. 1620, 1621.
- Recommendations of the Royal Commission on Agriculture given effect to. 843-45.
- Re-distribution of income-tax areas. 2975.
- Redress of the grievances of the third class passengers. 177, 178, 981-83.
- Reduction of fare between Madras and Delhi and speeding up of the Grand Trunk Express. 2339.
- Reduction of third class fare between Bezvada and Masulipatam on the Madras and Southern Mahratta Railway. 2340.
- Release of Mr. Subhash Chandra Bose. 253.
- Report of Sir Otto Neimeyer. 171.
- Report of the Istamrardars Enquiry Committee. 3065.
- Representations made by the prisoners of the Cellular Jail. 989-90.
- Reservation of intermediate and third class seats on the East Indian Railway. 1487-89.
- Reservation of Kenya Highlands to Europeans. 353.

RANGA, PROF. N. G.—*contd.*Question (Supplementary) *re—concl'd.*

Revision of the pass rules for the employees on the State Railways. 1784.

Rules regarding conduct of elections under the coming reforms. 2976.

Rumoured resignation of his office by Sir Osborne Smith, Governor of the Reserve Bank of India. 2495-96.

Schemes for the relief of unemployment suggested by the Sapru Committee. 259.

Seizure by Customs authorities of certain books. 2311.

Share of Indians in the quota of immigration allowed into the United States of America. 1463-69.

Signing of any Indo-Japanese Trade Agreement in England. 751-52.

Situation arising out of the closing of the Ahmedabad Mills. 2946, 2947.

State control of the Madras and Southern Mahratta Railway. 268.

Steps taken to improve the plight of handloom weavers. 770-71.

Subsidy for distribution among the sugar-cane centres in the Madras Presidency. 17-18.

Supply of suits to the guards on the Rohilkund and Kumaon Railway. 3169.

System of Railway Raid for detecting ticketless passengers on the Bengal and North Western Railway. 2852.

Tax on wells in the Delhi Province. 904-06.

Taxation proposals of provincial Governments and Coal a Cess in Bihar. 1133-134.

Taxes levied by the Dehra Dun Cantonment from the inhabitants of certain villages. 1715.

Temporary trade agreements between India and Great Britain. 1212-15.

Termination of the sanctions against Italy. 846-47.

Unemployment problem. 1000-02.

Uniformity of rules for pay, allowances, appeals and seniority on State Railways. 2762.

University Training Corps. 184.

Views regarding the British Government's Policy in Palestine. 847-49.

Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3070-71.

Work done by the Central Marketing Board. 267.

RANGA, PROF. N. G.—*concl'd.*

Red Cross Society (Allocation of Property) Bill—

Consideration of clauses. 3032.

Motion to pass. 3034.

Resolution *re* interference from public servants in the ensuing elections. 2222.

RANGOON—

Question *re—*

Competition between certain shipping companies plying between — and the ports in Bengal. 2496-97.

Lascars employed on the F. L. V. "Danidaw" and "Kalagonk" plying in the — Port. 1464.

Transfer of a portion of the Postal Audit Office, Madras, to —. 2960-61.

Wireless wheatstone system for working between — and Madras. 3383-84.

RANGPUR POSTAL DIVISION—

Question *re* retrenchment in the — in disregard of the Government orders. 2664.

RANIPET—

Question *re* absence of a platform at the — Railway Station, Madras and Southern Mahratta Railway. 767-68.

RANK(S)—

Question *re—*

Changes in — and designations of the staff on State Railways. 3056-57.

— and designations with scales of pay on State Railways. 3055.

— of officers under district system equivalent to senior officers under divisional system on Railways. 3055-56.

RAO, SIR M. RAMACHANDRA—

Expressions of regret on the death(s) of Khan Bahadur Mian Sir Fazli-Husain, — and Mr. R. S. Lamb. 105-09.

RATE(S)—

Question *re—*

Concessional — allowed to railway servants for the carriage of dead bodies. 1618-19.

Grant of concession — for transport of fodder by rail into famine-stricken areas in the Bombay Presidency. 1793.

Increase in the water — in the Lahore Cantonment. 1009.

RATE(S)—*contd.*Question *re*—*contd.*

Issue of single and return tickets at reduced — from Shahabad Markanda on the North-Western Railway to certain places. 2839.
— charged for articles of necessity in the precincts of railways. 1678-680.

RATIFICATION(S)—

Question *re*—

— of the International Labour Convention of forty hours a week. 256.
— of the International Labour Convention regarding forced labour. 2075-77.

RATIO(S)—

Question *re* — in the recruitment of Assistant Surgeons for Railways. 3052.

RATNA PRAKASH. MR.—

Question *re* externment order on one Mr. —, a member of the Delhi Provincial Congress Committee. 1994-95.

RAU. MR. P. R.—

Demand for Supplementary Grant in respect of—
Payments to Indian States and Companies. 3264-65
Oath of office. 1899.

RAU. MR. P. S.—

Indian Railways (Amendment) Bill—
Motions to refer to Select Committee and to circulate. 134-135.
Oath of office. 2.

RAW MATERIAL(S)—

Question *re* indigenous supplies of raw — for the glass industry. 1481.

RAWALPINDI—

Question *re*—

Appointment of Mr. Hales as Divisional Superintendent, — Division of the North Western Railway. 3370-71.

Maltreatment of the Muslim staff by the Postmaster, —. 19.

READER(S)—

Question *re* initialling of the notes on research made by — by the Librarian of the Imperial Library. 362-64.

REBELLION(S)—

Question *re* persons arrested in connection with the "Agency —" in the Madras Presidency. 446-47.

RECIPROCAL TRADE AGREEMENT(S)—

See "Trade Agreement(s)".

RECIPROCITY—

Question *re* negotiations for Trade Agreements on the basis of —. 601.

RECLAMATION—

Question *re* convict settlements in India for the — of Criminal Tribes. 969.

RECOMMENDATION(S)—

Question *re*—

Effects of the — of the Tariff Board on the Cotton Textile Industry upon the handloom weavers. 2078-79.

Giving effect to the — of the Tariff Board on the Cotton Textile Industry. 1144, 1237.

— for a second chamber for Assam. 2019-20.

— of the Amery Tribunal in respect of the Indo-Burma Financial Settlement. 2014-15.

— of the Committee on conservation of coal. 752-53.

— of the Hides Committee. 1117.

— of the Indo-Burma Financial Tribunal. 1222.

— of the Legislative Assembly on the Hammond Committee Report. 1899.

— of the Royal Commission on agriculture given effect to. 843-45.

— of the Royal Commission on Labour pertaining to Railway. 1857-58.

— of the Royal Commission on Labour regarding periodical eye-sight test of workers. 2595-96.

— of the Royal Commission on Labour regarding railways. 2596

RECONSTRUCTION FUND—

Question *re* amount allotted to the village — for Assam. 2621-22.

RECORD(S)—

Question *re* maintenance of — of subordinate non-pensionable servants on State Railways. 3372.

RECORD SORTER(S)—

Question *re* retiring pension for — and duftries. 2721-22.

RECORD SUPPLIER(S)—

Question *re* duties of — in the Central Forms Store, Calcutta. 2615-16.

RECOVERY(IES)—

Question *re* — of overdrawn leave allowances from the inferior staff of the Central Telegraph Office, Calcutta. 2657.

RECREATION CLUB—

Question *re* — of the Central Telegraph Office, Calcutta. 2659-60.

RECRUITING DEPOT(S)—

Question *re* opening of — at certain places in Assam. 2972.

RECRUITMENT(S)—

Question *re*—
Communal composition of candidates declared successful in the examination for — of wireless operators. 3319.

Examination for — of clerks in the Delhi General Post Office. 3190.

Examination for — of clerks in the Government of India Secretariat and attached offices. 3374-77.

Examination for — of clerks in the Telephone Revenue Accounting Office, Delhi. 818-19.

Future — and control of the Indian Civil Service. 2188.

Men qualified for first and second divisions awaiting appointment in Government of India Offices and — made in the Foreign and Political Department. 3152.

Methods of — in the Railway Board. 2981-82.

New Rules for — to the Indian Civil Service. 140-60, 358-60, 423-24, 430, 577-78, 578-79, 742-43, 757, 1925-26.

— of persons during the last War. 3307.

Policy of — to the Dehra Dun Indian Military Academy. 740-42.

Raising of service limit for — to the cadre of Engineering Supervisors of the Telegraph Engineering Branch. 3382.

— in Post Offices of the sons and relatives of Postal staff. 2831.

— in superior grades of the Bombay, Baroda and Central India Railway. 2957.

RECRUITMENT(S)—*contd.*

Question *re*—*contd.*

— of a Sikh in the office of the Superintendent of Viceregal Estate. 3150-51.

— of Assamese in the Assam Rifles. 680.

— of Biharis and Uriyas in the Dead Letter Office, Calcutta. 2831-32.

— of Gurkhas in the Assam Rifles. 2971-72.

— of more Indians to the Indian Medical Service. 2827.

— of Muslims as Engineering Supervisor, Telegraphs. 3164.

— of Muslims as telephone operators in the Lahore Engineering Division. 3164-65.

— of Muslims in the Indian Medical Service. 2827.

— of officers from the provinces in the Government of India Secretariat. 1473-75.

— of staff for electric stations to be opened at Meerut City, Muzaffarnagar and Saharanpur. 3310-11.

— to the cadre of Divisional Accountants. 70.

— to the Income-tax Department. 2074-75.

— to the Indian Medical Service. 507-09.

Regulations for — of Station Masters and Assistant Station Masters on the East Indian Railway. 2770-71.

Routine grade examination for — to the Government of India Secretariat. 602-03.

Rules for the — and training of clerical staff and the avenues for their promotion on the East Indian Railway. 1020.

Rules for the — and training of non-gazetted staff on the Eastern Bengal Railway. 1022-23.

Rules governing the — of Britishers to the Indian Civil Service. 1477-78.

Safeguarding of the interests of Muslims in the Posts and Telegraphs Department in observance of new rules for —. 3167-68.

Stoppage of the — of matriculates and under-graduates in the Railway Clearing Accounts Office. 2960-81.

Stoppage of — of pensionable hands to non-pensionable establishment of State Railways. 2982-83.

RECRUITMENT RULES—

See "Rule(s)".

RED CROSS SOCIETY (ALLOCATION OF PROPERTY) BILL—

See "Bill(s)".

RED OXIDE PAINT—

Question re—

Contract for the supply of — for railway wagons and underframes. 2940-41.

Interference by the Railway Board in the matter of purchase of the —. 2942-43.

Tender for the supply of Indigenous —. 3312-13.

Tenders for — accepted by the Indian Stores Department. 2331-32.

See also under "Paint(s)".

REDUCTION—

Motion for adjournment re — of the import duty on Grey Cotton Goods on bordered and bleached cotton goods imported from the United Kingdom. 365.

Question re—

Basis for anticipated — in staff on railways. 2983-84.

— in the staff of the Railways. 2066-67.

— of freight on yarn on the South Indian Railway. 333-34.

— of one set of certain sections of the Railway Mail Service. 3317-18.

— of pay of retrenched staff in the Delhi Division of the North Western Railway on their absorption in other posts. 3187.

— of Telephone Trunk Call charges. 3320-21.

REFORM(S)—

Question re—

Fiscal —, State help for industries and development of the resources of the country. 1212.

Rules regarding conduct of elections under the coming —. 2976-77.

REFORMED LEGISLATIVE ASSEMBLY—

Question re shortage in the number of voters for the — of Madras. 930-31.

REFRESHER COURSE(S)—

Question re — of Railways. 3346.

REFRESHMENT ROOM(S)—

Question re—

Absence of Hindu and Muslim — on the Rohilkund and Kumaon Railway. 3176.

REFRESHMENT ROOM(S)—contd.

Question re—contd.

Allegation against a Police Sub-Inspector at the Moradabad Hindu —. 2819.

Electric charges realised from Indian — on the East Indian Railway. 1676-77.

Muslim — at certain railway stations. 2828-29.

Rates of edibles in Indian — on the East Indian Railway. 1619-21.

Rent charged by the East Indian Railway for —. 77.

Rent of Indian — on the East Indian Railway. 1677-78.

Rent of — buildings with furniture on the North Western Railway. 1675-76.

Use of — on State Railways by police officials. 2818-19.

REFUGEE(S)—

Question re—

Afghan — deported from Persia. 2819-20.

— and State Prisoners in Bihar and Orissa. 2820-21.

REFUND(S)—

Question re — of the amount paid by the Nasirabad Cantonment Board for the supply of water. 1712.

REFUNDS (GENERAL)—

Demand for Excess Grant. 3262.

REFUNDS (RAILWAYS)—

Demand for Excess Grant. 3263.

REGISTERED LETTERS—

See "Letter(s)".

REGULATION(S)—

Question re—

Detenus under — III of 1818. 919-20.

Overhauling of the jail rules and —. 1120-27.

— for recruitment of Station Masters and Assistant Station Masters on the East Indian Railway. 2770-71.

— regarding disciplinary action against railway staff. 100.

Uniformity in Provincial Excise —. 415-16.

Varying excise rules and — in the different Provinces. 585-86.

RELATION(S)—**Question re—**

- Indo-Ceylon Trade — 575-76.
 Travelling expenses to the — of
 detenues confined in the Deoli
 Detention Camp. 3295-96.
 Employment of — in the supervisory
 posts in the non-gazetted railway
 service. 3346.
 Promotions of the — of gazetted
 officers on the East Indian Rail-
 way. 1037-38.

RELEASE—**Question re—**

- of certain classes of prisoners on
 the occasion of the coronation of
 His Majesty the King-Emperor.
 341-42.
 — of Mr. Subhash Chandra Bose.
 252-53, 353-54, 581, 744-45, 1995-96.

RELIEF—

- Question re —** given to the peasants
 of Bengal in the famine-ridden
 areas. 1604-07.

RELIEVING ALLOWANCE—

See "Allowance(s)".

REMARK(S)—

- Question re** adverse — recorded in
 Confidential Reports of non-gazetted
 staff on railways. 3139.

REMISSION—

- Question re —** of sentence passed on
 the accused in the Coimbatore
 Extortion Case. 1134-36.

REMODELLING—

- Question re —** of the Howrah Railway
 Station. 45-46.

REMOUNT DEPOT—**Question re—**

- Clearing away of a mango garden for
 the construction of quarters for
 the menial staff of the Saharanpur
 —. 2088-89.
 Demolition of the superior staff
 quarters in the Dicky Bazar in
 Saharanpur —. 2084-86.
 Dicky Bazar in the Saharanpur —.
 2089-90.
 Land taken for Babugarh —. 3332-
 33.
 Quarters for the staff of the Saha-
 ranpur —. 2087-88.

RENT—**Question re—**

- Grant of free quarters or — in lieu
 to the ticket collectors on the
 East Indian Railway. 3138.
 Grant of house — to duffries at
 Simla. 2722-24.
 Railway staff entitled to — free
 quarters. 2596.
 — charged by the East Indian Rail-
 way for refreshment rooms. 77.
 — of Indian refreshment rooms on
 the East Indian Railway. 1677-
 78.
 — of refreshment room buildings
 with furniture on the North
 Western Railway. 1675-76.
 — paid by the Indian Railway Con-
 ference Association for Govern-
 ment buildings at Delhi. 3062.
 — recovered for residential buildings
 from State Railway staff and
 outsiders. 2843.
 Rules for charging — from the
 employees on the East Indian
 Railway. 2630.

REPAIR(S)—

- Question re —** to feeder roads connect-
 ing the railway stations. 2752-54.

**REPEALING AND AMENDING
BILL—**

See "Bill(s)".

REPORT(S)—

- Motion for adjournment re** Sir Otto
 Neimeyer's —. 190.
Presentation of the Report of the
 Public Accounts Committee. 1246-
 1417.
Question re—
 Adverse remarks recorded in Confi-
 dential — of non-gazetted staff
 on railways. 3139.
 Article entitled "Madras and Nei-
 meyer —" regarding borrowing
 arrangements of provinces. 656-
 56.
 Confidential — on the work of the
 staff maintained in the Govern-
 ment of India offices. 1032-33.
 Discussion of the — of Sir Otto
 Neimeyer in the Legislative Assem-
 bly. 739-40.
 Government's action on the — of
 the Tariff Board on the Cotton
 Textile Industry. 1240-42.
 Opinions on the — of Sir Otto
 Neimeyer. 655.
 Public opinion on the — of Sir Otto
 Neimeyer. 2014.

REPORT(S)—*contd.*Question *re*—*contd.*

- Publication of the — of Mr. S. S. Markham, Empire Secretary, Museum Association, on the Museums in India. 1040.
- Publication of the — of Sir Otto Neimeyer. 266.
- Recommendations of the Legislative Assembly on the Hammond Committee —. 1899.
- entitled "Sir Sikandar's Assurance to Unionists" published in the *Hindustan Times*. 2010-12.
- of Sir Otto Neimeyer. 170-73.
- of the Application Committee on Financial Adjustment between India and Burma. 3357.
- of the Commission of Enquiry concerning the Riot in Zanzibar. 1495-1504.
- of the Committee on Financial Settlement between Burma and the Shan States. 3357-58.
- of the Committee that visited a certain school on the East Indian Railway. 3182.
- of the Income-tax Enquiry Committee. 243.
- of the Istamrardars Enquiry Committee. 3065.
- of the Local Governments upon the distribution and utilisation of the Rural Development Grant. 2480-85.
- of the Misra Committee on the position and salary of travelling ticket examiners on the East Indian Railway. 2772.
- of the Postal Enquiry Committee. 2656.
- of the Saprū Committee on unemployment. 34-36.
- of the Special Officer (Mr. Hume) and Kilokri Sewage Farm Committee. 908.
- of the Special Tariff Board. 500-01.
- of the Wheeler Committee. 241-43, 244-45, 757-58, 2938-39.
- of the Zanzibar Riot Enquiry Committee. 491.
- on the health of Mr. Subhash Chandra Bose. 2990-91.
- of the Public Accounts Committee (consideration postponed). 3265.

REPRESENTATION(S)—

- Motion for adjournment *re* non- — of Abyssinian Delegates in the meeting of the League of Nations. 1625-27.

REPRESENTATION(S)—*contd.*Question *re*—

- Dealing of — and appeals of staff in the Posts and Telegraphs Directorate. 2739-40.
- Muslim — in the Electrical and Accounts Departments of the North Western Railway. 2645.
- held up for claims of old scales of pay by the Postmaster General, Bombay. 3350.
- made by Members of Central Legislatures regarding serious abuse of powers by administrative officers on railways. 3335.
- made by the prisoners of the Cellular Jail. 989-90.
- made on behalf of the Brahmins of the United Provinces by the Brahmin Sabha, Ferozepur. 2950.
- of Indians in Ceylon on the Immigration Commission. 2754-55.
- received from the detenus regarding treatment meted out to them. 3295.
- Special labour — in the Provincial Legislative Councils. 2227.

REPRESENTATIVE(S)—

- Question *re* allowances of the — of the ex-King of Burma. 2624-25.

REPRESSION—

- Question *re* — Policy in India. 1916-18.

REPRESSIVE LAW(S)—

- Question *re* examination of the working of the — with a view to their revision. 1233-35.

REQUISITE(S)—

- Question *re* use of office — for the benefit of the gazetted officers on the East Indian Railway. 1025-27.

RESEARCH(ES)—

- Question *re*—
- Development of nutritional — in India. 753.
- Initialling of the notes on — made by readers by the Librarian of the Imperial Library. 362-64.
- works carried out by the Imperial Dairy Expert. 3134-35.

RESERVATION(S)—

Question *re*—

- Enquiry into the working of the Clove Growers' Association in Zanzibar and — of Kenya Highlands for Europeans. 753-54.

RESERVATION(S)—contd.**Question re—contd.**

- of four first class berths on payment of one fare on railways. 2160-61.
- of intermediate and third class seats on the East Indian Railway. 1487-89.
- of Kenya Highlands to Europeans. 353.
- of one bay of No. 4 shed within the Howrah Goods sheds. 1008.
- of some compartments for men only on railways. 660.

RESERVE BANK OF INDIA—

Motion for adjournment *re* alleged active acquiescence of the Government of India in the recent political activities of Sir Sikandar Hayat Khan, a Deputy Governor of the —. 364.

Question re—

Demand made by the — on scheduled bank. 2155-56.

Government deposits with the —. 501-03.

Interview of Sir Sikandar Hayat Khan, Deputy Governor of the — with the Finance Member. 2008-10.

Resignation by Sir Sikandar Hayat Khan from the Deputy Governorship of the —. 2977.

Rumoured resignation of his office by Sir Osborne Smith, Governor of the —. 2495-96.

RESERVE CLERK(S)—

See "Clerk(s)".

RESIDENCE(S)—

Question *re* invidious treatment in the allotment of — to the staff of the Locomotive Department at Calcutta. 2644-45.

RESIDENCY(IES)—

Question *re* officers under training for Political Agency and —. 2823-24.

RESIDENTIAL BUILDINGS—

Question *re* rules for — on State Railways. 3054.

See also under "Building(s)".

RESIGNATION(S)—**Question re—**

— by Sir Sikandar Hayat Khan from the Deputy Governorship of the Reserve Bank of India. 2977.

RESIGNATION(S)—contd.**Question re—contd.**

Rumoured — of his office by Sir Osborne Smith, Governor of the Reserve Bank of India. 2495-96.

RESOLUTION(S)—**Question re—**

Action taken on the — *re* construction of locomotives in India. 924-25.

Action taken on the — *re* Ottawa Trade Agreement. 188.

Action taken on the — *re* protection to cottage industries. 1904.

Action taken on the — *re* State management of the Madras and Southern Mahratta and Bombay, Baroda and Central India Railways. 1903.

Effect given to the — *re* appointment of a Joint Standing Army Committee. 1485.

— passed by the Cordite Factory Labour Union, Aruvankadu. 3072.

— *re* indebtedness of agriculturists. 1795-1840.

Interference from public servants in the ensuing election. 1840-41, 2192-2223, 2233-36, 2668-2700.

REST HOUSE(S)—

Question *re* officers — at Simla. 2846-49.

REST ROOM(S)—

Question *re* provision of — for Indian guards at certain Railway stations. 3169.

RESTRAINT ORDER(S)—

See "Order(s)".

RESTRICTION(S)—

Motion for adjournment *re* — by the United Provinces Government on the movements of the general public at Lucknow. 1244-46.

Question *re* — on the movement of Mr. Sailendra Nath Ghose, a Political exile in the United States. 3297.

RETIREMENT(S)—**Question re—**

Compulsory — of Government servants after twenty-five years of service. 2724.

Proposal for the — of Government servants who have attained the age of fifty years. 3352.

— of officers who have served their usual terms in the Assam Rifles. 680-81.

RETIREMENT(S)—*contd.*

Question *re—contd.*

— of Government servants at the age of 50. 3327.

Voluntary — of staff under economy campaign in the Moradabad Division, East Indian Railway. 2765.

RETIRING PENSION—

See "Pension(s)".

RETRENCHED CLERK(S)—

See "Clerk(s)".

RETRENCHED PERSONNEL—

Demand for Excess Grant in respect of 'Expenditure on — charged to Revenue'. 3261.

RETRENCHED STAFF—

See "Staff".

RETRENCHMENT—

Question *re—*

Court of Enquiry regarding the — of staff on railways. 2624.

Orders issued by the Railway Board for carrying out — on the North Western Railway. 2864-65.

Proposed — of railway staff and the lowering of wages and salaries. 2082-84.

— in the Rangpur Postal Division in disregard of the Government orders. 2664.

— of surplus staff on State Railways. 3337.

— on railways. 927-29, 1900-01.

— on State Railways. 2624-25.

RETROSPECTIVE EFFECT—

Question *re —* to concessions granted to railway staff. 3366.

RETURN(S)—

Question *re—*

Indians outside India externed or not permitted to — to India for political reasons. 1858.

Notices sent out by Income-tax officers to income-tax payers to send in their —. 2095-96.

RETURN TICKET(S)—

Question *re —* for intermediate and third class passengers on certain railways from Simla. 3184.

See also under "Ticket(s)".

REUTER—

Question *re —*'s message headed "Torture of Indians" published in the *Hindu*. 1764.

REVENUE(S)—

Question *re—*

Arrears in Nazul — in Delhi. 2817.
Customs — realised on foreign radio sets. 900.

Losses to Railway —. 2766.

Persons paid from Indian — in the United Kingdom and the British Colonies. 2161-62.

Steps taken to improve the Railway — and reduce the Railway Expenditure. 1145.

REVISED SCALES OF PAY—

See "Pay".

REVISION—

Question *re—*

— of the Free Pass Rules on the East Indian Railway. 684.

— of the Indo-Japanese Trade Agreement. 1230-40.

— of the pass rules for the employees on State Railways. 1783-84.

REWARD(S)—

Question *re —* given to Indian soldiers for meritorious services in Addis Ababa. 2752.

REYNOLD'S WEEKLY—

Question *re* comment of the — on the arrest of Mr. Subhash Chandra Bose. 427.

RICE—

Question *re—*

Import of — in the husk in the Madras Presidency. 2970-71.

Standing Committee on — of the Imperial Council of Agricultural Research. 3068-69.

RICKSHAW ALLOWANCE—

See "Allowance(s)".

RIFLE SHOOTING—

Question *re* practising of — with an air-gun by the volunteers of the Hindustani Seva Dal. 661-62.

RIOT(S)—

Question *re—*

Report of the Commission of Enquiry concerning the — in Zanzibar. 1495-1504.

Report of the Zanzibar — Enquiry Committee. 491.

Zanzibar Indian National Association's memorandum submitted to the — Inquiry Commission. 512, 431-32.

ROAD(S)—

Question *re*—

Allotment made for the Burdwan-Arambagh — from the Development Fund. 2340-41.

Article entitled “— and — Transport” published in the *Madras Mail*. 2312.

Paucity of drinking water taps at street corners or — crossings in New Delhi. 1607.

Provision of proper — and lighting in the Saddar Bazar area of the Benares Cantonment. 1767-68.

Repairs to feeder — connecting the railway stations. 2752-54.

“ROAD AND RAIL POSITION THROUGHOUT THE WORLD”—

Question *re* article entitled — published in the *Hindustan Times*. 1999-2000.

“ROADS AND ROAD TRANSPORT”—

Question *re* article entitled — published in the *Madras Mail*. 2312.

ROAD CESS—

See “Cess(es)”.

ROAD DEVELOPMENT FUND—

Question *re* allotment made for the Burdwan-Arambagh Road from the —. 2340-41.

ROAD DEVELOPMENT SCHEME(S)—

Question *re* alleged neglect of — in Bihar. 1047-48.

ROAD-RAIL PROBLEMS—

See “Problem(s)”.

ROAD TRANSPORT—

Question *re* article entitled “Development of —” published in the *Hindustan Times*. 1923-24.

ROAD VAN CLERKS—

See “Clerk(s)”.

ROBERTSON, MR. G. E. J.—

Indian Companies (Amendment) Bill—

Consideration of clause 22. 1104.

Consideration of clause 32. 1166-67.

Consideration of clause 37. 1453-54.

Consideration of clause 40. 1718-20, 1724.

Consideration of clause 42. 2104, 2117-18, 2121, 2259.

Consideration of clause 44. 2354-55.

Consideration of clause 97. 2450-51.

Oath of office. 1.

ROHILKUND AND KUMAON RAILWAY—

See “Railway(s)”.

ROHRI—

Question *re* working hours of drivers working between — and Sibi on the North Western Railway. 3315.

ROHTAK—

Question *re* non-observance of orders regarding model rotation by the Superintendent of Post Offices, —. 3165.

ROORKEE—

Question *re*—

Arrangement for *melas* at Hardwar, Garhmuktesar and — on the East Indian Railway. 2840.

Temporary constructions made at — Railway Station for passengers during the Peerau Kaliar Fair. 1702.

ROSS PATENT TICKET CABINETS

Question *re* introduction of — on the Eastern Bengal Railway. 77.

ROSS PATENT TICKET CASES—

See “Ticket Cases”.

ROTATION—

Question *re* non-observance of orders regarding model — by the Superintendent of Post Offices, Rohtak. 3165.

ROUTINE GRADE—

Question *re* — examination for recruitment to the Government of India Secretariat. 602-03.

ROY, MR. BHUPENDRA KISHORE RAKSHIT—

Question *re* condition of health of State Prisoner —, detained in the Bareilly Central Jail. 3353-54.

ROY, MR. S. N.—

Oath of office. 1.

ROYAL COMMISSION ON AGRICULTURE—

Question *re* recommendations of the — given effect to. 843-45.

ROYAL COMMISSION ON LABOUR—

Question *re*—

Recommendations of the — pertaining to railway. 1857-58.

ROYAL COMMISSION ON LABOUR
—*contd.*

Question *re*—*contd.*

Recommendations of the — regarding periodical eye-sight test of workers. 2595-96.

Recommendations of the — regarding railways. 2596.

ROYAL CONSUL GENERAL—

See "Consul General".

ROYAL INDIAN ARMY SERVICE CORPS—

See "Army Service Corps".

ROY'S WEEKLY—

Question *re*—

Article entitled "Transport Advisory Council Meeting" regarding railways published in the —. 2167-68.

Letter entitled "Transport Advisory Council Meeting" published in the —. 1927-29.

RUBBER—

Question *re* proposal to increase freight on coffee, tea and —. 1228.

RUBBER CONTROL (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

RULE(S)—

Motion for adjournment *re* new — for recruitment to the Indian Civil Service. 109-10, 140-60.

Question *re*—

Alteration in the Indian Civil Service Recruitment —. 237-39.

Applicability of certain provisions of the Government Servants' Conduct — to Government pensioners. 3340-41.

Applicability of fundamental and supplementary — to gazetted staff on State Railways in respect of pay, allowances, leave, etc. 2763.

Applicability of fundamental and supplementary — to non-gazetted staff on State Railways in respect of pay, allowance, leave, etc. 2763.

Application of the Punjab Excise Act and Excise — to the Delhi Province. 94.

Classification of passes to railways employees on the lines of the Central Government travelling allowances —. 1785-86.

Delay in enforcing the sanitary — in Aindri near Simla. 2836-37.

RULE(S)—*contd.*

Question *re*—*contd.*

Exemption of the running staff from the operation of Hours of Employment — on State Railways. 2599-2600, 2968-69.

Free pass — governing the journey of staff on State Railways. 2764.

Introduction of new pass — on State Railways. 3138.

New — for recruitment to the Indian Civil Service. 358-60, 423-24, 430, 577-78, 578-79, 742-43, 757, 1925-26.

New — of the Central Public Works Department about tenders. 913.

Notification of the Railway Board making — in respect of certain matters. 2843-44.

Notifications regarding the cancellation, recession or variation of a — under section 47 of the Indian Railways Act. 2845-46.

Observance of the procedure laid down in — 34 of the Railway Services (Classification, Control and Appeal) —. 43-44.

Old East Indian Railway Leave — for the staff employed in the East Indian Railway Schools. 448.

Overhauling of the jail — and regulations. 1120-27.

Pass — on the North Western Railway. 8311-12.

Powers given to Agents of State Railways to modify the — for the grant of allowances. 3367-68.

Revision of the Free Pass — on the East Indian Railway. 684.

— and conditions governing allowances admissible to gazetted staff on State Railways. 2763.

— and conditions governing allowances admissible to non-gazetted staff on State Railways. 2763.

— for charging rents from the employees on the East Indian Railway. 2630.

— for classification of political prisoners. 2176-77.

— for residential buildings on State Railways. 81, 3054.

— for suing Government for breach of trust in respect to service conditions etc. 2816-17.

— for the recruitment and training of clerical staff and the avenues for their promotion on the East Indian Railway. 1020.

— for the recruitment and training of non-gazetted staff on the Eastern Bengal Railway. 1022-23.

— framed by the Governor General in Council and the Local Governments under section 401 (6) of the Code of Criminal Procedure. 2084.

RULE(S)—*concl'd.*

Question *re—concl'd.*

- governing the advancement of pay of non-gazetted staff on State Railways. 2762.
- governing the allotment of residential buildings to State Railway staff. 2843.
- governing the occupation of residential buildings on State Railways. 2842.
- governing the recruitment of Britishers to the Indian Civil Service. 1477-78.
- on the East Indian Railway preventing the employment of staff suffering from defective vision to certain posts. 1022.
- on the East Indian Railway *re* alternate routes for through travelling and break of journey. 674, 827-28.
- pertaining to the number of letters to be sent in the same cover. 1208-09.
- regarding conduct of elections under the coming reforms. 2976-77.
- regarding the selection of applicants for admission to Public Service Commission examinations. 3309.
- regulating discipline and rights of appeal of the non-gazetted railway servants. 1023-24.
- regulating the conduct of railway servants. 2769.
- relating to the conditions of service of Government servants. 2854-55.
- relating to the conditions of service of the Government of India Secretariat staff. 2737.
- Safeguarding of the interests of Muslims in the Posts and Telegraphs Department in observance of new — for recruitment. 3167-68.
- Subsidiary — regarding disciplinary action framed by the Agent, Eastern Bengal Railway. 1013-14.
- Uniform interpretation and application on all State Railways of the — framed by the Railway Board. 61.
- Uniformity of — for pay, allowances, appeals and seniority on State Railways. 2762.
- Varying excise — and regulations in the different provinces. 585-86.

RULE(S) AND STANDING ORDERS—

- Question *re* amendment of — in respect of privileges of the Legislative Assembly. 32-33.

RULING(S)—

— BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—*cont'd.*

Amendment(s) to Bill(s)—

Nothing except a verbal amendment can be allowed in an —. 2919.

Bill(s)—

Without the sanction of the Governor General, the Honourable Member cannot propose anything for adding to taxation. 2917.

Expression(s)—

An — like "Rickshaw Assistant" must be withdrawn if objected to. 2061.

Calling an Honourable Member to be briefless while he is a practising barrister is unparliamentary. 2061.

Indian Companies (Amendment) Bill—

An amendment, proposing insertion of a new clause containing a reference to protected industries in the marginal note but not in the body itself, is deemed meaningless, and, as such, is ruled out of order. 2447.

Language—

The word "Traitor" should not be used by an Honourable Member. 2804.

Language, unparliamentary.

The word "liar" cannot be used in the Chamber. 2698.

Miscellaneous—

An Honourable Member cannot refer to the speech made by the Deputy President so long as he is in the Chair. 2693.

An Honourable Member is entitled to quote from any authority he likes, but he should give translation in a language understood by the House. 2054.

An Honourable Member, while speaking, cannot make any reflection against the Governor of a province. He can make a reflection against the Governor as the head of the Government, but not personally. 2691.

Bargaining for votes across the floor of the House cannot be allowed. 2432.

Discussion of all the recommendations of a particular committee cannot be allowed during the question hour. 1126.

If any Honourable Member wants to raise any question of privilege (*e.g.*, attacks made in newspapers), there are other ways open than raising the question while speaking on an amendment to a Bill. 2056.

RULING(S)—*contd.*

— BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—*contd.*

Question(s)—*contd.*Miscellaneous—*contd.*

If Government think that it is not in the public interest to disclose the contents of a correspondence, in reply to a question, they may refuse to do so. 424.

If the Honourable Member (Mr. B. Das) wishes to put any question, he must rise in his seat. 308.

The Chair is the sole judge of time in the Chamber. 2698.

There can be no point of order on a ruling. 2672.

To insinuate that an Honourable Member is dishonest and wanting in integrity is not in order. 2694.

Motion for adjournment—

The proper time at which the Governor General is expected to pass an Order, if he so chooses, disallowing a motion, notwithstanding that it has been consented to by the President, is after the consent of the President has been given. 451-52.

Question(s)—

Identical — ought not to be asked, if it can be avoided. 819.

Interminable discussion cannot be allowed during — hour. Honourable Members can ask — only to obtain information. 1787.

Legal opinion cannot be asked in a supplementary —. 1791.

Neither the Chair nor any Honourable Member can compel any Member of Government to answer any —. 2009.

— ought to be put in order to elicit information on certain specified points, and it should be necessary to refer to newspapers to ask for information. In most cases, it should be possible for Members to mention exactly what they want. 582.

The Honourable Members putting a — on a newspaper article should formulate the points on which he wants information, so that other Honourable Members may know the points on which — are asked. 596.

When an Honourable Member says that he has answered the — previously, it is open to any Honourable Member to ask him when. 2013.

RULING(S)—*concl'd.*

— BY MR. PRESIDENT (THE HONOURABLE SIR ABDUR RAHIM)—*concl'd.*

Question(s)—*contd.*

When statements appearing in newspapers are referred to in —, copies thereof need not be supplied in the case of well-known newspapers. 580.

Questions and Answers—

No details of a matter can be discussed during —. 1063.

Question *re* statement *re* demonstration against the — of the Chair. 331-33, 452-56.

Select Committee—

Proceedings of the — cannot be discussed during the discussion of a Bill. 727.

Supplementary questions—

No — can be asked on matters arising out of statements supplied with replies to questions then and there, but notice of substantive questions should be given with a view to putting —. 995.

RUNAWAY(S)—

Question *re* landing grounds, aerodromes and — made and air-ports fitted out for night flying. 1856-57.

RUNNING PARCEL CLERKS—

See "Clerk(s)".

RUNNING ROOMS—

Question *re*—

Provision of mosquito curtains, mattresses and bed sheets in the — of drivers on State Railways. 3365.

— arrangement for crew staff on the Eastern Bengal Railway. 3366.

RUNNING STAFF—

Question *re*—

Definition of "—" on railways. 1686-88.

Exemption of the — from the operation of Hours of Employment Rules on State Railways. 2599-2600.

Removal of the travelling ticket examiners from the list of —. 1688-89.

See also under "Staff".

RUPEE LOAN(S)—

Question *re*—

Raising of — or sterling loans. 3154.

Raising of the — of 1948-52. 665-66.

RURAL AREA(S)—

Demand for Excess Grant in respect of "Transfer to the Fund for the Economic Development and Improvement of —". 3262.

RURAL AREAS—*contd.*

Message from His Excellency the Viceroy and Governor General disallowing Mr. Mohan Lal Saksena's motion for adjournment *re* Secrecy of vote in the — of the United Provinces. 2260.

Motion for adjournment *re* secrecy of vote in the — of the United Provinces. 2245-47.

Question *re*—

Additional postal facilities provided for —. 2081-82.

Arrangements for education in rural science in the — of the Delhi Province. 3329-30.

RURAL DEVELOPMENT—

Question *re*—

Constitution of Central Board of —. 576-77.

Earmarking of a portion of the — grant for the depressed classes. 519-20.

Utilisation of the — grants. 903-04.

RURAL DEVELOPMENT GRANT—

Question *re* reports of the Local Governments upon the distribution and utilisation of the —. 2480-85.

RURAL DEVELOPMENT SCHEME(S)—

Statement *re* progress of —. 3206-42.

RURAL SCIENCE—

See "Science".

RYOTS AND RESEARCH—

Question *re* article entitled "—" published in the *Hindu*. 1601-02.

S

SADDAR BAZAR(S)—

Question *re*—

Provision of proper roads and lighting in the — area of the Benares Cantonment. 1767-68.

— in Cantonments. 1699.

SADHU(S)—

Question *re*—

Free journeys enjoyed by beggars, *fakirs* and — on State Railways. 1680-81.

Non-prosecution of — *fakirs* and beggars travelling without tickets on the East Indian Railways. 89.

SAFETY—

Question *re* precautions for the — of the travelling public. 2638.

SAHARANPUR—

Question *re*—

Clearing away of a mango garden for the construction of quarters for the menial staff of the — Remount Depôt. 2088-89.

Demolition of the superior staff quarters in the Dicky Bazar in — Remount Depôt. 2084-86.

Dicky Bazar in the — Remount Depôt. 2089-90.

Extension of the Western Platform at the — Railway Station. 1118.

Provision of a waiting room for intermediate class passengers at —. 1701.

Quarters for the staff of the — Remount Depôt. 2087-88.

Recruitment of staff for electric stations to be opened at Meerut City, Muzaffarnagar and —. 3310-11.

Running of dining cars for Indians on the 17-Up and 18 Down Expresses between Howrah and —. 1623.

SAIDPUR GHAT—

Question *re* provision of a bridge over the Gandar river at — near Pusa. 3054.

SAIGON—

Question *re* payment of double-income-tax by people owning house-property in —. 817-18.

SAKSENA, MR. MOHAN LAL—

Cantonments (Amendment) Bill—

Consideration of clause 4. 528-29, 540-41, 542-43.

Clause 10. 549, 1565-66, 1571-72, 1575.

Clause 16. 551.

Clause 22. 552.

Clause 33. 555.

Clause 34. 556.

Clause 44. 559.

Clause 46. 561-62.

Clause 48. 563-64.

Clause 67. 567.

Motion to pass. 1938-41.

Chittagong Port (Amendment) Bill—
Motion to consider. 3041-42, 3043, 3044 3045.

Indian Companies (Amendment) Bill—
Consideration of Clause 75. 2403, 2414.

SAKSENA, MR. MOHAN LAL—
contd.

- Indian Rubber Control (Amendment) Bill—
Motion to consider. 3007-08, 3010, 3011, 3012, 3013, 3014, 3015, 3016.
Motion to pass. 3017-18.
- Indian Tea Cess (Amendment) Bill—
Consideration of clauses. 2914-17.
- Manoeuvres Field Firing and Artillery Practice Bill—
Motion to circulate. 3269-73.
- Message from His Excellency the Viceroy and Governor General disallowing —'s motion for adjournment *re* Secrecy of vote in the rural areas of the United Provinces. 2280
- Motion for adjournment *re*—
Extension by the Government of Bengal of the provisions of chapters II and III of the Bengal Public Security Act, 1932 to the Town of Calcutta and the District of 24 Parganas and Howrah. 772-74.
- Exterment of Mr. M. R. Massani from the Punjab. 606.
- Failure of the Government of India to secure secrecy of ballot in the Punjab as recommended by the Assembly. 2773.
- Prohibition of the assembling of five or more persons within a radius of two miles of certain cotton mills at Cawnpore. 1562.
- Secrecy of vote in the rural areas of the United Provinces. 2246-47.
- Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting. 3203-06, 3388.
- Question *re*—
Abolition of classification of political prisoners. 3310.
- Absence of an Employees' Welfare Committee on the Rohilkund and Kumaon Railway. 3170.
- Absence of an overbridge at the Bhojeepera Railway Station. 3173.
- Absence of Hindu and Muslim refreshment rooms on the Rohilkund and Kumaon Railway. 3176.
- Absence of inter-locking system on the Rohilkund and Kumaon Railway. 3174.
- Absence of intermediate class waiting rooms on the Rohilkund and Kumaon Railway. 3175-76.
- Absence of sheds on the platforms of the Balamau Junction and Nimear Station on the East Indian Railway. 923-24.
- Action taken on the Resolution *re* construction of locomotives in India. 924-25.

SAKSENA, MR. MOHAN LAL—
contd.

Question *re*—*contd.*

- Advisability of not sending away Indian officer under the War Block Scheme. 3306.
- Allegations against the staff of the Rohilkund and Kumaon Railway. 3170-72.
- Allowance to detenus for replacing utensils, beddings and warm clothings, etc. 3296.
- Appointment of Committees to advise the Indian Navigation Company regarding the complaints of the passengers. 922-23.
- Appointment of non-official visitors for the Cellular Jail and Convict Settlement in the Andamans. 999-1000.
- Books confiscated under the Sea Customs Act. 3309-10.
- Books in the Cellular Jail Library. 998.
- Bringing back of prisoners unwilling to stay in the Cellular Jail and allowing others to work outside the Jail. 1000.
- Certain facilities provided to the convicts sent to the Andamans. 985-88.
- Checks applied to verify the evidence against the detenus. 1233.
- Circular No. 11 of 1932 of the Agent, Rohilkund and Kumaon Railway. 3170.
- Circular regarding letters bearing photos of leaders and slogans of bovcott. 1865-66.
- Civil Liberties Association started by Pandit Jawaharlal Nehru. 3304.
- Condition of prisoners in the Cellular Jail. 992-93.
- Convict settlements in Europe and America. 989.
- Convict settlements in India for the reclamation of Criminal Tribes. 989.
- Disposal of cast iron scrap on the North Western Railway. 3162-63.
- Disposal of export scrap on the North Western Railway. 3163.
- Dividend declared by the Rohilkund and Kumaon Railway and stoppage of promotions in the Traffic Department. 3169.
- Employees discharged from the East Indian Railway on account of defective eye sight. 2594-95.
- Employees in the Traffic Department of the Rohilkund and Kumaon Railway discharged on grounds of protracted illness. 3170.

SAKSENA, MR. MOHAN LAL—
*contd.*Question re—*contd.*

- Eye-sight test of workers. 2596.
 Fee for certificate of posting. 1869.
 Feelings in India regarding Indians not helping Great Britain in future wars. 3307-08.
 Fees charged by the Public Service Commission for competitive examinations. 3176-78.
 Final authority in the matter of grant of passports. 1859.
 Fixation of the prices of Government publications. 1867-68.
 Frauds in the supply of coal to the Loco. Department in Bareilly City. 3175.
 Gold exported from India since England went off the Gold Standard. 1868.
 Grant of extensions to superannuated persons and re-appointment of retired Government servants. 2512-14.
 Great Britain's consultation with India before joining the last War. 3307.
 Grievances of the detenus. 3295.
 Histories of public workers of Delhi. 1000.
 Hospitals and dispensaries on the Rohilkund and Kumaon Railway. 3175.
 House rent paid by Foremen and Assistant Foremen on the Rohilkund and Kumaon Railway. 3294.
 Improvement of the Hardwar Railway Station. 1912-15.
 Increase in the price of the East Indian Railway Time Tables 926-27.
 Indian commissioned officers in the Army passing promotion examination and reported fit for promotion. 3306.
 Indian delegation voting against the British delegation in the League of Nations. 2508-12.
 Indians outside India externed or not permitted to return to India for political reasons. 1858.
 Indians sent away from the Army under War Block Scheme. 3305-06.
 Indians sent overseas during the last European War. 3306-07.
 Indianisation of the Army. 3304-05.
 India's contribution during the Great War to Great Britain. 2507-08.
 India's contribution to the League of Nations. 2508.
 Inspection of the Rohilkund and Kumaon Railway by the Railway Member. 3172-73.

SAKSENA, MR. MOHAN LAL—
*contd.*Question re—*contd.*

- Interviews with prisoners in the Cellular Jail 993-94.
 Introduction of mail and express trains on the Rohilkund and Kumaon Railway. 3174.
 Jail offences committed in the Cellular Jail. 994-96.
 Mail and female prisoners in the convict settlement in the Andamans. 985.
 Money from the Indian Exchequer spent over the last European War. 3307.
 Money raised by voluntary contributions for the Great War. 3307.
 Newspapers supplied to prisoners in the Cellular Jail. 998-99.
 Night duty of Assistant Station Masters on the Rohilkund and Kumaon Railway. 3172.
 Nomenclature used in Government Publications in reference to Indian languages. 1859-61.
 Non-provision of quarters at Aishbagh Junction, Bareilly and Mailani for the members of the Traffic and Loco. Department. 3173.
 Non-supply of the copies of Acts and of Budgets, as finally passed by the Legislative Assembly to the members of the Assembly. 1866-67.
 Number of Detenus. 3294-95.
 Number of persons recruited during the last War. 3307.
 Object in transporting terrorist prisoners to the Andamans. 990-91.
 Out-door games allowed to prisoners in the Cellular Jail. 997.
 Overtime worked by the drivers on the Rohilkund and Kumaon Railway. 3173.
 Pension of telegraph delivery peons. 3146-47.
 Periodical eye-sight tests of the employees in the mechanical workshop of the old Oudh and Rohilkhand Railway. 2595.
 Periodical health and eye-sight examinations of the railway staff 2593-94.
 Permission to intermediate class passengers to carry attache cases and handbags free of charge. 929-30.
 Persons refused passports for going out of India. 1858-59.
 Placing of railway finance on a proper footing. 984-85.
 Popularising of cashew nuts in Europe and particularly in England. 3304.

SAKSENA, MR. MOHAN LAL—
contd.

Question re—contd.

- Postal rates for Inland letters and postcards in certain countries. 1863-64.
- Prisoners confined in the Cellular Jail. 986-97.
- Procedure for selection of candidates for Public Service Commission Examinations. 3308.
- Progress made in the village uplift work in the centrally administered areas. 2318-19.
- Promotions to the rank of a Jamadar or Subedar in Indianised units. 3305.
- Provision of extra postmen for leave arrangements. 1861-63.
- Provision of fans in the third and intermediate class compartment of State Railways. 983-84.
- Provision of rest rooms for Indian guards at certain Railway stations. 3169.
- Racial discrimination in the allotment of quarters to railway staff. 2597-99.
- Railway staff entitled to rent-free quarters. 2596.
- Rates of commission charged by the Imperial Bank of India and advances made by it. 3143-45.
- Rates of passenger fares and goods freight on Indian and Japanese Railways. 984.
- Recommendations of the Legislative Assembly on the Hammond Committee Report. 1899.
- Recommendations of the Royal Commission on Labour pertaining to Railway. 1857-58.
- Recommendations of the Royal Commission on Labour regarding periodical eye-sight test of workers. 2595-96.
- Recommendations of the Royal Commission on Labour regarding railways. 2596.
- Redress of the grievances of the third class passengers. 981-83.
- Re-employment of the temporary retrenched clerks of the Income-tax Department. 3145-46.
- Refund of fees of applicants not admitted to competitive examinations of the Public Service Commission. 3309.
- Rent-free quarters for Indian railway staff. 2597.
- Representation made on behalf of the Brahmins of the United Provinces by the Brahmin Sabha, Ferozenur. 2950.
- Representations made by the prisoners of the Cellular Jail. 989-90.

SAKSENA, MR. MOHAN LAL—
contd.

Question re—contd.

- Representations received from the detenus regarding treatment meted out to them. 3295.
- Retrenchment on Railways. 927-29.
- Rules regarding the selection of applicants for admission to Public Service Commission examinations. 3309.
- Selection of candidates by the Public Service Commission for certain examinations. 3309.
- Selection of candidates by the Public Service Commission for the Indian Audit and Accounts Service examination. 3308-09.
- State control of the Bengal and North Western and Rohilkund and Kumaon Railways. 925-26.
- Strikes in factories. 1858.
- Supply of suits to the guards on the Rohilkund and Kumaon Railway. 3169.
- Supply on payment of application forms for the post of a typist in the Divisional Superintendent's Office, Moradabad. 2506-07.
- System of voting at the coming provincial elections by means of coloured boxes with or without symbols. 1557-59.
- Tackling of the unemployment problem. 1859.
- Travelling expenses to the relations of detenus confined in the Deoli Detention Camp. 3295-96.
- Unemployment problem. 1000-02.
- Village Post Offices opened during the last two years. 1863.
- Want of facilities of study for detenus. 3295.
- War Block Scheme. 3306.
- Question (supplementary) re—
- Allegations against the staff at the Kamalasagar Station on the Eastern Bengal Railway. 263.
- Alleged suppression of a letter written by Pandit Jawaharlal Nehru to Mr. Subhash Chandra Bose. 2948.
- Appointment for training in the Commercial and Transportation groups on the North Western Railway. 2868.
- Appointment of an Indian as the Director General, Indian Medical Service. 2493.
- Ban on Mr. Subhash Chandra Bose. 689-91.
- Books forfeited under a certain notification of the Finance Department. 674-75.
- Books, periodicals and films prohibited from entering India. 2602, 2603.

SAKSENA. MR. MOHAN LAL—
contd.

Question (supplementary) *re—contd.*

- Character certificates for service in Departments of the Government. 2601.
- Classification of Europeans prisoners. 1906.
- Clearing away of a mango garden for the construction of quarters for the menial staff of the Saharanpur Remount Depot. 2069.
- Conductors employed on State Railways. 2849.
- Cutting of trees by the owners of bungalows in the Almora Cantonment. 1769.
- Delay in the supply of Government of India publications to the public. 2448-49.
- Development of an All-Indian policy for Indian Ports. 2591.
- Distribution and utilisation of the grant for the development of co-operative movement. 2486.
- Externment order on one Mr. Ratna Prakash, a member of the Delhi Provincial Congress Committee. 1995.
- Freedom of speeches to the Members of the Legislative Assembly in their constituencies. 2945, 2946.
- Grievances of Indians in Malaya. 2306.
- Hardships experienced by pilgrims at Rajgir fair on account of suspension of the Bihar-Bukhtiar-pur Light Railway Train Service. 1716.
- Health of Mr. Subhash Chandra Bose. 2309.
- Higher postal charges on outgoing mails by air. 1485-86.
- Honorary Magistrates on the East Indian Railway. 3059.
- Idea to run the Punjab Mails on the Jaunpur-Sultanpur-Lucknow Section of the East Indian Railway. 823-24.
- Impartiality of Officers in the Provinces *re* legitimate activities of constitutional parties. 2581.
- Implementing of the convention on forced labour. 2622.
- Indian delegation to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2173, 2174.
- Interception of correspondence and tapping of telephones of political workers of Delhi. 1851-54.
- Interception of correspondence of certain classes of persons. 1854-55.

SAKSENA. MR. MOHAN LAL—
contd.

Question (supplementary) *re—contd.*

- Interview of candidates for certain posts in the Broadcasting Department. 2751.
- King George Memorial Fund. 2072.
- Latrines for third and intermediate class passengers on the Assam Bengal Railway. 2620.
- Leave, passes, etc., of the staff on the Bengal and North-Western Railway. 2857, 2858.
- Loading and unloading work of the railways done by the porters. 2520-21.
- Maintenance of waiting lists of the retrenched staff of the Railways. 2856.
- Mechanisation in the Army in India. 2491.
- Negotiations for an Indo-Japanese Trade Agreement. 2170, 2494, 2502.
- Officers under training for Political Agency and Residencies. 2825.
- Old coaching and goods carriages and wagons on the Bombay, Baroda and Central India Railway. 3065.
- Overhauling of the jail rules and regulations. 1120-27.
- Period of supersession of the Ajmer Municipality. 3066.
- Permission to Mr. Gandhi to visit Mr. Subhash Chandra Bose. 2947.
- Permission to provincial executive councillors to stand for election. 2499, 2500.
- Political prisoners confined in the Cellular Jail in the Andamans. 835-41.
- Political propaganda by Executive Councillors intending to contest the elections. 2578.
- Post of the Cabinet Secretary. 2490.
- Price of aerated water on the East Indian Railway. 2969.
- Production and distribution of quinine in the provinces. 2480.
- Provision of proper roads and lighting in the Saddar Bazar area of the Benares Cantonment. 1768.
- Punishment inflicted under section 71-H of the Indian Railways Act. 2845.
- Qualifications of Assistant Surgeons on State Railways. 3052.
- Quarters for the staff of the Saharanpur Remount Depot. 2087.
- Ratification of the International Labour Convention regarding forced labour. 2076.

SAKSENA. MR. MOHAN LAL—
contd.

- Question (supplementary) *re—contd.*
- Readymixed red oxide paint purchased by the North Western Railway. 2734.
- Recognition of the Andhra Passengers' Association, Bezwada, by the Madras and Southern Mahratta Railway. 2080.
- Recruitment of Gurkhas in the Assam Rifles. 2972.
- Remission of sentence of one Ratnasabhapathi Gounder of the Coimbatore District. 2326.
- Removal of income-tax office from Hazaribagh to Ranchi. 2730.
- Repairs to feeder roads connecting the railway stations. 2754.
- Report of the Itamrardars Enquiry Committee. 3065.
- Report on the health of Mr. Subhash Chandra Bose. 2990.
- Reports of the Local Governments upon the distribution and utilisation of the Rural Development Grant. 2485.
- Reservation of four first class berths on payment of one fare on railway. 2161.
- Restraint and externment Orders on Shrimati Satyavati of Delhi and Ratan Parkash Gupta. 1850-51.
- Retrenchment on railways. 1900-01.
- Rules for classification of political prisoners. 2177.
- Sale of liquors before and after the licensed hour in Delhi. 2818.
- Sir Montague Webb's Book on the trade depression and fall in prices in India. 1782.
- Spending of the amount allotted under the head "Secret Expenditure". 2823.
- State control of the Bengal and North Western Railway. 1142.
- Stoppage of carnivals used for gambling. 834.
- System of Railway Raid for detecting ticketless passengers on the Bengal and North Western Railway. 2852, 2853.
- Teaching staff of the Imperial Institute of Animal Husbandry and Dairying at Bangalore. 3130-32.
- Tenders for contract of motor mail service in the Dooars. 2877, 2878.
- Tenders for readymixed red oxide paint required for certain Railways. 2735.
- Tenders for the sale of ice and aerated waters on the East Indian Railway. 2758, 2759.
- Termination of the Ottawa Trade Agreement. 2019.

SAKSENA, MR. MOHAN LAL—
concl'd.

- Question (supplementary) *re—concl'd*
- Ticket checking system on the East Indian and North Western Railways. 3053.
- Uniformity in the office hours in the Civil Secretariat and the Army Headquarters. 2937.
- Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3071.
- Want of an intermediate class waiting room at the Benares Cantonment Railway Station. 2745, 2746.
- War Bonds and Cash Certificates issued during the Great War remaining unpaid. 2091.
- Withholding of a telegram regarding motion for adjournment to discuss the conduct of the Governor of Bihar for his taking active part in organising parties to fight the elections. 2316-17.
- Workmen's train running from and to Jamalpur on the East Indian Railway. 2744.
- Resolution *re* interference from public servants in the ensuing elections. 2669.

SALARY(IES)—

Question *re—*

- Irregularities in charging — of the subordinates on the East Indian Railway. 60.
- Proposed retrenchment of railway staff and the lowering of wages and —. 2082-84.
- Reduction of the — of the supervising staff and of the workers of the East Indian Railway Press. 2611.
- Report of the Misra Committee on the position and — of travelling ticket examiners on the East Indian Railway. 2772.

SALE(S)—

- Question *re* — of quinine in England and other countries. 2343-44.

SALES DEPARTMENT—

- Question *re* income and expenditure of the — of the North Western Railway. 3369-70.

SALOON(S)—

- Question *re* railway — supplied to the members of the Government of India. 677.

SALT—

Question *re*—

Duty on the imports of Aden salt into India after separation. 2086.
Permanent extension of the — concessions to the North Vizagapatam District. 1467.

concessions availed of in the famine-stricken areas in Bengal. 2486.

SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL—

See "Bill(s)".

SAMASTIPUR

Question *re* allegations against the magisterial checking at — Station on the Bengal and North Western Railway. 2731-33.

SAMIULLAH, MR. M.—

Question *re* externment of one — from the Delhi Province. 2956-57.

SAMPLE(S)—

Question *re* test of — of readymixed red oxide paints submitted by certain firms. 2726.

SANCTIONS—

Question *re*—
Effect of the application of — in India against Italy. 237.

Lifting of the — against Italy. 1220.

Loss of trade suffered by India by adopting the — against Italy. 246-47.

Support of Canada to the cessation of Sanctions against Italy. 1230-32.

Termination of the — against Italy. 846-47.

SANITARY RULES—

See "Rule(s)".

SANITATION—

Question *re*—

Improvement of the — of villages in the Delhi Province. 2755-56.

— of Shahdara, Delhi. 75.

SANSKRIT—

Question *re* stoppage of the teaching of — and Persia in the East Indian Railway Anglo-Vernacular High School. Tundla. 98-99.

SANT SINGH, SARDAR—

Arya Marriage Validation Bill—

Consideration of clauses. 2056, 2061-63, 2774, 2788, 2791, 2804.

Code of Criminal Procedure (Amendment) Bill (Amendment of Section 103)—

Motion to continue. 1633.

Code of Criminal Procedure (Amendment) Bill, (Amendment of Section 167)—

Motion to continue. 1629-30.

Code of Criminal Procedure (Amendment) Bill (Amendment of Section 205)—

Motion to continue. 1633.

Code of Criminal Procedure (Amendment) Bill (Amendment of Section 386)—

Motion to continue. 1635.

Expressions of regret on the death of Khan Bahadur Mian Sir Fazli-Hussain, Sir M. Ramchandra Rao and Mr. W. S. Lamb. 107.

Indian Companies (Amendment) Bill—

Consideration of—

Clause 40. 1521-22, 1523.

Clause 42. 2103-04.

Motion for Adjournment *re*—

Control of the soldiers on the football ground at Annandale. 2190, 2229-31.

New rules for recruitment to the Indian Civil Service. 149-50.

Question *re*—

Abolition of the cadre of Station Service Telegraphists. 3379.

Allegations against the Members of the Port Haj Committee. 3123-29.

Alleged mismanagement on the Shahdara-Saharanpur Railway. 3189-90.

Alteration in the Indian Civil Service Recruitment Rules. 237-39.

Amalgamation of two grades in the superior traffic service of the Posts and Telegraphs Department. 3382-83.

Appointment of a Sikh officer in the Railway Board. 3192-95.

Appointment of Mr. Hales as Divisional Superintendent, Rawalpindi Division of the North-Western Railway. 3370-71.

Appointment of Mr. Homan as Divisional Superintendent, Karachi. 3315.

Appointments made to the Indian Medical Service. 3154-55.

Arrest and detention of Sardar Gurucharan Singh. 3327-28.

Article written by Mr. Hawkes, Chief Commercial Manager, North Western Railway, on Rail-Road Competition. 3370.

SANT SINGH, SARDAR—*contd.*Question re—*contd.*

- Bravery of Sikhs in Addis Ababa. 1146-47.
- Committees formed for the Posts and Telegraphs Department. 3382.
- Complaints about the administration of the Central Telegraph Office, Calcutta. 3379.
- Concession in telegraph rates allowed to Railways, Press and Indian States. 2655-56.
- Defalcations discovered at Quetta Grass Farm. 103.
- Delay in enforcing the sanitary rules in Aindri near Simla. 2836-37.
- Discharge of Provincial Forest Service Officers by the Punjab Government on compensation pension. 3296-97.
- Duration of duties in Telegraph Offices. 3381.
- Duty hours of telephone operators. 2660.
- Employment of telegraphists for working on pie-money lines. 2660.
- Expenses incurred by Government on certain heads connected with Haj Pilgrimage. 3050-51.
- Explosion at the Moghalpura Workshop on the North Western Railway. 1793-95.
- Grant of higher initial rates of pay to graduate and intermediate clerks in the Posts and Telegraphs Department. 2656.
- Hours of duty of telegraphists. 2655.
- Income and expenditure of the Sales Department of the North Western Railway. 3369-70.
- Indian overseers in the Military Grass Farm Department. 666-69.
- India's withdrawal from the membership of the League of Nations. 246.
- Injustice done to Indian Officers on the North Western Railway. 3370.
- Insanitary condition of the third class compartment attached to the Howrah Express for a through journey to the Punjab. 1487.
- Introduction of the supervisor-operator scheme in some telegraph offices. 3380.
- Issue of single and return tickets at reduced rates from Shahabad Markanda on the North Western Railway to certain places. 2839.
- Lack of water arrangements at Kot Daya Kishen on the North Western Railway. 2839-40.

SANT SINGH, SARDAR—*contd.*Question re—*contd.*

- Memorandum issued every month by the Educational Printing Works, Lahore. 3191-92.
- Necessity for the continuation of Port Haj Committees. 3062.
- Non-pensionable appointments in the Telegraph Department. 2654-55.
- Non-stoppage of 1-Up and 2-Down trains at Shahabad Markanda on the North Western Railway. 2837-39.
- Orders prohibiting the sale of *jhatka* meat on the North Western Railway Stations. 3190-91.
- Outturn of the staff in a first class Telegraph Office on certain points. 3386.
- Preferential treatment shown to a European Firm in the matter of testing of paints. 2834-35.
- Proportion of Sikhs in certain Departments under the Government of India. 1147-52.
- Provision for adequate meal relief to certain telegraph staff. 2658-59.
- Purchase of Bituminous solution. 2836-36.
- Qualifications for appointment as High Commissioner for India in London. 239-41.
- Raising of service limit for recruitment to the cadre of Engineering Supervisors of the Telegraph Engineering Branch. 3382.
- Recognised Service Unions and Associations of the staff of the Posts and Telegraphs Department. 3384-85.
- Recovery of overdrawn leave allowances from the inferior staff of the Central Telegraph Office, Calcutta. 2657.
- Recreation Club of the Central Telegraph Office, Calcutta. 2659-60.
- Reduction in the task-work earnings of foot peons of the Madras Central Telegraph Office. 2658.
- Report of the Postal Enquiry Committee. 2656.
- Representation of individual cases by service unions and associations. 2654.
- Rotation of duties of clerks in the Telegraph Offices. 2657-58.
- Safeguarding of the interests of Europe alone by the League of Nations. 1153.
- Speech delivered by the ex-Emperor of Abyssinia in the League of Nations. 1152-53.

SANT SING, SABDAR—concl'd.Question *re—concl'd.*

Subsidy paid to the Bombay Persia Steam Navigation Company, Limited. 3050.

Sufferers from Italian Gas Bombs in Addis Ababa. 1146.

Supersession of Indians by Europeans on the North Western Railway. 2603-04.

Supervision of signal room clerks in telegraph offices. 2660-61.

Supervision of work by the Telegraph Master in the Central Telegraph Office, Calcutta. 3381.

Telegraph Masters in Telegraph Offices. 3385-86.

Tenure of an officer of the Railway Board. 3196.

Use of spray guns for painting of wagons. 2835.

Want of a raised platform on the branch line between Chichoki Malian *via* Jaranwala on the North Western Railway. 1487.

Wireless wheatstone system for working between Rangoon and Madras. 3383-84.

Question (Supplementary) *re—*

Case of one Ratnasabhapathi Gounder of the Coimbatore District. 1136-41.

Government Cottage Industries Institute, Delhi. 504-05.

Honorary Special Magistrates dealing with cases of ticketless travelling on State Railways. 1682, 1683.

Marks for *viva voce* in the Indian Civil Service Examination. 1767.Resolution *re* interference from public servants in the ensuing elections. 2223, 2679-82.**SAPRU COMMITTEE—**Question *re—*

Report of the — on unemployment. 34-36.

Schemes for the relief of unemployment suggested by the —. 258-59.

SARMA, SIR SRINIVASA—Motion for adjournment *re* reduction of the duty on British textiles without consulting the Legislative Assembly. 311-13.Question (Supplementary) *re* case of one Ratnasabhapathi Gounder of the Coimbatore District. 1136-41.**SATTA—**Question *re* — gambling in Ajmer. 3339-40.**SATURDAY(S)—**Question *re* uniformity in the office hours of the several Government of India Departments on —. 2938.**SATYAMURTI, MR. S.—**

Arya Marriage Validation Bill—

Motion to consider. 1640-41, 1644, 1651.

Consideration of clauses. 1667-72, 2059.

Contentions (Amendment) Bill—

Consideration of clauses. 567-69, 1575.

Indian Companies (Amendment) Bill—

Motion to consider. 611, 616, 617, 649, 711, 713-15, 776, 781, 804, 857, 858, 859.

Consideration of—

Clause 5. 946-47, 948-49.

Clause 7. 954, 969, 976-80, 1064-67.

Clause 15. 1080-81, 1085.

Clause 21. 1102.

Clause 27. 1107.

Clause 30. 1162-63.

Clause 32. 1171.

Clause 33. 1182-85.

Clause 37. 1196-1201, 1418, 1421, 1437, 1440, 1444, 1447, 1509.

Clause 40. 1512, 1515-17, 1523, 1528-29, 1529-30, 1532, 1533, 1535, 1537, 1538, 1539, 1540, 1588, 1718, 1724, 1725, 1727-28, 1737, 1739, 1741.

Clause 42. 1884, 1894, 1943, 1945, 1948, 1949, 1950, 1951, 1952-56.

1957, 1965, 1969, 1970, 1982, 2103, 2109, 2110, 2111, 2115-16.

2121, 2132, 2134, 2135, 2137, 2141-42, 2261-63, 2268-69, 2270, 2290-91, 2298, 2299-2300.

Indian Railways (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 140, 217, 219, 220, 282-95.

Motion for adjournment *re—*

Abolition of the Tariff Board. 191, 222-26.

Alleged active acquiescence of the Government of India in the recent political activities of Sir Sikandar Hayat Khan, a Deputy Governor of the Reserve Bank of India. 364.

British policy in Palestine. 933.

SATYAMURTI, MR. S.—*contd.*Motion for adjournment *re—contd.*

- Control of the soldiers on the football ground at Annandale. 2190-2227.
- Extension by the Government of Bengal of the provisions of Chapters II and III of the Bengal Public Security Act, 1932, to the Town of Calcutta and the Districts of 24 Parganas and Howrah. 772-74.
- Freedom of individual members of Government to express personal opinions. 1156, 1157-61.
- Government's breach of promise. 381.
- Government's Currency Policy. 2097, 2098.
- New rules for recruitment to the Indian Civil Service. 110, 140-44, 145, 150, 152, 154.
- Sir Otto Neimeyer's Report. 190.
- Situation in Palestine. 774-76.
- Strict neutrality on the part of Local Governments in respect of provincial election. 365-68, 372, 373, 452.
- Withdrawal of the Government of India from the League of Nations. 190.
- Nomination of — to the Panel of Chairmen. 109.
- Question *re—*
- Abolition of the military control of the Fort Zone Area in Delhi. 915.
- Abolition of the Tariff Board. 1216-18, 1221-22.
- Absence of a platform at the Ranipet Railway Station, Madras and Southern Mahratta Railway. 767-68.
- Action taken under the Criminal Law Amendment Act, 1935. 1494.
- Adequate supply of fodder and grazing grounds for cattle and improvement of livestock in a scientific manner. 755-57.
- Adulteration of drugs. 586-87.
- Adverse effect of the import of foreign potatoes on its indigenous production. 1479-80.
- Agreement between His Majesty's Government and His Exalted Highness the Nizam about Berar referred to in section 47 of the Government of India, Act, 1935. 1002-04.
- Agricultural indebtedness in the Dehli Province. 907.
- All-India Village Industries Association. 2178-79.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Allegations against the staff at the Kamalasagar Station on the Eastern Bengal Railway. 262-63.
- Alleged brutal treatment of Indians in Manchuria by the Japanese authorities. 1987-88.
- Alleged kidnapping of a Hindu girl in Peshawar. 598-99.
- Alleged rude behaviour of a bus conductor towards an Indian in London. 2610.
- Amendment of the law governing the transactions in Government securities. 517.
- Anti-Indian agitation and boycott of Indian Malayalees in Ceylon. 2315-16.
- Anti-Indian propaganda abroad. 749-50.
- Applications for nominations to the Indian Civil Service in England. 1211-12.
- Appointment of a Commission on Immigration in Ceylon. 2590.
- Appointment of a Committee to enquire into the finances of Railways. 491-92.
- Appointment of a Committee to enquire into the working of the policy of protection. 445-46.
- Appointment of a committee to examine the working of the Ottawa Trade Agreement. 738.
- Appointment of a Trade Commissioner for Ceylon in India. 1228.
- Appointment of an Indian as the Director General, Indian Medical Service. 2492-93.
- Appointment of an officer to watch the interests of Indians in Zanzibar. 440.
- Appointment of Indian Trade Commissioners in Japan and East Africa. 2497.
- Appointment of Mr. Franks as the Editor of the *Indian Listener*. 691-93.
- Appointment of Sir Charles Innes and Sir Frederick Whyte as Commissioners to assist the Commercial Relations and Treaties Department of the Board of Trade Negotiations. 1237-38.
- Appointment of the Cabinet Secretary. 1996-98.
- Appointment of Trade Commissioners in Foreign countries. 744.
- Arrest of Mr. Subhash Chandra Bose. 514-15.
- Article entitled "A Suicidal Policy" published in the *Amrita Bazar Patrika* re earnings of railways. 1459.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Article entitled "Administration of the Andamans" published in the *Madras Mail*. 762.
- Article entitled "Borrowings of Local Boides" published in the *Indian Finance*. 2487-88.
- Article entitled "British Colonial Policy and Racial Discrimination" published in the *Hindu* regarding Kenya Highlands. 1603.
- Article entitled "Broadcasting in England and India" published in the *Hindustan Times*. 594-95.
- Article entitled "Development of Road Transport" published in the *Hindustan Times*. 1923-24.
- Article entitled "Full Speed Ahead" regarding agricultural improvements published in the *Amrita Bazar Patrika*. 1932-33.
- Article entitled "Greed of Kenya Whites" published in the *Bombay Sentinel*. 2006-08.
- Article entitled "Health and Nutrition" published in the *Indian Express*. 1599-1600.
- Article entitled "India as a Naval Power" published in the *Statesman*. 510-11.
- Article entitled "Indian Air Force" published in the *Statesman*. 1921-22.
- Article entitled "Indian Interests First" published in the *Bombay Sentinel* regarding negotiations to replace the Ottawa Trade Agreement. 2304.
- Article entitled "Indian Sugar Industry" published in the *Amrita Bazar Patrika*. 1596-98.
- Article entitled "Indians not wanted" published in the *National Call* regarding Indians in Ceylon. 503-04.
- Article entitled "Indians Overseas" published in the *Hindustan Times*. 520.
- Article entitled "India's Defence" published in the *Statesman*. 432-34.
- Article entitled "Indo Japanese Trade Talks" published in the *Statesman*. 2004.
- Article entitled "Inter-related problems" published in the *Hindustan Times* regarding unemployment problem. 499-500.
- Article entitled "Kenya" published in the *Hindu*. 416-17.
- Article entitled "Lord Linlithgow and Milk Diet" published in the *Amrita Bazar Patrika*. 1598-99.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Article entitled "Madras and Neimeyer Report" regarding borrowing arrangements of provinces. 655-56.
- Article entitled "On the Frontier" published in the *Statesman*. 589.
- Article entitled "Proposed Changes in Rail Rates" published in the *Hindu*. 1459-60.
- Article entitled "Provincial Autonomy and the Centre" published in the *Hindu*. 1236.
- Article entitled "Racialism in East Africa" published in the *Hindu*. 1591-92.
- Article entitled "Railway Coal Ramp" published in the *Bombay Sentinel*. 515.
- Article entitled "Road and Rail Position throughout the World" published in the *Hindustan Times*. 1999-2000.
- Article entitled "Road Rail Problems" published in the *Statesman*. 1931.
- Article entitled "Roads and Road Transport" published in the *Madras Mail*. 2312.
- Article entitled "Ryots and Research" published in the *Hindu*. 1601-02.
- Article entitled "Secondary Education in India" published in the *Hindu*. 762-65.
- Article entitled "The Courts and the Executive" published in the *Hindu*. 2577.
- Article entitled "The Crisis in South Africa" published in the *Hindu*. 597-98.
- Article entitled "The Indian Steel Industry" published in the *Amrita Bazar Patrika*. 2174-75.
- Article entitled "The Madras Budget" published in the *Madras Mail*. 442-44.
- Article entitled "The Neimeyer Order-in-Council" published in the *Hindu*. 762.
- Article entitled "The Privilege of Contempt" published in the *Hindustan Times*. 2489-90.
- Article entitled "The Secret Agent" published in the *Statesman*. 2491-92.
- Article entitled "The Zanzibar Enquiry" published in the *Hindu*. 431.
- Article entitled "Transport Advisory Council Meeting" regarding Railways published in the *Roy's Weekly*. 2167-68.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Article entitled "Trusteeship and Discrimination" published in the *Hindu*. 2590.
- Article entitled "Unemployment" published in the *Hindu* regarding educational reconstruction. 1583-96.
- Article on the Indian Medical Service published in the *Hindu*. 585-96.
- Article on the working of the British Department of Overseas Trade published in the *Hindu*. 596-97.
- Assault on the inhabitants of a village near Garha (Jubbulpore) by British soldiers. 2168.
- Attitude of the Government of the Union of South Africa with regard to the issue of licences to Indians. 656-57.
- Ban on Indian students in Great Britain. 2175-76.
- Ban on Mr. Subhash Chandra Bose. 689-91.
- British Indian subjects in Addis Ababa. 1239.
- British troops in India and their cost of maintenance. 497-99.
- Broadcasting on short waves and travelling radio service. 899-900.
- Cabinet Secretary and his duties. 2587.
- Campaign of fight against malaria scourge. 766-67.
- Case of one Ratnasabhapathi Gounder of the Coimbatore District. 1136-41.
- Certain statements circulated by the Royal Consul General for Italy, Calcutta. 440-41.
- Changes to be introduced in the Central Government from the 1st April, 1937. 768-66.
- Classification of political prisoners. 1934-36.
- Coffee Cess Committee. 85-88.
- Comment of the *Reynold's Weekly* on the arrest of Mr. Subhash Chandra Bose. 427.
- Commercial relations between India and Japan. 1235.
- Committee to consider amendments to insurance legislation. 165.
- Committees and commissions appointed during the last ten years. 1227-28.
- Communication sent by the Secretary, Indian Merchants' Chamber, to the Secretary, Lancashire Indian Cotton Committee, Bombay. 589-90.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Communiqué issued by the Royal Consul General for Italy about the supply of Dum Dum bullets to Ethiopian troops. 745-49.
- Communiqué issued by the Royal Consul-General for Italy, Calcutta. 8-9.
- Competition between certain shipping companies plying between Rangoon and the ports in Bengal. 2496-97.
- Conclusion arrived at by the Transport Advisory Council. 758-59.
- Conclusions arrived at by the Transport Advisory Council. 1504-07.
- Conclusions arrived at by the Transport Advisory Council in Simla. 2504-06.
- Conclusions arrived at in the conference of financial experts in Simla. 2488-89.
- Condition of Indians in Transvaal and British Guiana. 1934.
- Conservation of coal. 753.
- Constitution of Academies of National Arts and Literature. 902.
- Constitution of Central Board of Rural Development. 576-77.
- Construction of a railway line from Tanjore to Pattukottai. 2206-07.
- Consultation of commercial and industrial opinions after giving notice of termination of the Ottawa Trade Agreement. 754-55.
- Consultation with Governments concerned in the Ottawa Trade Agreements *re* their continuation. 738-39.
- Contamination of certain water reservoirs in Delhi. 907-08.
- Contract for the construction of the Howrah Bridge. 572-75. 1990-92.
- Conversion of the depressed classes belonging to Hinduism to any other religion. 2521.
- Coronation Durbar in India. 1232.
- Customs revenue realised on foreign radio sets. 900.
- Dates for the election to the Provincial Legislature. 2185-86.
- Declaration of policy regarding the future of mandated territories. 600-01.
- Delegation from South Africa. 1609-01.
- Demands to put off all negotiations by fresh agreements between the United Kingdom and India. 586.
- Details of certain allowances of His Excellency the Viceroy's Household. 509-10.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Development of a minimum of common vocabulary of "basic Hindustani" in Broadcasting. 901-02.
- Development of an All-India policy for Indian Ports. 2591.
- Development of nutritional research in India. 753.
- Development of the Indian industries. 571-72.
- Discontent among the universities of India regarding grants made to them. 2497-98.
- Discontinuance of the use of castor oil as lubricant on State Railways. 2237-40.
- Discussion of the report of Sir Otto Neimeyer in the Legislative Assembly. 739-40.
- Dispute regarding the Tinnevely-Tiruchendur Railway Line. 444-45.
- Draft of the Instrument of Accession. 2579.
- Draft of the Instrument of Accession of Indian Princes. 2179-83.
- Drainage system of New Delhi and Old Delhi. 909-10, 3387.
- Earmarking of a portion of the rural development grant for the depressed classes. 519-20.
- Editorial comments entitled "Sterling Loan" published in the *Indian Finance*. 2170-71.
- Editorial notes in the *Indian Finance* on the Pact with Japan. 1919-20.
- Effect of taking into the Indian Civil Service of nominated persons. 425.
- Effect of the amendment of section 4(2) of the Indian Income-tax Act. 1479.
- Effect on the earnings of Railways of increasing fares and freight. 1915.
- Employment of "Dufferin" cadets. 584-85, 1918-19.
- Encouragement of the Indian Coastal Shipping. 429-30.
- Encouragement to the cottage and small industries. 181-83.
- Enquiry into the condition of railway finances. 1210-11.
- Enquiry into the working of the Clove Growers' Association in Zanzibar and reservation of Kenya Highlands for Europeans. 753-54.
- Enrolment of qualified voters by the system in operation in Great Britain. 1223-25.
- Establishment of an Improvement Trust in Delhi. 909-09.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Examination by an expert of the financial position of the Railways. 737-38.
- Examination for recruitment of clerks in the Telephone Revenue Accounting Office, Delhi. 818-19.
- Examination of the working of the repressive laws with a view to their revision. 1233-35.
- Explosion in a colliery at Sitarampur. 1922-23.
- Export of raw cotton and raw cotton purchased by the United Kingdom and Japan. 586.
- Exterment order on one Mr. Ratna Prakash, a member of the Delhi Provincial Congress Committee. 1994-95.
- Feelings of Muslims on the happenings in Palestine. 2186-87.
- Filling up of the post of Principal, Indian School of Mimes, Dhanbad. 588.
- Financial position of the railways. 178-80.
- Fires in certain parts of Delhi. 907.
- Fiscal reform, State help for industries and development of the resources of the country. 1212.
- Five-year programme of broadcasting. 761.
- Fixation of time for election to the Provincial Legislatures. 165-66.
- Floitation of loans. 173-74.
- Franchise for Indians in Fiji. 2004-06.
- Freedom of speeches to the Members of the Legislative Assembly in their constituencies. 2945-46.
- Functions of the un-official advisers to Government in connection with the Indo-British Trade Agreement. 2849-50.
- Future recruitment and control of the Indian Civil Service. 2188.
- Giving back of the administration of Betar to His Exalted Highness the Nizam. 591-93.
- Giving effect to the recommendations of the Tariff Board on the Cotton Textile Industry. 1237.
- Government Cottage Industries Institute, Delhi. 504-05.
- Government deposits with the Reserve Bank of India. 501-03.
- Government's action on the Report of the Tariff Board on the Cotton Textile Industry. 1240-42.
- Government's Loan Policy. 686-88.
- Government's policy in respect of Treasury Bills. 2589.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Government's quinine policy. 2302-04.
 Grant of a preference to Indian Coffee. 1237.
 Grievances and demands of the agriculturists of the Delhi Province. 906.
 Grievances of Indians in Malaya. 2306.
 Health of Mr. Subhash Chandra Bose. 2307-09.
 Help to private flying clubs in India. 2503-04.
 Holding of three or four posts by the Divisional Engineer of the Central Public Works Department. 910.
 Housing of radio studies. 901.
 Impartiality of Officers in the Provinces *re* legitimate activities of constitutional parties. 2581-82.
 Import and excise duties on coal used by Railways. 2094-95.
 Import duty on motor vehicles. 2092.
 Importation of foreign experts to examine the various Departments of Government. 599-600.
 Imposition of import duty on railway stores and locomotives. 2092.
 Inauguration of Federation. 2503.
 Indian Clove Growers' interests in Zanzibar. 440.
 Indian delegation to London in connection with the conclusion of a trade agreement in place of the Ottawa Trade Agreement. 2171-74.
 Indian Delegation to Malaya to study labour immigration conditions. 2991.
 Indian sepoy in Addis Ababa. 651-55.
 Indian soldiers in Addis Ababa. 689, 1239.
 Indianisation of the army. 438-39.
 Indianisation of the Government of India Secretariat. 1219.
 Indianisation of the Indian Army Veterinary Corps. 1229.
 Indians in Zanzibar. 2587-89.
 India's Defence problems. 511-12.
 India's economic situation. 425-26.
 India's Industrial possibilities. 1848-50.
 Indo-Ceylon Trade Relations. 575-76.
 Indo-Japanese Convention and Protocol. 420-21.
 Insistence by the Railway Department to purchase a particular brand and trade mark of articles. 96.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Instruments of accession for Indian States to join the Federation. 161-65.
 Internment of Mr. Subhash Chandra Bose. 12-16, 426.
 Interview given by Sir Homi Mehta to the *Manchester Guardian* regarding Indian Cotton Industry. 2178.
 Interview of Sir Sikandar Hayat Khan, Deputy Governor of the Reserve Bank, with the Finance Member. 2008-10.
 Introduction of a distinguishing signal for trunk telephone lines. 589.
 Investigation into the nutrition problems. 601-02.
 Invitations to the members of the Legislative Assembly to visit Andamans. 759-60.
 Irregularities connected with the acceptance of tenders for the Irwin Hospital, New Delhi. 910-12.
 Judgment of Mr. Justice Amir Ali reproduced in the *Hindustan Times*. 2169.
 Judgment of the Sessions Judge of East Godavari in Madras in a Customs Seizure Case. 2498-99.
 Letter entitled "Railway Finance and Rail-Road Competition" published in the *Hindu*. 493-96.
 Letter entitled "Transport Advisory Council Meeting" published in the *Roy's Weekly*. 1927-29.
 Letter from the South India Chamber of Commerce to the Indian Railway Conference Association. 1235-36.
 Letters issued from the Royal Consul General of Italy from Calcutta. 2012.
 Licence under the Indian Electricity Act applied for by the Delhi Municipal Committee. 913.
 Lifting of the sanctions against Italy. 1220.
 Listeners' licences and subscribers to the *Indian Listener*. 900.
 Loans taken by the Indian States from the British Government. 768-70.
 Making of the Postal Department partly a commercial and partly a service department. 169-70.
 Manufacture of cheap radio sets. 516-17.
 Manufacture of cheap radio sets in India. 900.
 Measures for prevention of fires in coal mines. 583.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Memorandum submitted by the Indian National Association of Zanzibar to Mr. G. H. Binder. 2001-03.
- Metal sleepers designed in the Central Standards Office of the Railway Board. 1969.
- Model Instrument of Accession. 2576-77.
- Mr. Binder's enquiry in Zanzibar. 750.
- Negotiations for a fresh Indo-Japanese Trade Agreement. 3299.
- Negotiations for a fresh trade agreement to replace the Ottawa Trade Agreement. 2169-70.
- Negotiations for a fresh trade agreement with Great Britain in place of the Ottawa trade agreement. 2494.
- Negotiations for a trade agreement in place of the Ottawa Trade Agreement. 2582-85.
- Negotiations for an Indo-British Trade Agreement. 2501-03.
- Negotiations for an Indo-Japanese Trade Agreement. 10-12, 439-40, 585, 2170.
- Negotiations for Bilateral Trade Agreement. 175-76.
- Negotiations for bilateral trade agreements with Great Britain and other countries. 587-88.
- Negotiations for the settlement of the Tungabhadra dispute. 602.
- Negotiations for Trade Agreements on the basis of reciprocity. 601.
- Negotiations regarding the cession of the French possession in India. 1222-23.
- New rules for recruitment to the Indian Civil Service. 430, 423-24, 577-79, 742-43, 757, 1925-26.
- New rules of the Central Public Works Department about tenders. 913.
- Non-appointment of an Indian as Deputy Agent of the South Indian Railway. 819-22.
- Note entitled "Frontier Post Attacked" published in the *Statesman*. 2000-01.
- Notice of termination of the Ottawa Trade Agreement. 175.
- Number and tonnage of Indian ships in the ocean-going traffic. 853.
- Obsolete railway stores, stock, plant and machinery, etc. 2093-94.
- Opinions on the Report of Sir Otto Neimeyer. 655.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Order of the District Magistrate of Midnapore served on Mr. Amarendra Nath Chattopadhyaya. 434-38.
- Overhauling of the Indian Tariff System. 417-19.
- Part played by India in the Meetings of the Council or the Assembly of the League of Nations after the conquest of Ethiopice by Italy. 494-95.
- Payment of double income-tax by people owning house property in Saigon. 817-18.
- Payment of land tax by Railway Companies. 2092-93.
- Payment of property tax to District Boards and Municipalities by Railway Companies. 2093.
- Permission to provincial executive councillors to stand for election. 2499-2500.
- Petition from the Amritsar Commercial Association to the Board of Inland Experts for Enquiry into the Indian Income-tax System. 441-42.
- Planning of public works. 1225-26.
- Plight of Indians in Iraq. 580.
- Plight of weavers in Madras. 1998-99.
- Policy in respect of the issue of Treasury Bills. 506-07.
- Policy of recruitment to the Dehra Dun Indian Military Academy. 740-42.
- Political propaganda by Executive Councillors intending to contest the elections. 2577-78.
- Position of Indians in Addis Ababa. 579-80.
- Position of Indians in Durban. 1603.
- Position of Indians in Iraq. 186.
- Position of Indians in Zanzibar. 2003-04.
- Position of Indians outside India. 1604.
- Possibilities of industrialization in India. 518-19.
- Possibility of further extension of the moratorium in Zanzibar. 1593.
- Possibility of improving the quality of candidates for the Indian Military Academy. 1236.
- Post of Economic Advisor to the Government of India. 1215-16.
- Post of the Cabinet Secretary. 2312, 2490.
- Problems affecting Indians in Malaya. 2311.
- Production of quinine. 2586-87.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Prohibition against Government pensioners standing as Congress candidates to the Provincial Legislatures. 2167.
- Propaganda made by the Royal Consul General for Italy through the Post Offices. 688-89.
- Proper treatment of Indians in Ceylon. 2500-01.
- Proposal to increase freight on coffee, tea and rubber. 1228.
- Proposals for concluding reciprocal trade agreement between India and Ceylon. 422-23.
- Protection of the rights of Indians in Ceylon. 2301-02.
- Protection to Indian coconuts. 1462-63.
- Protection to the coconut industry. 2575-76, 2579-80.
- Protection to the glass industry. 1463-64.
- Protection to the handloom Industry. 1460-62.
- Provision of drainage, etc., in the developed areas of Delhi. 913-14.
- Putting of an embargo on the import of Zanzibar cloves. 582-83.
- Question and answer in the House of Commons on the 17th June, regarding revision of the Ottawa Trade Agreement. 1218-19.
- Question of the Railway Finance. 173.
- Rail-road competition. 166-67.
- Recommendations of the Committee on conservation of coal. 752-53.
- Recommendations of the Indo-Burma Financial Tribunal. 1222.
- Recruitment to the Indian Medical Service. 507-09.
- Redress of the grievances of third class passengers. 176-78.
- Reduction of scales of pay in the Railway and the Posts and Telegraphs Departments and its effect on Anglo-Indians. 505-06.
- Release of Mr. Subhash Chandra Bose. 581, 744-45.
- Release of persons detained without trials in Jails. 1995-96.
- Remedies to meet motor competition with Railways. 2168-69.
- Remission of sentence of one Ratnasabhapathi Gounder of the Coimbatore District. 2319-27.
- Removal of ban on certain *Ashrams* in Bardoli and Surat. 3158.
- Removal of disqualification of candidates convicted of political offences desiring to contest the ensuing elections. 3321.

SATYAMURTI, MR. S.—*contd.*Question *re—contd.*

- Removal of Indian Philosophy from the list of optional subjects for Indian Civil Service Examination. 1926-27.
- Renewal of the Indo-Japanese Trade Agreement. 1220, 1969-90.
- Report entitled "Sir Sikandar's Assurance to Unionists" published in the *Hindustan Times*. 201C-12.
- Report of Sir Otto Neimeyer. 170-73.
- Report of the Commission of Enquiry concerning the Riot in Zanzibar. 1495-1504.
- Report of the Special Tariff Board. 500-01.
- Report of the Wheeler Committee. 757-58.
- Report of the Zanzibar Riot Enquiry Committee. 491.
- Report on the health of Mr. Subhash Chandra Bose. 2990-91.
- Reports of the Special Officer (Mr. Hume) and Kilokhri Sewage Farm Committee. 908.
- Repression policy in India. 1916-18.
- Requirements of cement and concrete. 817.
- Reservation of the Kenya Highlands for Europeans and position of Indians in foreign countries. 186-87.
- Resolutions passed by the Cordite Factory Labour Union, Aruvankadu. 3072.
- Restraint and extenuation Orders on — of Delhi and Ratan Parkash Gupta. 1850-51.
- Restriction of the number of aircrafts operating between various centres in India. 2093.
- Result of the Ottawa Trade Agreement on the foreign trade of India. 419-20.
- Revision of the Indo-Japanese Trade Agreement. 1239-40.
- Rules for classification of political prisoners. 2176-77.
- Rules framed by the Governor General in Council and the Local Governments under section 401 (6) of the Code of Criminal Procedure. 2084.
- Rules regarding conduct of elections under the coming reforms. 2976-77.
- Rumoured resignation of his office by Sir Osborne Smith, Governor of the Reserve Bank of India. 2495-96.
- Safeguarding of the interests of Indians *re* Clove Trade in Zanzibar. 588.
- Seizure by Customs authorities of certain books. 2309-11.

SATYAMURTI, MR. S.—*contd.*Question re—*contd.*

- Seizure of the passport of Mr. Subhash Chandra Bose at Port Said. 421-22.
- Serving of British troops under the command of an Indian. 590-91.
- Shortage in the number of voters for the reformed Legislative Assembly of Madras. 930-31.
- Signing of any Indo-Japanese Trade Agreement in England. 751-52.
- Signing of the London Naval Treaty by India. 495-96.
- Simple exodus. 743-44.
- Speech of His Highness the Aga Khan on the growing criticism in India of the League of Nations. 583-94.
- Speech of Mr. Khaitan on non-business like running of railways. 2312-15.
- Speech of Sir Philip Chetwode published in the *Madras Mail*. 512-14.
- Speeches made by members of Government against the accepted policy of Government. 1062-63.
- Speeches of Members of Government against the policy of the Government in their personal capacity. 2944-45.
- State control of the Bengal and North Western Railway and the Madras and Southern Mahratta Railway. 180-81.
- Statement of the Under-Secretary of State for India about Mr. Subhash Chandra Bose's arrest. 581-82.
- Statement on Indian interests in Tanganyika by Mr. H. Vellani. 2304-05.
- Statement on the renewal of the Indo-Japanese Trade Agreement by Mr. M. P. Gandhi. 2305.
- Steps taken to improve the plight of handlooms weavers. 770-71.
- Stoppage of traders from Chinese Turkestan from proceeding to India via Leh. 2495.
- Strike of students in the Aligarh Muslim University. 2580-81.
- Support of Canada to the cessation of sanctions against Italy. 1230-32.
- Tax on wells in the Delhi Province. 904-06.
- Temporary trade agreements between India and Great Britain. 1212-15.
- Tenders for the re-building of Quetta. 2183-85.
- Termination of the Ottawa Trade Agreement. 1227, 1229-30.
- Terrorist situation in India. 1992-94.

SATYAMURTI, MR. S.—*contd.*Question re—*contd.*

- Trade Agreement between India and Ceylon. 1210.
- Training of Indian students in certain foreign countries. 61-62.
- Transfer of a portion of the Postal Audit Office, Madras, to Rangoon. 2960-61.
- Treatment of Chettians in Burma. 2177.
- Unemployment problem. 1929-31.
- University Training Corps. 183-86.
- Use of Broadcasting stations for political propaganda. 167-69.
- Utilisation of the rural development grants. 903-04.
- Value of India as a training ground for British troops. 496-97.
- Varying excise rules and regulations in the different Provinces. 585-86.
- Views expressed by the Bengal National Chamber of Commerce on the Indo-Japanese Trade Agreement. 583.
- Views of the Finance Member on industrialisation by a protective policy. 427-29.
- Withdrawal of Italian Consul from Bombay. 1238.
- Withdrawal of the circular prohibiting Government servants from co-operating with certain Associations. 599.
- Zanzibar Indian National Association's Memorandum submitted to the Riot Enquiry Commission. 431-32, 512.
- Question (Supplementary) re—
- Abolition of the Tariff Board. 916-17.
- Absence of sheds on the platforms of the Balamau Junction and Nimsar Station on the East Indian Railway. 924.
- Action taken on the Resolution re construction of locomotives in India. 925.
- Administration of the Bangalore Institute. 1705.
- Alteration in the Indian Civil Service Recruitment rules. 238-39.
- Applications for the grant of export quotas of tea by the Tawnpeng and other States. 1614, 1615.
- Appointment of Indian Consuls and Trade Commissioners in foreign countries. 266.
- Appointment to the Post of the Financial Adviser at Army Headquarters. 355-56.
- Article entitled "Development of Road Transport" published in the *Hindustan Times*. 1924.

SATYAMURTI, MR. S.—*contd.*Question (Supplementary) *re—contd.*

- Article entitled "Full Speed Ahead" regarding agricultural improvements published in the *Amrita Bazar Patrika*. 1932-33
- Article entitled "Indian Air Force" published in the *Statesman*. 1921.
- Article entitled "Road Rail problems" published in the *Statesman*. 1931.
- Bilateral Trade Agreements with England and other countries. 917-18.
- Books forfeited under a certain notification of the Finance Department. 674-75.
- Books in the Cellular Jail Library. 998.
- Broadcasting of election speeches. 1791.
- Circular issued by the Inspector General of Police, Punjab, to regulate the number of passengers in motor buses. 1624.
- Classification of Europeans prisoners. 1906-07.
- Classification of political prisoners. 1934-36.
- Collection and utilisation of public subscription. 657-58.
- Condition of Indians in Transvaal and British Guiana. 1934.
- Construction of a huge railway station at Jamalpur. East Indian Railway. 1773.
- Contemplated appointment of a European as Financial Commissioner of Railways. 356-58.
- Continuance of the membership of the League of Nations by India. 1778.
- Definition of "Running Staff" on railways. 1687.
- Delay in giving notice of termination of the Ottawa Trade Agreement. 338.
- Detenus under Regulation III of 1918. 920.
- Differentiation made by the vendors of food-stuffs at Railway Stations. 2159.
- Economy effected by the appointment of Indians in place of Europeans in the higher branches of public service. 1708-09.
- Editorial notes in the Indian Finance on the pact with Japan. 1920.
- Effect on the earnings of Railways of increasing fares and freight. 1915.
- Employment of "Dufferin" Cadets. 1918-19.
- Employment of Indians in the Office of the High Commissioner for India. 1470-72.

SATYAMURTI, MR. S.—*contd.*Question (Supplementary) *re—contd.*

- Foreign experts invited to examine the Government of India Departments. 1129-31.
- Free journeys enjoyed by beggars, *Fakirs* and *Sadhus* on State Railways. 1681.
- Help to the handloom weavers. 2078.
- Inadequate gumming on the flaps of embossed envelopes. 676.
- Indian feelings regarding Italy's conquest of Abyssinia. 846.
- Indian Secretaries, Joint and Assistant Secretaries in the Government of India. 1131-32.
- Indianisation and economy in the Indian National Airways Company. 1846-46.
- Indianisation and mechanisation of the Indian Army. 1491-93.
- Indianisation of the Military Assistant Surgeon Class. 1783.
- Indians in Fiji and substitution of nomination for election. 255-56.
- India's withdrawal from the membership of the League of Nations. 1765, 1766.
- Interception of correspondence and tapping of telephones of political workers of Delhi. 1851-54.
- Interception of correspondence of certain classes of persons. 1854-55.
- Introduction of the Bihar Cess (Amendment) Bill in the Bihar Legislative Council. 4.
- Issue of platform tickets to the members of the Criminal Investigation Department. 824-25.
- Jail offences committed in the Cellular Jail. 994-96.
- Leave granted to the Governors of Madras and the Central Provinces. 662-63.
- Letter entitled "Transport Advisory Council Meeting" published in the *Roy's Weekly*. 1927-29.
- Measures to combat unemployment. 1847-48.
- Negotiations for an Indo-Japanese Trade Agreement. 2493-94.
- Negotiations with the British Government for a new trade agreement. 2069, 2070, 2071.
- New rules for recruitment to the Indian Civil Service. 358-60, 1925-26.
- Nomenclatures used in Government Publications in reference to Indian languages. 1859-61.
- Object in transporting terrorist prisoners to the Andamans. 990-91.

SATYAMURTI, MR. S. (SUPPLY.)—
*contd.*Question *re—contd.*

- Opinions on the Bihar Cess (Amendment) Bill. 5.
- Overhauling of the jail rules and regulations. 1120-27.
- Placing of proscribed books in the library of the Legislative Assembly. 1776, 1777.
- Position of Indians in Zanzibar. 33-34.
- Post of the Cabinet Secretary. 1475-77.
- Preparations for war by the European Nations. 1781-82.
- Prisoners confined in the Cellular Jail. 996-97.
- Publication of the report of Sir Otto Neimeyer. 266.
- Qualifications of the Principal of the Dhanbad School of Mines. 361-62.
- Railway saloons supplied to the members of the Government of India. 677.
- Recruitment of Indians in the Government of India Departments. 32.
- Recruitment of officers from the provinces in the Government of India Secretariat. 1473-75.
- Recruitment to the Income-tax Department. 2075.
- Redress of the grievances of the third class passengers. 981-83.
- Refusal of the British Legation to give protection to the Indians in Addis Ababa. 340.
- Removal of Indian Philosophy from the list of Optional subjects for Indian Civil Service Examination. 1926-27.
- Rent of Indian refreshment rooms on the East Indian Railway. 1677, 1678.
- Report of the Sapru Committee on unemployment. 35.
- Report of the Wheeler Committee. 242, 243.
- Reported massing of the Mohmand Tribes on the Frontier. 852-53.
- Representations made by the prisoners of the Cellular Jail. 989-90.
- Repression Policy in India. 1916-18.
- Requirements of cement and concrete. 817.
- Restraint and externment Orders on Shrimati Satyavati of Delhi and Ratan Parkash Gupta. 1850-51.
- Retrenchment on Railways. 928. 1900.

SATYAMURTI, MR. S. (SUPPLY.)—
*concld.*Question *re—concld.*

- Share of Indians in the quota of immigration allowed into the United States of America. 1468-69.
- Sir Montague Webb's Book on the trade depression and fall in prices in India. 1783.
- State control of the Bengal and North Western and Rohilkund and Kumaon Railways. 925-26.
- State control of the Madras and Southern Mahratta Railway. 268.
- Sufferers from Italian Gas Bombs in Addis Ababa. 1146.
- Termination of the Ottawa Trade Agreement. 2018.
- Unemployment problem. 1930.
- Uniformity in Provincial Excise Regulations. 415-16.
- Views regarding the British Government's Policy in Palestine. 847-49.

Resolution *re—*

Indebtedness of agriculturists, 1803, 1805, 1811, 1813, 1815, 1816, 1827-28.

Interference from public servants in the ensuing elections. 2204, 2233.

Statement *re* demonstrations against the ruling of the Chair. 333, 457, 458.

SAVING(S)—

Question *re* — expected by introduction of new scales of pay. 50.

SAVINGS BANK—

Question *re* dead and unclaimed amount lying in the Post Office —. 1004-06.

SCALES OF PAY—

Question *re—*

Introduction of new — in the amalgamated Railway Presses at Calcutta. 2613.

Introduction of the revised — on the Eastern Bengal Railway. 48.

New — for journeymen on the North Western Railway. 72-73.

New — introduced for the second grade postal clerks and Sub-Postmaster. 2163-64.

Non-provision of old — for retrenched employees of the East Indian Railway Press. 2607-08.

Option in the matter of — and seniority lists in the Moradbad Division of the East Indian Railway. 3333-34.

SCALES OF PAY—*contd.*Question *re*—*contd.*

- Railway Board's letter regarding revised — 3129.
- Ranks and designations with — on State Railways. 3055.
- Representations held up for claims of old — by the Postmaster General, Bombay. 3350.
- Savings expected by introduction of new — 50.
- applicable to the staff recruited by the East Indian Railway between 1st July, 1925, and 1st November, 1928. 80.
- in force on the East Indian Railway on certain dates. 101.
- of teachers in Railway Middle Schools. 97-98.
- revised with effect from 1st August, 1928, on the East Indian Railway. 80.
- Staff in each — as budgeted for the year 1936-37 by the East Indian Railway. 80.

SCALE OF PAY—

See also under "Pay".

SCAVENGER(S)—

- Question *re* dismissal of certain — at Waltair by the Bengal Nagpur Railway. 1769-70.

SCHOOL(S)—

Question *re*—

- Abolition of night — for educating the illiterate railway workers of the Loco. Department. 3363-64.
- Application of State Railway Leave Rules to teachers in certain East Indian Railway — 2966.
- Appointment, discharge and dismissal of staff in the East Indian Railway — 448-49.
- Bhonsla — of Military Training. 1612-14.
- Ex-apprentices of the Jamalpur Technical —, East Indian Railway. 683-84, 685-86.
- Gazetted rank for the four Headmasters of the East Indian Railway Indian High — 449.
- Leave on average pay in cases of illness for teachers in the East Indian Railway — 2967.
- Leave rules governing the teachers in State Railway —. 2961-64.
- Non-application of the Revised State Railway Leave Rules to teachers of the Oakgrove —. 2965.
- Old East Indian Railway Leave Rules for the staff employed in the East Indian Railway —. 448.

SCHOOL(S)—*contd.*Question *re*—*contd.*

- Position of teachers in State Railway —. 2967.
- Qualifications of the principal of the Dhanbad — of Mines. 361-62.
- Reduction in the grant-in-aid of the East Indian Railway Anglo-Vernacular High —, Tundla. 98.
- Report of the committee that visited a certain — on the East Indian Railway. 3182.
- Scales of pay of teachers in Railway Middle —. 97-98.
- established at Calcutta to train firemen, shunters and drivers. 3364.
- for the education of the girls of European and Anglo-Indian employees maintained by the Bengal and North Western Railway. 3074.
- for training telegraph signallers maintained by the Posts and Telegraphs Department. 92.
- Stoppage of the teaching of Sanskrit and Persian in the East Indian Railway Anglo-Vernacular High —, Tundla. 98-99.
- Vernacular — in the Railway colony at Freelandganj, District Panchmahals. 2627-28.

SCIENCE—

- Question *re* arrangements for education in rural — in the rural areas of the Delhi Province. 3329-30.

SCOTT, MR. J. RAMSAY—

- Motion for adjournment *re* reduction of the duty on British textiles without consulting the Legislative Assembly. 310-11.
- Question *re* apprehension of abnormally increased imports of sugar from Java due to Holland's departure from the gold standard. 2409.

SCRAP(S)—

Question *re*—

- Disposal of cast iron — on the North Western Railway. 3162-63.
- Disposal of export — on the North Western Railway. 3163.

SEA-BORNE TRADE AND NAVIGATION ACCOUNTS—

- Question *re* publication of the "Sea-Borne Trade and Navigation Accounts". 67.

SEA CUSTOMS ACT—

See "Act(s)"—

SEARCH(ES)—

Question *re* — in connection with political suspects or proscribed literature or terroristic activities in Delhi 1855-56.

SEASONAL ASSISTANT MIS-TRIES—

See "Mistry(ies)".

SEAT(S)—

Question *re* reservation of intermediate and third class — on the East Indian Railway. 1487-89.

SECOND CHAMBER—

Question *re* recommendation for a — in Assam. 40.
See also "Chamber(s)".

SECOND CLASS—

Question *re*—
Lavatories in the new type of — compartments of the Calcutta-Kalka Mails of the East Indian Railway. 833-34.
Want of a bathroom and a lavatory in the — Waiting Room at Moghul Sarai. 1771-72.

SECOND CLASS COMPARTMENT—

See "Compartment(s)".

SECOND DIVISION—

Clerks in the Government of India Secretariat qualified for first and — not yet provided in those divisions. 854.
Question *re* men qualified for first and — awaiting appointment in Government of India Offices and recruitments made in the Foreign and Political Department. 3152.

SECOND GRADE—

Question *re* difference between the old lower division and new — clerical cadres in the Posts and Telegraphs Department. 3323-24.

SECONDARY EDUCATION—

Question *re* article entitled — in India published in the *Hindu* 762-65.

SECRET AGENT—

Question *re* article entitled "The —" published in the *Statesman*. 2491-92.

"SECRET EXPENDITURE"—

Question *re* spending of the amount allotted under the head —. 2823

SECRETARIAT(S)—

Question *re*—

Clerks in the Government of India — qualified for first and second divisions not yet provided in those divisions. 854.

Examination for recruitment of clerks in the Government of India — and attached offices. 3374-77.

Indianisation of the Government of India —. 1219.

Recruitment of officers from the provinces in the Government of India —. 1473-75.

Routine Grade examination for recruitment to the Govt. of India —. 602-603.

Rules relating to the condition of service of the Government of India — Staff. 2737.

Uniformity in the office hours in the Civil — and the Army Head quarters. 2937.

SECRETARIAT STAFF(S)—

See "Staff(s)".

SECRETARY(IES)—

Question *re*—

Appointment of Assistant — in the Public Service Commission. 2864.

Appointment of the Cabinet —. 1996-98.

Cabinet — and his duties. 2587.

Communication sent by the —, Indian Merchants' Chamber, to the —, Lancashire Indian Cotton Committee, Bombay. 589-90.

Indian —, Joint and Assistant Secretaries in the Government of India. 1131-32.

Post of the Cabinet —. 1475-77.

Publication of the report of Mr. S. S. Markham, Empire —, Museum Association, on the Museums in India. 1040.

SECRETARY OF STATE FOR INDIA—

Question *re* responsibility of the — in Council for the actions of the Agents of State Railways. 3183

SEGAULI—

Question *re*—

Accident at — on the Bengal and North Western Railway. 1909-10.

Railway servants and passengers killed in the accident at —, Bengal and North Western Railway. 3053-54.

SELECTION BOARD(S)—

Question re—

Filling up of vacancies on the East Indian Railway without the medium of —. 100.

Procedure in regard to the convening of — on the Howrah Division of the East Indian Railway. 83.

SEN, MR. SUSHIL CHANDRA—

Indian Companies (Amendment)

Bill—

Motion to consider. 708-17, 643

Consideration of—

Clause 2. 870.

Clause 3. 892.

Clause 5. 949, 951.

Clause 7. 973, 974-75, 2573

Clause 14. 1077.

Clause 15. 1078.

New clause 20-A. 1100-01.

Clause 20-A. 1186-87.

Clause 22. 1102.

Clause 27. 1106-07.

Clause 30. 1108, 1109-10, 1162.

Clause 32. 1168.

Clause 35. 1188, 1189, 1190.

Clause 40. 1531, 1532, 1583-85, 1721-22, 2573-74.

Clause 42. 1876, 2260-61, 2284, 2285.

Clause 44. 2355-56, 2360.

Clause 48. 2366, 2367-68.

Clause 52. 2441-42, 2443.

Clause 67. 2390-91.

Clause 69. 2397, 2398.

Clause 75. 2402-04, 2428, 2440, 2441.

New Clauses 94B and 94C. 2449.

Insertion of new clauses after clause 94. 2538.

Consideration of—

Clause 97. 2452.

Clause 101. 2454.

Clause 105. 2455.

Clause 111. 2524-25, 2527-28, 2530, 2532-33, 2535, 2536.

Clause 114. 2561.

Clause 116. 2567.

Oath of Office. 1, 3125.

SENIOR SUBORDINATE OFFICERS—

See "Officer(s)".

SENIOR SUBORDINATE SERVICES—

See "Subordinate Services".

SENIORITY—

Question re—

Counting of period spent in certain capacities towards — by the Chief Accounts Officer, East Indian Railway. 3138.

SENIORITY—*contd.*Question re—*contd.*

Determination of — among the staff of the Bihar and Orissa Income-tax Department. 2648.

— of East Indian Railway and Old Oudh and Rohilkhand Railway Staff. 82.

— of transportation and commercial staff on the East Indian Railway. 101, 3142.

Uniformity of rules for pay, allowances, appeals and — on State Railways. 2762.

SENIORITY LISTS—

Question re option in the matter of scales of pay and — in the Moradabad Division of the East Indian Railway. 3333-34.

SENTENCE(S)—

Question re—

Remission of — of one Ratnasabhapathi Gounder of the Coimbatore District. 2319-27.

Remission of — passed on the accused in the Coimbatore Ex-tortion Case. 1134-36.

SEPARATION—

Question re effect of the — of Burma on the Defence expenditure. 2951.

SEPOY(S)—

Question re Indian — in Addis Ababa. 651-55.

SERVANT(S)—

Question re—

Attachment of a third class bogie for — to the East Indian Railway Punjab Mail. 671-73.

Conditions for travelling of — with their masters in first and second class railway compartments. 669-70.

SERVICE(S)—

Question re—

Character certificates for — in Departments of the Government. 2601-02.

Compulsory retirement of Government servants after twenty-five years of —. 2724.

Economy effected by the appointment of Indians in place of Europeans in the higher branches of public —. 1707-09.

Form of certificate granted to an employee on termination of — on the Great Indian Peninsula Railway. 3335.

SERVICE(S)—contd.

Question re—contd.

Notice terminating the — of a non-gazetted Railway Employee. 2631-32.
 Selection of candidates by the Public Service Commission for admission to examination for certain —. 3354-55.

SERVICE ASSOCIATIONS—

See "Association(s)".

SERVICE CONDITION(S)—

Question re—

Rules for suing Government for breach of trust in respect to —, etc. 2816-17.

Rules relating to the — of Government servants. 2854-55.

Rules relating to the — of the Government of India Secretariat Staff. 2737.

SERVICE DEPARTMENT—

Question re making of the Postal Department partly a commercial and partly a —. 169-70.

SERVICE LIMIT—

Question re raising of — for recruitment to the cadre of Engineering Supervisors of the Telegraph Engineering Branch. 3362.

SERVICE STAMPS—

See "Stamp(s)".

SERVICE UNIONS—

See "Union(s)".

SESSIONS JUDGE—

Question re judgment of the — of East Godavari in Madras in a Customs Seizure Case. 2498-99.

SETTLEMENT(S)—

Question re—

Convict — in Europe and America. 989.

Convict — in India for the reclamation of Criminal Tribes. 989.

Negotiations for the — of the Tungabhadra dispute. 602.

SEWAGE FARM COMMITTEE—

Question re reports of the Special Officer (Mr. Hume) and Kilokhri —. 908.

SHAHABAD MARKANDA—

Question re—

Issue of single and return tickets at reduced rates from — on the North Western Railway to certain places. 2839.

Non-stoppage of 1-Up and 2-Down trains at — on the North Western Railway. 2837-39.

SHAHDARA—

Question re—

Completion of drainage work in —, Delhi. 3372-73.

Electric supply in Shahdara, Delhi. 3137.

Electricity supply in the — town of the Delhi Province. 447.

Sanitation of —, Delhi. 75.

SHAHDARA-SAHARANPUR RAILWAY—

See "Railway(s)".

SHAM LAL, MR.—

Arya Marriage Validation Bill—
 Consideration of clauses. 1669.

Code of Criminal Procedure (Amendment) Bill (Amendment of Section 205)—

Motion to continue. 1634.

Indian Companies (Amendment) Bill—
 Consideration of—

Clause 3. 889.

Clause 40. 1521.

Indian Motor Vehicles (Amendment) Bill—

Motions to refer to Select Committee and to circulate. 476.

Indian Railways (Amendment) Bill—

Motions to refer to Select Committee and to circulate. 300.

Question re—

Allotment of quarters in the Moradabad Division of the East Indian Railway. 3336-37.

Applicability of certain notifications or Official Memoranda to the Staff on State Railways. 3334.

Character certificates for service in Departments of the Government. 2601-02.

Circular issued by the Inspector General of Police, Punjab, to regulate the number of passengers in motor buses. 1624.

Classification of the members of the Imperial Secretariat Service. 2883.

Communication of official documents or information by a Government servant to his service Association, Union or Federation. 3336.

SHAM LAL, MR—contd.Question *re—contd.*

Discharge of Commercial Staff on the North Western Railway. 73.

Discharge of nine Deputy Assistant Controllers of Military Accounts. 2939-40.

Extensions sanctioned to the Engineer of the Meerut Cantonment Board. 1010.

Form of certificate granted to an employee on termination of service on the Great Indian Peninsula Railway. 3335.

Holidays Home provided for the North Western Railway at Hill stations. 3333.

Increase in the water rates in the Lahore Cantonment. 1009.

Inspection carriages used by officers on State Railways. 3337-38.

Interchange of passes with Jodhpur-Bikaner State Railways. 3336.

Malaria allowance paid to railway staff at Lhaksar. 3336.

Misappropriation in the office of the Superintendent, Viceregal Estate. 3, 179-80.

Option in the matter of scales of pay and seniority lists in the Moradabad Division of the East Indian Railway. 3333-34.

Pay of the Executive Officer debited to the Cantonment Fund of Muttra. 1008-09.

Period of submission of appeals from subordinate railway staff. 3338.

Personnel organisation on State Railways. 3333.

Petitions and memorials submitted by the non-gazetted staff on State Railways. 3335.

Representations made by Members of Central Legislatures regarding serious abuse of powers by administrative officers on railways. 3335.

Retrenchment of surplus staff on State Railways. 3337.

Rights and privileges of the non-gazetted railway staff. 3338.

Special ticket examiners on the North Western Railway. 3338.

Supernumerary brakemen of the Old Oudh and Rohilkund Railway. 71-72.

Tank-wagons constructed by the East Indian Railway. 2969-70.

SHAN STATES—Question *re* report of the Committee on Financial Settlement between Burma and the --. 3357-68.**SHAREHOLDER(S)—**Question *re* dividends given by the Shadara-Saharanpur Railway to its --. 1118.**SHARMA, MR. D.—**

Oath of office. 2.

SHAUKAT ALI, MAULANA—

Arya Marriage Validation Bill—

Motion to consider. 1649-50.

Consideration of clauses. 2787-89, 2800, 2804, 2806, 2811-13.

Geneva Convention Implementing Bill—

Motion to consider. 3000.

Indian Companies (Amendment) Bill—

Insertion of new clause after clause 40. 1756-56.

Motion for adjournment *re—*

Abolition of the Tariff Board. 234. Government's breach of promise. 380-81.

Question (Supplementary) *re—*

British policy in Palestine. 932.

Memorandum submitted by the Indian National Association of Zanzibar to Mr. G. H. Binder. 2003.

Resolution *re* interference from public servants in the ensuing elections. 2208-11, 2217, 2218, 2677.**SHED(S)—**Question *re—*

Absence of a — on the platform of the Hardwar Railway Station. 90.

Absence of a waiting room or — at the Phulwari Shariff Station on the East Indian Railway. 2067.

Absence of — on the platforms of the Balaman Junction and Nimsar Station on the East Indian Railway. 923-24.

Reservation of one bay of No. 4 — within the Howrah Goods Sheds. 1008.

SHER MUHAMMAD KHAN, CAPTAIN SARDAR—

Cantonments (Amendment) Bill—

Consideration of clause 4. 537.

Indian Companies (Amendment) Bill—

Consideration of clause 42. 1957.

Question (Supplementary) *re* University Training Corps. 185.Resolution *re* interference from public servants in the ensuing elections. 2197, 2211, 2679.

SHILLING—

Question *re* fixation of the value of a — in Indian Currency for the sale of English books at the Wheeler's stalls on Railway Stations. 2626.

SHIP(S)—

Question *re* number and tonnage of Indian — in the ocean-going traffic. 853.

SHIPPING—

Question *re—*
Circular *re* support to — companies. 446.
Encouragement of the Indian Coastal —. 429-30.

SHIPPING COMPANIES—

Question *re* competition between certain — plying between Rangoon and the ports in Bengal. 2496-97.

SHIPPING SERVICE—

Motion for adjournment *re* Indian-owned — between India and Europe. 2242-45.

SHOOTING—

Question *re—*
Practising of rifle — with an air-gun by the volunteers of the Hindustani Seva Dal. 661-62.
Railway carriages for — and camping parties. 1014-15.

SHORT WAVE(S)—

Question *re* broadcasting on — and travelling radio service. 899-900.

SHUNTER(S)—

Question *re—*
Discharge of certain firemen and — on the Eastern Bengal Railway. 3363.
School established at Calcutta to train firemen, — and drivers. 3364.

SIAM—

Question *re* paddy imported from — to India. 247-50.

SIBI—

Question *re* working hours of drivers working between Rohri and — on the North Western Railway. 3315.

SIDDIQUE ALI KHAN, KHAN SAHIB NAWAB—

Cantonments (Amendment) Bill—
Motion to pass. 1937-38.

SIDDIQUE ALI KHAN, KHAN SAHIB NAWAB—contd.

Durgah Khawaja Saheb Bill—
Consideration of clauses. 3396.
Motion to pass. 3403-04.

Question *re—*

Aspersions flung on the Muslim community in the *Postal Observer*. 18-19.

Classification of duties of assistants and clerks in the Posts and Telegraphs Directorate. 2738.

Clerical vacancies in the Dacca Head Post Office filled in contravention of the revised communal orders. 19.

Dealing of representations and appeals of staff in the Posts and Telegraphs Directorate. 2739-40.

Departmental publications to the credit of the Deputy Director General of Archaeology. 68-69.

Duties of assistants and clerks in the Posts and Telegraphs Directorate. 2738-39.

Duties of superintendents in the Posts and Telegraphs Directorate. 2739.

Grant of extensions to some of the Superintendents in the Posts and Telegraphs Directorate. 2738.

Issue of orders regulating and restricting the tours of supervising officers of the Posts and Telegraphs Department in the Hill Districts. 2879.

Maltreatment of the Muslim staff by the Postmaster, Rawalpindi. 19.

Postal signallers in the Jalpaiguri Postal Division. 2853-54.

Representation of Muslims in the Audit and Accounts Service. 27-29.

Representation of Muslims in the Central Public Works Department. 29-31.

Representation of Muslims in the Government of India Offices. 23-26.

Representation of Muslims in the Posts and Telegraphs Department. 20-23.

Supernumeraries in the cadre of Assistants in the Posts and Telegraphs Directorate. 2737.

SIGNAL(S)—

Question *re* introduction of a distinguishing — for trunk telephone lines. 589.

SIGNAL ROOM CLERKS—

See "Clerk(s)".

SIGNALLER(S)—**Question re—**

Postal — in the Jalpaiguri Postal Division. 2853-54.

Relieving allowance to staff sent to outstations to relieve Station Masters, — and clerks. 3364.

Schools for training telegraph — maintained by the Posts and Telegraphs Department. 92.

SIGNATURE(S)—

Question re — of passengers on monthly tickets on the East Indian Railway. 37.

SIKANDAR HAYAT KHAN, SIR—

Motion for adjournment re alleged active acquiescence of the Government of India in the recent political activities of — a Deputy Governor of the Reserve Bank of India. 364.

Question re—

Interview of —, Deputy Governor of the Reserve Bank, with the Finance Member. 2008-10.

Resignation by — from the Deputy Governorship of the Reserve Bank of India. 2977.

SIKH(S)—**Question re—**

Anonymous memoranda making false charges against Hindu and — Railway Officers. 3301-02.

Appointment of a — officer in the appointments under the control of the Home Department. 3196-99.

Appointment of a — officer in the Railway Board. 3192-95.

Bravery of — in Addis Ababa. 1146-47.

Programmes issued by the Delhi Broadcasting Station and securing of the services of —. 3199-3200.

Proportion of — in certain Departments under the Government of India. 1147-52.

Recruitment of a — in the office of the Superintendent of Vice-regal Estate. 3359-51.

SILIGURI—

Question re hardship and inconvenience of the travelling public on the District Railway Branch line running from — to Kishungunj. 3072-73.

SIMLA—**Question re—**

Allotment of Railway quarters at —. 3055.

SIMLA—contd.**Question re—contd.**

Amount paid by the Indian Railway Conference Association for their *dak* from Delhi to —. 3062.

Carriage of mails between Kalka and — on motor lorries. 2744-45.

Communal composition of the staff in the — Head Post Office. 3318-19.

Compensatory allowance of postal employees stationed at —. 3355-56.

Conclusions arrived at by the Transport Advisory Council in —. 2342-43, 2504-06.

Conclusions arrived at in the conference of financial experts in —. 2488-89.

Delay in enforcing the sanitary rules in Aindri near —. 2836-37.

Grant of house rent to daftries at —. 2722-24.

Grant of rickshaw allowance to the Members of the Legislative Assembly in —. 2337-38.

Hill allowance paid to Railway staff at —. 3184.

Officers rest houses at Simla. 2846-49.

Pay of postal employees stationed at —. 3355.

Rail Motors run from — to Kalka on the 20th August, 1936. 3373-74.

Return tickets for intermediate and third class passengers on certain Railways from —. 3184. — exodus. 354-55, 743-44.

SIND—**Question re—**

Appointment of qualified and archæologically trained subordinates in —. 3059.

Baluchis from — and Baluchistan in the Indian Army Reserve of Officers. 1033-34.

Conservation of protected monuments in —. 3058.

Conservation of protected monuments in the Bombay Presidency and in —. 3058-59.

Employment of Baluchis in — in superior services, in case suitable Baluchistanis are not available. 2651.

Extension of the present railway line to Jacobabad via Garhi Khairo in —. 1481.

Extension of the railway line to Nawabshah in —. 1480.

Money spent for conservation of protected monuments in —. 3058.

SIND LEFT BANK FEEDER RAILWAYS—

See "Railway(s)".

SINDHI(S)—

Question re—

Purchase of — cattle for Bangalore Farm and issue of breeding bulls. 3134.

Representation of Muslim — and Baluchistanis in railway services. 2651-52.

SINDWORK MERCHANTS—

Question re protection of the — from the danger of civil war in Spain. 2344-45.

SINGH, MR. RAM NARAYAN—

Arya Marriage Validation Bill—

Consideration of clauses. 2021-22.

Bangalore Marriages Validating Bill—

Motion to consider. 3020-21.

Cantonments (Amendment) Bill—

Consideration of clauses. 1569.

Demand for Excess Grant in respect of—

Interest on Miscellaneous Obligations. 3257.

Indian Companies (Amendment) Bill—

Consideration of clause 5. 951.

Indian Tea Cess (Amendment) Bill—

Motion to consider. 2911-13.

Motion for adjournment re situation in Palestine. 774-76.

Question re—

Accident at the Niluripathra colliery in the Jharia coalfield. 2521-22.

Appeal against the discretion of the Divisional Superintendent on the East Indian Railway. 3372.

Completion of drainage work in Shahdara, Delhi. 3372-73.

Constitution of the Central University Board. 245.

Damages done to Railway lines in the districts of Gaya and Patna. 1559-61.

Grievances against the Bengal and North Western Railway. 358.

Income-tax realised by certificate procedure. 2973-74.

Incumbent of the Post of the Deputy Director, Establishment II, Railway Board. 3372.

Indian labour in Malaya. 349-52.

Indians in Ceylon. 352-53.

King George Memorial Fund. 2071-72.

Licences for guns to cultivators in forest areas in Chhota Nagpur and Bihar. 3069-70.

Maintenance of Records of subordinate non-pensionable servants on State Railways. 3372.

SINGH, MR. RAM NARAYAN—
contd.

Question re—*contd.*

Negotiations with the British Government for a new trade agreement. 2069-71.

Placing of each district in the charge of one Income-tax Officer. 2730-31.

Population of Fiji and communal representation in the Fiji Legislative Council. 2068-69.

Procedure on State Railways for punishing or reducing the staff from superior to inferior service on failure to pass an examination. 3371.

Rail Motors run from Simla to Kalka on the 20th August, 1936. 3373-74.

Re-distribution of income-tax areas. 2974-75.

Removal of income-tax office from Hazaribagh to Ranchi. 2728-30.

Report of the Wheeler Committee. 244-45.

Separation of the appellate jurisdiction of the Assistant Commissioner of Income-tax from his administrative functions. 2973.

State control of the Bengal and North Western Railway. 1142.

Tenders invited for the supply of conservancy plants in New Delhi. 93.

Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3070-71.

Question (Supplementary) re—

Allegations against the magisterial checking at Samastipur Station on the Bengal and North Western Railway. 2732.

Amount allotted for the economic development of Tribal Areas. 2822.

Article entitled "Development of Road Transport" published in the *Hindustan Times*. 1924.

Article entitled "Madras and Neimeyer Report" regarding borrowing arrangements of provinces. 655-56.

Collection and utilisation of public subscriptions. 657-58.

Effect on the earnings of Railways of increasing fares and freight. 1915.

Five-year programme of broadcasting. 663-65.

Foreign experts invited to examine the Government of India Departments. 1129-31.

Grant for broadcasting. 849-50.

Grievances of the travelling public against the Bengal and North Western Railway. 2066.

SINGH, MR. RAM NARAYAN—
concl'd.

Question (Supplementary) *re—cont'd.*

Hardships experienced by pilgrims at Rajgir fair on account of suspension of the Bihar-Bukhtiar-pur Light Railway Train Service. 1716.

Introduction of the Bihar Cess (Amendment) Bill in the Bihar Legislative Council. 3.

Investigation of the Indian income-tax system by experts. 2593.

Petition from the Amritsar Commercial Association to the Board of Inland Experts for enquiry into the Indian Income-tax system. 441-42.

Rent of Indian refreshment rooms on the East Indian Railway. 1678.

Revision of the pass rules for the employees on the State Railways. 1784.

Sale of liquors before and after the licensed hour in Delhi. 2818.

Views of the Finance Member on industrialisation by a protective policy. 427-29.

Views regarding the British Government's Policy in Palestine. 847-49.

Want of an intermediate class waiting room at Bhagalpur Railway Station. 2825.

Resolution *re* interference from public servants in the ensuing elections. 2698.

Statement *re* demonstrations against the ruling of the Chair. 458.

SINGLE TICKET(S)—

See "Ticket(s)".

SINHA, MR. ANUGRAH
NARAYAN—

Question *re—*

Book-binders in the Calcutta General Post Office and its Town Sub-Offices. 2830-31.

Candidate postmen in Calcutta. 2830.

Connotation of the expression "Railway Administration". 2978.

Construction of a new Post Office building at Bisheshwargunj in Benares. 2960-61.

Contract for the supply of Red Oxide for railway wagons and underframes. 2940-41.

Discharge and dismissal powers delegated to certain officials by the Railway Board. 2978.

SINHA, MR. ANUGRAH
NARAYAN—*cont'd.*

Inconvenience and hardship caused by silting up of a certain water-way between Buxar and Chausa Railway Stations on the East Indian Railway. 2978-79.

Interference by the Railway Board in the matter of purchase of the red oxide paint. 2942-43.

Non-appointment of postmen in Calcutta in the Lower Division Posts. 2829.

Non-increase in the number of postmen in Calcutta. 2830.

Placing of the form suppliers of the Postal Stock Depot in superior service. 2831.

Postmen and Lower Grade Staff Union, Delhi Province. 84-85.

Recruitment in Post Offices of the sons and relatives of Postal staff. 2831.

Recruitment of Biharis and Uriyas in the Dead Letter Office, Calcutta. 2831-32.

Reduction in the pay of the Managers and the Assistant Managers of the Dead Letter Offices. 2832.

Rights and privileges of the staff of the Dead Letter Offices. 2832.

Tender for the supply of inside body varnish approved by the East Indian Railway. 2941-42.

SINHA, MR. SATYA NARAYAN—

Motion for adjournment *re* disallowance of adjournment motions. 1154-55.

Election of the provincial legislature in Bihar. 374.

Question *re—*

Allegations against the magisterial checking at Samastipur Station on the Bengal and North Western Railway. 2731-33.

Coronation of King Edward VIII in India. 1143-44.

Floods in Bihar. 3156.

Giving effect to the Recommendations of the Tariff Board on the Cotton Textile Industry. 1144.

Probable date of the inauguration of federation. 1143.

Selection and promotion of guards in the Dinapore Division of the East Indian Railway. 92-93.

State control of the Bengal and North Western Railway. 2335.

Submission of memorials of Railway servants to the Governor General. 92.

SINHA, MR. SATYA NARAYAN—
contd.

Question *re—contd.*

Withholding of a telegram regarding motion for adjournment to discuss the conduct of the Governor of Bihar for his taking active part in organising parties to fight the elections. 2316-17.

Resolution *re* interference from public servants in the ensuing elections. 2682-85.

“SIR SIKANDAR'S ASSURANCE TO UNIONISTS”—

Question *re* report entitled — published in the *Hindustan Times*. 2010-12.

SIRAJGANJ—

Motion for adjournment *re* murder of mail guard Golam Sattar on a Calcutta — train between Ranaghat and Chuadanga. 772.

SIRCAR, THE HONOURABLE SIR NRIPENDRA—

Arya Marriage Validation Bill—

Motion to consider. 1641, 1646-47, 1649, 1652, 1653.

Consideration of clauses. 1662-64, 1666, 1669, 2041-42, 2046, 2054-55, 2057, 2059, 2060.

Expressions of regret on the deaths of Khan Bahadur Mian Sir Fazli-Husain, Sir M. Ramachandra Rao and Mr. W. S. Lamb. 105-06.

General Clauses (Amendment) Bill—
Motion for leave to introduce. 112.

Hindu Women's Rights to Property Bill—

Motion to refer to Select Committee. 3284.

Indian Companies (Amendment) Bill—

Presentation of the Report of the Select Committee. 112.

Motion to consider. 606-18, 632, 635, 639, 641, 648, 703, 704, 707, 721, 724-26, 735, 780-82, 788, 790, 792, 798-815, 854, 855, 857, 858, 859, 860, 861.

Consideration of—

Clause 2. 862-63, 864, 865, 867, 874, 875, 876, 881, 882.

Clause 3. 883, 884, 885, 887-88, 893-97, 936, 937.

Consideration of amendment to add new clause after clause 3. 939.

Consideration of amendment to add new clause after clause 4. 944.

SIRCAR, THE HONOURABLE SIR NRIPENDRA—contd.

Indian Companies (Amendment) Bill—
contd.

Consideration of—

Clause 5. 946, 947, 950-51.

Clause 7. 956, 958, 959, 960, 961, 962, 963, 969, 976, 1065, 1066, 1067.

Clause 10. 1071, 1072.

Clause 13. 1075.

Clause 14. 1076.

Clause 15. 1079, 1080, 1085-87, 1093-95.

Clause 16. 1095, 1096, 1098.

Clause 21. 1101, 1102.

Clause 27. 1107.

Clause 30. 1108, 1110, 1113, 1163.

Clause 32. 1165, 1166, 1167, 1169, 1170, 1171, 1177, 1179-80, 1182.

Clause 33. 1184, 1185-86.

Clause 36. 1192-93.

Clause 37. 1199, 1508, 1509, 1510.

Clause 40. 1514, 1519-20, 1522, 1526, 1528, 1529, 1530, 1533, 1534, 1536, 1537, 1538-39, 1539-40, 1543, 1548-49, 1578-80, 1583, 1587, 1588, 1720-21, 1723, 1726, 1749-51, 1754, 1755 1756.

Clause 41. 1756, 1767, 1768.

Clause 42. 1871-73, 1875, 1876, 1880, 1883, 1885, 1894, 1895, 1948, 1949, 1964-71, 1978, 1982, 1984, 1985, 1986, 2009-2100, 2101, 2102-03, 2104, 2105, 2107, 2108, 2112, 2114-15, 2116, 2120, 2121, 2126, 2128, 2132-33, 2135, 2138, 2139, 2140, 2146, 2149-50, 2249, 2251, 2252, 2253, 2254-55, 2256-57, 2269, 2268, 2271-73, 2278, 2279, 2281, 2283, 2287-88, 2289, 2290, 2291, 2293, 2295-97, 2298-99, 2300, 2352-53, 2354.

Clause 44. 2356, 2359.

Clause 48. 2365.

Clause 52. 2371, 2373, 2374, 2375, 2376-77, 2442.

Clause 55. 2378, 2378-79, 2380.

Clause 64. 2385-86.

Clause 65. 2388, 2389.

Clause 68. 2396.

Clause 75. 2401, 2407-08, 2414-20, 2429, 2431, 2432, 2433-34, 2435.

Insertion of new clauses after clause 94. 2539.

Consideration of—

Clause 109. 2456, 2457-59, 2460.

Clause 110. 2461, 2462.

Clause 111. 2464-65, 2466, 2468-69, 2471-72, 2473, 2474, 2476, 2477, 2524, 2526, 2532, 2533-34, 2536, 2537.

Clause 113. 2554-56, 2557.

Clause 114. 2558-60, 2561.

Clause 116. 2563, 2565, 2567.

SIRCAR, THE HONOURABLE SIR NRIPENDRA—concl'd.

Indian Companies (Amendment) Bill—
concl'd.

Motion to pass. 2567-69, 2571, 2575.

Motion to consider Council of State
amendments. 3245-48.

Consideration of Council of State
amendments. 3248, 3252, 3253.

Indian Railways (Amendment) Bill—

Motion to refer to Select Committee
and to circulate. 214-20.

Motion for adjournment *re*—

British policy in Palestine. 933.

Control of the soldiers on the foot-
ball ground at Annandale. 2189-
90, 2191, 2231, 2232.

Death of Detenu Naba Jiban Ghosh.
2347.

Election of the provincial legislature
in Bihar. 374, 375, 376, 377, 378.

Exterment of Mr. M. R. Massani
from the Punjab. 606.

Freedom of individual members of
Government to express personal
opinions. 1155-57, 1159, 1161.

Interference by the Government of
the United Provinces with the
Sunni Muslims of Lucknow. 604

Mr. Subhash Chandra Bose. 321-82
Prohibition of the recital of *Madhe-
Sahaba* in Lucknow. 2347-48

Restrictions by the United Provinces
Government on the movements of
the general public at Lucknow.
1244-46.

Secrecy of vote in the rural areas of
the United Provinces. 2246-47.

Strict neutrality on the part of
Local Governments in respect of
provincial election. 370-73.

Repealing and Amending Bill—

Motion for leave to introduce. 112-
13.

Resolution *re* interference from public
servants in the ensuing elections.
2204-08.

Statement of Business by —. 489,
1549, 1897, 2191-92.

Statement *re* demonstrations against
the ruling of the Chair. 457-460.

SITARAMPUR—

Question *re* explosion in a colliery at
—. 1922-23.

SITE(S)—

Question *re* selection of the Orissa
capital —. 1717.

SITUATION(S)—

Question *re* India's economic —. 425-
26.

SLEEPER(S)—

Question *re* metal — designed in the
Central Standards Office of the
Railway Board. 1980.

SLOGAN(S)—

Question *re* circular regarding letters
bearing photos of leaders and — of
boycott. 1865-66.

SMITH, SIR OSBORNE —

Question *re* rumoured resignation of
his office by —, Governor of the
Reserve Bank of India. 2495-96

SOLDIER(S)—

Motion for Adjournment *re* control
of the — on the Football Ground
at Annandale. 2189-91, 2224-33.

Question *re*—

Allegations against certain British
— of the Gloucestershire regiment
in Madras. 105.

Assault on the inhabitants of a vil-
lage near Garha (Jubbulpore) by
British —. 2168.

Indian — in Addis Ababa. 689,
1239.

Rewards given to Indian — for
meritorious services in Addis
Ababa. 2752.

SOM, MR. SURYYA KUMAR—

Arya Marriage Validation Bill—

Consideration of clauses. 2034.

Indian Companies (Amendment) Bill—

Motion to consider. 731, 734, 859.

Consideration of a new clause after
clause 2. 878, 879, 882.

Consideration of—

Clause 15. 1077, 1078.

Clause 40. 1525-26.

Clause 42. 2100, 2101, 2297-98.

Clause 55. 2377-78.

Motion to consider Council of State
amendments. 3247.

Question *re*—

Duties of the second grade postal
clerks. 2162-63.

Fraud cases in respect of the funds
of joint stock companies. 1699-
1700.

Gnanendra Ch. Majumdar, a detenu
in the Deoli Detention Camp. 2164-
66.

New scales of pay introduced for
the second grade postal clerks and
Sub-Postmaster. 2163-64.

Purchase of Cash Certificates by the
Superintendent of Post Offices of
Jalpaiguri Division. 2868-69.

S. P. C. A., DELHI—

Question *re* complaints of the owners of horse and bullock-drawn conveyances and carts in Delhi against the —. 1490-91.

SORTING OFFICE(S)—

Question *re*—

Grant of holidays to the officials working in the Railway Mail Service —. 73-74.
— of the Imperial Library, Calcutta. 2639.

SOUTH AFRICA—

Question *re*—

Article entitled "The Crisis in —" published in the *Hindu*. 597-98.

Attitude of the Government of the Union of — with regard to the issue of licences to Indians. 656-57.

British Empire Forestry Conference held in —. 60.

Delegation from —. 1600-01.

Trade license bye-laws in Marikburg, — curtailing Indian interests. 337.

SOUTH INDIA CHAMBER OF COMMERCE—

Question *re* letter from the — to the Indian Railway Conference Association. 1235-36.

SOUTH INDIAN RAILWAY—

See "Railway(s)".

SOUTHERN INDIA—

Question *re* provision of aircraft depots or parks in Western or —. 1469-70.

SOVIET RUSSIA—

Question *re* pacts entered into between the Government of Great Britain and the Communistic Government of —. 342.

SPAIN—

Question *re*—

Indians in —. 2602.

Protection of the Sindwork merchants from the danger of Civil War in —. 2344-45.

SPECIAL INVESTIGATING INSPECTOR(S)—

See "Inspector(s)".

SPECIAL OFFICER(S)—

Question *re* reports of the — (Mr. Hume) and Kilokhri Sewage Farm Committee. 908.

SPECIAL PAY—

See "Pay".

SPECIAL TICKET EXAMINERS—

See "Ticket Examiner(s)".

SPEECH(ES)—

Question *re*—

Broadcasting of election —. 1791-92.

Freedom of — to the Members of the Legislative Assembly in their constituencies. 2945-46.

— delivered by the *ex-Emperor* of Abyssinia in the League of Nations. 1152-53

— delivered by the Governor General to the Legislature. 1142-43.

— made by members of Government against the accepted policy of Government. 1062-63.

— of His Highness the Aga Khan on the growing criticism in India of the League of Nations. 593-94.

— of Members of Government against the policy of the Government in their personal capacity. 2944-45.

— of Mr. Khaitan on non-business like running of railways. 2312-15.

— of Sir Philip Chetwode published in the *Madras Mail*. 512-14.

— delivered to the Council of State and the Legislative Assembly by His Excellency the Viceroy. 1551-56.

SPEED—

Question *re* article entitled "Full — Ahead" regarding agricultural improvements published in the *Amrita Bazar Patrika*. 1932-33.

SPENCE, MR. G. H.—

Arya Marriage Validation Bill—

Consideration of clauses. 2789-90.

Cantonments (Amendment) Bill—

Consideration of clause 1. 1576, 1577.

Clause 2. 527.

New clause 2-A. 528.

Clause 4. 544.

Clause 9. 546.

Clause 38. 558.

Clause 46. 560.

Chittagong Port (Amendment) Bill—

Consideration of clauses. 3046.

SPENCE, MR. G. H.—*contd.*

- Code of Civil Procedure (Amendment) Bill—
 Consideration of clauses. 3099.
 General Clauses (Amendment) Bill—
 Motion to consider. 3035-36, 3037.
 Motion for Adjournment *re* revision of the Indian Currency and Exchange policy. 2667-68.

SPORT(S)—

- Question *re* out-door — allowed to prisoners in the Cellular Jail. 997.

SPRAWSON, MAJOR-GENERAL SIR OUTHBERT ALLAN—

- Oath of Office. 1207.

SPRAY GUN(S)—

- See "Gun(s)".

SRI PRAKASA, MR.—

- Arya Marriage Validation Bill—
 Consideration of clauses. 1666, 2049, 51.
 Bangalore Marriages Validating Bill—
 Motion to consider. 3019-20.
 Durgah Khawaja Saheb Bill—
 Motion to consider. 3285.
 Geneva Convention Implementing Bill—
 Motion to consider—
 Consideration of clauses. 2995-98, 2999.
 Indian Companies (Amendment) Bill—
 Motion to consider. 611, 616, 643, 644, 645, 646, 647, 777, 779, 781, 805, 811, 815.
 Consideration of—
 Clause 2. 865, 867.
 Clause 10. 1070, 1071, 1072.
 Clause 35. 1187-89.
 Clause 36. 1194-96.
 Clause 40. 1527.
 Clause 41. 1756-57.
 Clause 68. 2395-96.
 Clause 75. 2432.
 Clause 97. 2451, 2452.
 Clause 105. 2455.
 Clause 111. 2525.
 Indian Railways (Amendment) Bill—
 Motions to refer to Select Committee and to circulate. 120-22, 123-32, 217, 280, 304.
 Indian Tea Cess (Amendment) Bill—
 Motion to consider. 2892.
 Consideration of clauses. 2925-26.
 Motion *re* expunction of certain passages from the proceedings of the Legislative Assembly. 933.
 Objection raised by — to the moving of amendment to clause 69 of the Indian Companies (Amendment) Bill by Mr. Susil Chandra Sen. 2396-97.

SRI PRAKASA, MR.—*contd.*Question *re*—

- Abolition of the use of the word "Coolie" for porters at Railway stations. 659.
 Administration of the Bangalore Institute. 1704-05.
 Advisability of increasing the size of embossed postcards. 824.
 Assessment of income-tax from Income-tax Officers. 659-60.
 Assistance given by Income-tax Officers to Income-tax Commissioners in cases of appeal in open courts. 2155.
 Attachment of a third class bogie for servants to the East Indian Railway Punjab Mail. 671-73.
 Availability of the Dufferin Bridge near Benares for vehicular traffic. 670-71.
 Ban on Prem Maha Vidyalaya of Brindaban. 676.
 Boards indicating the destinations of trains fitted on through compartments on the East Indian Railway. 1489-90.
 Books forfeited under a certain notification of the Finance Department. 674-75.
 Carriage of ice by first and second class passengers on the East Indian Railway. 828-29.
 Carriage of mails between Kalka and Simla on motor lorries. 2744-45.
 Catches supplied in Railway Compartments for "Lift-up" window shutters. 1209-210.
 Closing of the level crossing near the Benares Cantonment Railway Station. 90, 827.
 Collection and utilisation of public subscriptions. 657-58.
 Conditions for travelling of servants with their masters in first and second class railway compartments. 669-70.
 Construction of a huge railway station at Jamalpur East Indian Railway. 1772-74.
 Construction of covered platforms on the Benares Cantonment Railway Station. 2156-57.
 Dead and unclaimed amount lying in the Post Office Saving Bank. 1004-06.
 Delivery of parcels containing fresh fruits. 822-23.
 Demand made by the Reserve Bank of India on scheduled banks. 2155-56.
 Differentiation made by vendors of food-stuffs at Railway Stations. 2157-59.

SRI PRAKASA, MR.—*contd.*Question *re—contd.*

- Dismissal of certain scavengers at Waltair by the Bengal Nagpur Railway. 1769-70.
- East Indian Railway advertisements in the *Aj* and *Pratap* newspaper. 826-27.
- Economy effected by the appointment of Indians in place of Europeans in the higher branches of public service. 1/07-09.
- Government servants exempted from the necessity of purchasing platform tickets. 676-77.
- Grant of extensions to superannuated persons and re-appointment of retired Government servants. 2514.
- Grant of passports. 832-33.
- Honorary Magistrates in the Centrally administered areas. 829-30.
- Idea to run the Punjab Mails on the Jaunpur-Sultanpur-Lucknow Section of the East Indian Railway. 823-24.
- Importation of vegetable *ghee* into India. 1607-12.
- Improvement of the Kalka-Simla Railway service. 2741-42.
- Inadequate gumming on the flaps of embossed envelopes. 676
- Inconvenience felt by intermediate and third class through passengers on the East Indian Railway. 829.
- Inconvenience suffered by third class passengers on the East Indian Railway. 1154.
- Insufficiency of latrines in third class compartments on the East Indian Railway. 1207.
- Issue of platform tickets to the members of the Criminal Investigation Department. 824-25.
- Issue of postage stamps and currency with the new King's effigy. 823.
- Kalka-Delhi-Calcutta and the Calcutta-Bombay Mails run between Howrah and Moghal Sarai. 1115-16.
- Lavatories in the new type of second class compartments of the Calcutta Kalka Mails of the East Indian Railway. 833-34.
- Letters sent by the Officers of the Postal Department on His Majesty's Service without any Postage Stamps being affixed to them. 1006-07.
- Loading and unloading work of the railways done by the porters. 2520-21.
- Method of circulation of Bills for eliciting public opinion. 1705-07.

SRI PRAKASA, MR.—*contd.*Question *re—concl'd.*

- Non-acceptance of currency notes with cracks by the Currency Offices. 671.
- Non-supply of accurate forecasts of quantities by the Railway Board *re* purchase of paints and varnishes. 2876-77.
- Notices sent out by Income-tax Officers to income-tax payers to send in their returns. 2095-96
- Opening of a passage direct to the Dharmashala outside the Etawah Railway Station. 673-74.
- Overcrowding in railway compartments. 831-32.
- Passages in certain books derogatory to the Jews and their religion. 832.
- Permission for a break of journey at Mirzapur or Chunar. 673.
- Persons convicted in connection with the raid on the Benda village. 660-61.
- Persons paid from Indian Revenues in the United Kingdom and the British Colonies. 2161-62.
- Platform tickets at Moghal Sarai. 1772.
- Platform tickets for persons going to railway stations to receive Viceroy and Governors. 2517-19.
- Practising of rifle shooting with an air-gun by the volunteers of the Hindustani Seva Dal. 661-62.
- Price of aerated water on the East Indian Railway. 2969.
- Printing in time tables the detention period of trains at Junction Stations in case connecting trains are late. 1116-117.
- Privilege of writing something on the back of Money Order forms. 1770-71.
- Railway advertisements in the Indian newspaper. 76.
- Railway saloons supplied to the Members of the Government of India. 677.
- Reservation of four first class berths on payment of one fare on railways. 2160-61.
- Reservation of intermediate and third class seats on the East Indian Railway. 1487-89.
- Reservation of some compartments for men only on railways. 650.
- Rules on the East Indian Railway *re* alternate routes for through travelling and break of journey. 674, 827-28.
- Rules pertaining to the number of letters to be sent in the same cover. 1206-209.

SRI PRAKASA, MR.—*contd.*

Question re—

Running of the Bombay-Calcutta Mail via Allahabad and Benares and through railway service between Delhi and Calcutta via Muttra; Agra, etc. 825.

Speeches delivered by the Governor General to the Legislature. 1142-43.

Stationery used in Government of India Departments. 1006.

Transhipment of postal articles from cities in Bihar connected with the Bengal and North Western Railway. 2747.

Translations from English of the notices pasted on Railway Platforms and inside the compartments. 1116.

Use of Red Oxide Paint for painting of railway underframes, wheels, etc. 2869-76.

Waiting room for intermediate class passengers at the Benares Cantonment Railway Station. 670.

Want of a bathroom and a lavatory in the Second Class Waiting Room at Moghal Sarai. 1771-72.

Want of an intermediate class waiting room at the Benares Cantonment Railway Station. 2745-46.

Workmen's train running from and to Jamalpur on the East Indian Railway. 2743-44.

Question supplementary re—

Allowances of the representatives of the ex-King of Burma. 2825.

Appointment of the Cabinet Secretary. 1998.

Case of one Ratnasabhapathi Gounder of the Coimbatore District. 1136-41.

Certain facilities provided to the convicts sent to the Andamans. 985-88.

Circulation of Bills affecting women's rights. 1792.

Conclusions arrived at by the Transport Advisory Council in Simla 2505.

Condition of prisoners in the Cellular Jail. 992-93.

Contract for ice and aerated water on the East Indian Railway. 1623.

Defects in the jail life of the Andamans found by the Home Member 1119-20.

Giving back of the administration of Berar to His Exalted Highness the Nizam. 591-93.

Increase in the price of the East Indian Railway Time Tables. 927.

SRI PRAKASA, MR.—*concl'd.*

Question (Supplementary) re—

Internment of Mr. Subhash Chandra Bose. 14.

Introduction of the Bihar Cess (Amendment) Bill in the Bihar Legislative Council. 3.

Invitations to the members of the Legislative Assembly to visit Andamans. 759-60.

Leave, passes, etc., of the staff on the Bengal and North Western Railway. 2858.

Loans taken by the Indian States from the British Government. 768-70.

Male and female prisoners in the convict settlement in the Andamans. 985.

News agencies patronised by the All-India Radio Service. 1790.

Newspapers supplied to prisoners in the Cellular Jail. 998-99.

Orders prohibiting the sale of *jhatka* meat on the North Western Railway Stations. 3190-91.

Permission to provincial executive councillors to stand for election. 2500.

Political propaganda by Executive Councillors intending to contest the elections. 2578.

Protection to the cocoanut industry. 2580.

Provisions of radio sets in villages. 1788-89.

Racial discrimination in the allotment of quarters to railway staff. 2599.

Treatment of Chettians in Burma 2177.

Unemployment problem. 1000-02.

Resolution re interference from public servants in the ensuing elections. 2234.

STAFF—

Question re—

Acceptance of Baptism and University Certificates in support of applications for changes in ages of the East Indian Railway — 97.

Acting allowances of the ex-Company — of the East Indian Railway. 81-82.

Adverse remarks recorded in Confidential Reports of non-gazetted — on Railways. 3139.

Allegations against the — of the Rohilkund and Kumaon Railway. 3170-72.

Allotment of quarters near Gol Market, New Delhi, to non-migratory —. 2943-44.

Allotment of residential buildings to the State Railway —. 2842.

STAFF—*contd.*Question *re—contd.*

- Appeals, memorials, petitions submitted to the Governor General in Council by the — in the Allahabad Division, East Indian Railway. 2764.
- Applicability of certain notifications of Official Memoranda to the — on State Railways. 3334.
- Applicability of fundamental and supplementary rules to gazetted — on State Railways in respect of pay, allowances, leave, etc. 2763.
- Applicability of the Civil Services (Classification, Control and Appeal) Rules to the — of the Imperial Library. 2643-44.
- Applicability of the Government Servants' Conduct Rules to the — on State Railways. 2634-35, 2642-43.
- Appointment, discharge and dismissal of — in the East Indian Railway Schools. 448-49.
- Basis for anticipated reduction in — on railways. 2983-84.
- Changes in ranks and designations of the — on State Railways 3056-57.
- Committee to enquire into the grievances of the East Indian Railway Press —. 2612.
- Communal composition of the — in the Simla Head Post Office. 3318 19.
- Confidential reports on the work of the — maintained in the Government of India offices. 1032-33.
- Continuance of the cut on allowances of the Railway — at Calcutta and Howrah. 96.
- Continuation of the cut on allowances of the Railway — at Howrah and Calcutta. 1030-31.
- Court of Enquiry regarding the retrenchment of — on Railways. 2624.
- Dealing of representations, and appeals of — in the Posts and Telegraphs Directorate. 2739-40.
- Definitions of "clerical", "inferior" and "menial" — as applied to Government servants. 2644.
- Determination of seniority among the — of the Bihar and Orissa Income-tax Department. 2648.
- Difference in the nature of duties of certain — on the East Indian Railway. 81.
- Disciplinary action against non-gazetted railway —. 1036.

STAFF—*contd.*Question *re—contd.*

- Disciplinary action against the non-gazetted — on the Eastern Bengal Railway. 2640-41.
- Discontent among the — of the Madras Telegraph Office. 3353.
- Educational assistance to the children of the Railway — reading in the Hindu and Muslim Universities. 3061.
- Exemption of the Running — from the operation of the Hours of Employment Rules on State Railways. 2968-69.
- Facilities given to the — to sit for the Goods Accounts Examination on the East Indian Railway. 40-41.
- Free pass rules governing the journey of — on State Railways. 2764.
- Inadmissibility of officiating allowance to non-gazetted — on State Railways. 2841.
- Ineligibility of certain — to officiate as accountants on the East Indian Railway. 1034-36.
- Invidious treatment in the allotment of residences to the — of the Locomotive Department at Calcutta. 2644-45.
- Leave, passes, etc., of the — on the Bengal and North Western Railway. 2855-58.
- Maintenance of waiting lists of the retrenched — of the Railways. 2965-66.
- Malaria allowance paid to railway — at Lhaksar. 3336.
- Milage allowance of ticket checking — on the East Indian Railway. 2769-70.
- Non-sanction of grade advancement to the — on the East Indian Railway. 2762.
- Orders in regard to promotions of postmen and other lower grade —. 3351.
- Outturn of the — in a first class telegraph office on certain points. 3386.
- Period of submission of appeals from subordinate railway —. 3338.
- Periodical health and eye-sight examinations of the Railway —. 2593-94.
- Permission for dogs and domestic animals to travel on metal passes issued to Railway Gazetted —. 3139-40.
- Petitions and memorials submitted by the non-gazetted — on State Railways. 3336.

STAFF—*contd.*Question *re—contd.*

- Procedure for inquiry into the conduct of non-gazetted Railway — 67.
- Procedure on State Railways for punishing or reducing the — from superior to inferior service on failure to pass an examination. 78-80, 3371.
- Promotions of the non-gazetted — in certain Departments of the East Indian Railway. 36.
- Proposed retrenchment of railway — and the lowering of wages and salaries. 2082-84.
- Provision of garages and pits, etc., for non-gazetted — on State Railways. 3343-44.
- Purchase of coal by — from the railways for their own use. 2633.
- Quarters for the — of the Saharanpur Remount Depot. 2087-88.
- Racial discrimination in the allotment of quarters to railway — 2597-99.
- Railway — entitled to rent-free quarters. 2596.
- Recognised Service Unions and Associations of the — of the Posts and Telegraphs Department. 3384-85.
- Recruitment in Post Offices of the sons and relatives of Postal — 2831.
- Recruitment of — for electric stations to be opened at Meerut City, Muzaffarnagar and Saharanpur. 3310-11.
- Redress of grievances of the Railway — 51.
- Reduction in the — of the Railways. 2066-67.
- Reduction of pay of retrenched — in the Delhi Division of the North Western Railway on their absorption in other posts. 3187.
- Refusal to forward appeals of — by Officers on State Railways. 2766-67.
- Regulations regarding disciplinary action against Railway Staffs. 49, 100.
- Relationship between the Agent and certain other — on State Railways 82.
- Relieving allowance to — sent to outstations to relieve Station Masters, signallers and clerks. 3364.
- Rent-free quarters for Indian railway — 2597.
- Rent recovered for residential buildings from State Railway — and outsiders. 2843.

STAFF—*contd.*Question *re—contd.*

- Retrenchment of surplus — on State Railways. 3337.
- Retrospective effect to concessions granted to railway — 3366.
- Rights and privileges of the non-gazetted railway — 3338.
- Rights and privileges of the — of the Dead Letter Offices. 2832.
- Rules and conditions governing allowances admissible to gazetted — on State Railways. 2763.
- Rules for the recruitment and training of clerical — and the avenues for their promotion on the East Indian Railway. 1020.
- Rules governing the advancement of pay of non-gazetted — on State Railways. 2762.
- Rules governing the allotment of residential buildings to State Railway — 2843.
- Rules relating to the condition of service of the Government of India Secretariat — 2737.
- Scale of pay applicable to the — recruited by the East Indian Railway between 1st July, 1925, and 1st November, 1928. 80.
- Seniority of East Indian Railway and Old Oudh and Rohilkhand Railway — 82.
- Split of the clerical — into several units on the North Western Railway. 2866-67.
- in each scale of pay as budgeted for the year 1936-37 by the East Indian Railway. 80.
- of State Railways attending meetings of the Indian Railway Conference Association. 2768.
- of State Railways attending meetings of their Trade Unions. 2768.
- of the Indian Railway Conference Association. 3060.
- on the East Indian Railway employed on posts other than those against which their pay is charged. 2761-62.
- with defective vision employed as drivers and Assistant Loco Foremen, etc., on State Railways. 2632-33.
- Strength of — on State Railways. 3056.
- Submission of petitions of the Railway — to the Governor General in Council. 1020.
- Travelling allowances of — of State Railways attending meetings of the Indian Railway Conference Association. 2768.

STAFF—concl'd.**Question re—concl'd.**

Travelling allowances to — on State Railways for attending meetings of their Trade Unions. 2768.

Voluntary retirement of — under economy campaign in the Moradabad Division, East Indian Railway. 2765.

STAFF BENEFIT FUND—

See "Fund(s)".

STAMPS—

Demand for Excess Grant. 3256.

Question re—

Letters sent by the Officers of the Postal Department on His Majesty's Service without any Postage — being affixed to them. 1006-07.

Use of Service — by the Indian Railways Conference Association. 47-48.

STAMP DUTY—

See "Duty(ies)".

STANDING COMMITTEE FOR THE ARMY—

Question re effect given to the Resolution re appointment of a Joint —. 1485.

STANDING COMMITTEE ON RICE—

Question re — of the Imperial Council of Agricultural Research. 3068-69.

STANDING ORDERS—

Question re amendment of rules and — in respect of privileges of the Legislative Assembly. 32-33.

STATE(S)—**Question re—**

Acquisition of the Rohilkhand and Kumaon Railway by the — 3153-54.

Applications for the grant of export quotas of tea by the Tawnpeng and other —. 1614-15.

Entry of Indians into —, Dominions and Colonies. 53-59.

Fiscal reform, — help for industries and development of the resources of the country. 1212.

Grant of acting allowance to the employees of the East Indian Railway Company taken over by the —. 1018.

Instruments of accession for Indian — to join the Federation. 161-65.

STATE(S)—cont'd.**Question re—cont'd.**

Negotiations between the Government of India and the Kathiawar — to regulate the import of foreign goods. 2410-13.

Regulation or control of broadcasting by Indian — and Provincial Governments. 850-51.

STATE CONTROL—**Question re—**

— of the Bengal and North Western and Rohilkhand and Kumaon Railways. 925-26.

— of the Bengal and North Western Railway. 1142, 2335.

— of the Madras and Southern Mahratta Railway. 268-69.

STATE COUNCIL—

Question re nomination of a Malayalee to the — and appointment of a Malayalee officer to look after the interests of Malayalees in Ceylon. 2606.

STATE MANAGEMENT—

Question re action taken on the Resolution re — of the Madras and Southern Mahratta and Bombay, Baroda and Central India Railways. 1903.

STATE PRISONER(S)—

See "Prisoner(s)".

STATE RAILWAY—

See "Railway(s)".

STATE RAILWAY LEAVE RULE(S)—**Question re—**

Application of — to teachers in certain East Indian Railway Schools. 2966.

Non-application of the Revised — to teachers of the Oakgrove school. 2965.

STATEMENT(S)—**Question re—**

Certain — circulated by the Royal Consul General for Italy, Calcutta. 440-41.

Government servants debarred from making any —, etc., embarrassing the relations between certain persons. 3359.

— of the Under-Secretary of State for India about Mr. Subhas Chandra Bose's arrest. 581-82.

— on Indian interests in Tanganyika by Mr. H. Vellani. 2304-05.

STATEMENT(S)—*contd.*Question *re—contd.*

- on the renewal of the Indo-Japanese Trade Agreement by Mr. M. P. Gandhi. 2306.
- Demonstration against the ruling of the Chair. 331-33.
- Demonstration against the ruling of the Chair. 452-56.
- Progress of rural development schemes. 3206.

STATEMENT(S) LAID ON THE TABLE—

Question *re—*

- cases in which the lowest tenders have not been accepted by the High Commissioner for India. 2350-51.
- showing the Objects on which the Aviation share of the Petrol Tax Fund was expended during 1935-36. 110-11.

STATEMENT OF BUSINESS—

- by the Honourable Sir Frank Noyce. 3047-48, 3123-24.
- by the Honourable Sir Nripendra Sirca. 496, 1549, 1897, 2191-92.

STATESMAN—

Question *re—*

- Article entitled "India as a Naval Power" published in the —. 510-11
- Article entitled "Indian Air Force" published in the —. 1921-22.
- Article entitled "India's Defence" published in the —. 432-34.
- Article entitled "Indo-Japanese Trade Talks" published in the —. 2004.
- Article entitled "On the Frontier" published in the —. 589.
- Article entitled "Road Rail Problems" published in the —. 1931.
- Article entitled "The Secret Agent" published in the —. 2491-92.
- Note entitled "Frontier Post Attacked" published in the —. 2000-01.

STATION(S)—

Question *re—*

- Abolition of the use of the word "Coolie" for porters at Railway —. 659.
- Absence of a platform at the Ranipet Railway —, Madras and Southern Mahratta Railway. 767-68.
- Absence of a waiting room or shed at Phulwari Sharif — on the East Indian Railway. 2067.

STATION(S)—*contd.*Question *re—contd.*

- Absence of an overbridge at the Bhojepura Railway —. 3173.
- Absence of sheds on the platforms of the Balamau Junction and Nimsar — on the East Indian Railway. 923-24.
- Allegations against the magisterial checking at Samastipur — on the Bengal and North Western Railway. 2731-33.
- Collision of special *mela* trains at Kalat railway —, North Western Railway 2841.
- Construction of an overbridge at the Gudur junction —. 2072-73.
- Construction of covered platforms on the Benares Cantonment Railway —. 2156-57.
- Construction of Railway — at Machavaram in the Guntur District and Nidigallu in the Nellore District. 2073.
- Death of one Zamir Ahmad by a train at the Devi Nagar crossing near Changigarh Railway —. 678.
- Differentiation made by vendors of food-stuffs at Railway —. 2157-59.
- Duty and function of the police force on railway —. 2815-16.
- Extension of the western platform at the Saharanpur railway —. 1118.
- Inconvenience and hardship caused by silting up of a certain waterway between Buxar and Chausa Railway — on the East Indian Railway. 2978-79.
- Muslim refreshment rooms at certain railway —. 2828-29.
- Passenger earnings fixed for each — on the Eastern Bengal Railway. 1921-22.
- Printing in time tables the detention period of trains at Junction — in case connecting trains are late. 1116-17.
- Programmes issued by the Delhi Broadcasting — and securing of the services of Sikhs. 3199-3200.
- Provision of rest rooms for Indian guards at certain Railway —. 3169.
- Repairs to feeder roads connecting the railway —. 2752-54.
- Waiting room for intermediate class passengers at the Benares Cantonment Railway —. 670.
- Want of an intermediate class waiting room at Bhagalpur Railway —. 2825.

STATION(S)—*concl.*Question *re—concl.*

Want of an intermediate class waiting room at the Benares Cantonment Railway — 2745-46.

STATION ACCOUNTS—

Question *re* inspectors of — on certain State Railways. 1689-90.

STATION MASTER(S)—Question *re—*

Checking of the work of — by a Traffic Inspector on the East Indian Railway. 82.

Night duty of Assistant — on the Rohilkund and Kumaon Railway. 3172.

Permission to — on the North Western Railway to issue charge sheets. 3185.

Regulations for recruitment of — and Assistant — on the East Indian Railway. 2770-71.

Relieving allowance to staff sent to outstations to relieve —, signallers and clerks. 3364.

— Examination in the Moradabad Division, East Indian Railway. 82.

STATION SERVICE TELEGRAPHISTS—

Question *re* abolition of the cadre of —. 3379.

STATIONERY (IES)—

Question *re* — used in Government of India Departments. 1006.

STATIONERY AND PRINTING—

Demand for Excess Grant. 3261.

STATUTE(S)—

Question *re* — or Act governing the conduct of railway servants. 2769.

STEEL INDUSTRY—

Question *re* article entitled "The Indian —" published in the *Amrita Bazar Patrika*. 2174-75.

STEEL MATERIAL(S)—

Question *re* reduction in the prices of — in bar sections in the Madras market by the Tata Iron and Steel Company, Limited. 2958.

STEEL PRODUCTS—

Question *re* engineering firms fabricating and assembling — in India. 94.

STENOGRAPHER(S)—Question *re—*

— in the Government of India Departments. 75.

Vacancies of — in Headquarters and Divisional Offices on the North Western Railway. 2989.

STERLING LOAN(S)—Question *re—*

Editorial comments entitled "—" published in the *Indian Finance*. 2170-71.

Raising of rupee or —. 3154.

STONE(S)—

Question *re* pre-historic — implements taken to Cambridge. 1040-41.

STORAGE ACCOMMODATION—

Question *re* applications invited for — at the Howrah Goods Sheds. 49.

STORE(S)—Question *re—*

Obsolete railway —, stock, plant and machinery, etc. 2093-94.

Purchase of — by inviting tenders by the Indian Stores Department. 2330-31.

STORE-KEEPING APPOINTMENTS—

Question *re* clerical and — in the Royal Indian Army Service Corps. 2649.

STOREMAN(EN)—

Question *re* promotion of the — of the Indian Army Ordnance Corps as Assistant Storekeepers. 2336-37.

STORES DEPARTMENT—

See "Indian —".

See "London —".

STORM WATER DRAIN(S)—

See "Drain(s)".

STREET(S)—

Question *re* paucity of drinking water taps at — corners or road crossings in New Delhi. 1607.

STRIKE(S)—Question *re—*

— in factories. 1858.

— in the Bangalore Tobacco Factory. 2994-96.

— in the Beawar Mills. 851-52.

STRIKE(S)—*contd.***Question re—*contd.***

- in the Bengal Nagpur Railway Workshops at Kharagpur. 520-21.
- of students in the Aligarh Muslim University. 2580-81.

STRIKER(S)—

- Question re re-employment of the North Western Railway — 102.

STUDENT(S)—**Question re—**

- Admission of Ajmer — in the Medical Colleges of other provinces. 1907-08.
- Ban on Indian — in Great Britain. 2175-76.
- Strike of — in the Aligarh Muslim University. 2580-81.
- passing from the 'A' class of the MacLagan Engineering College, Lahore. 3302-03.
- trained in the Indian Territorial Force. 918-19.
- Training of Indian — in certain Foreign countries. 61-62.
- Unsympathetic and anti-Indian attitude of the Educational Adviser for Indian — at Oxford. 75-76.

STUDIO(S)—

- Question re housing of radio — 901.

STUDY(IES)—

- Question re want of facilities of — for detenues. 3295.

STUPA(S)—

- Question re protection of the monuments of the ancient Amaravati Buddhist — in the Guntur District. 2987.

SUB-ASSISTANT SURGEON(S)—

- Question re promotion of — of the Indian Medical Department. 1711-12.

SUB-HEAD(S)—

- Question re promotions to the post of — in the Railway Clearing Accounts Office. 2979-80.

SUB-INSPECTOR(S)—

- Question re allegations against a Police — at the Moradabad Hindu Refreshment Room. 2819.

SUB-OFFICE(S)—

- Question re book-binders in the Calcutta General Post Office and its Town —. 2830-31.

SUB-POST OFFICE(S)—

- See "Post Office(s)".

SUB-POSTMASTER—

- See "Postmaster(s)".

SUB-RECORD OFFICE(S)—

- Question re grant of relaxations on Sundays and holidays to the clerks in the — of the Howrah Railway Mail Service. 71.

SUBEDAR(S)—

- Question re promotions to the rank of a Jamadar or — in Indianised units. 3305.

SUBJECT(S)—

- Question re British Indian — in Addis Ababa. 1239.

SUBORDINATE(S)—

- Question re—
- Appointment of qualified and archaeologically trained — in Sind. 3059.
- Electrification of quarters for Railway —. 3136.
- Irregularities in charging salaries of the — on the East Indian Railway. 60.

SUBORDINATE NON-PENSIONABLE SERVANTS—

- See "Pensionable Servant(s)".

SUBORDINATE OFFICERS—

- See "Officer(s)".

SUBORDINATE RAILWAY STAFF—

- See "Railway Staff".

SUBORDINATE SERVICE(S)—

- Question re—
- Indianisation of the senior — in the carriage and wagon shops at Ajmer. 3340.
- Promotions from — to gazetted posts made on the North Western Railway. 3317.

SUBSCRIBER(S)—

- Question re—
- Close observation by the Postal and Police Authorities in Calcutta on the — of the Railway Labour. 92.

SUBSCRIBER(S)—contd.Question *re—contd.*

Listeners' licences and — to the Indian listener. 900.

SUBSCRIPTION(S)—Question *re* collection and utilisation of public —. 657-58.**SUBSIDIARY RULE(S)—**

See "Rule(s)".

SUBSIDY(IES)—Question *re—*

— for distribution among the sugar-cane centres in the Madras Presidency. 16-18.

— paid to the Bombay Persia Steam Navigation Company, Limited. 3050.

SUFFERER(S)—Question *re—* from Italian Gas Bombs in Addis Ababa. 1146.**SUGAR—**Question *re—*

Apprehension of abnormally increased imports of — from Java due to Holland's departure from the gold standard. 2409.

Wages in the manufacture of — and in the cultivation of sugar-cane. 2625.

Statement laid on the table *re* payments from — excise duty to — manufacturing provinces. 111-12.**SUGAR-CANE(S)—**Question *re—*

Subsidy for distribution among the — centres in the Madras Presidency. 16-18.

Wages in the manufacture of sugar and in the cultivation of —. 2625.

SUGAR INDUSTRY—Question *re* article entitled "Indian —" published in the *Amrita Bazar Patrika*. 1596-98.**SUGAR MANUFACTURING PROVINCES—**Statement laid on the table: *re* payments from sugar excise duty to —. 111-12.**SUIT(S)—**Question *re—*

Donations for defending defamation — on the Eastern Bengal Railway. 3346.

SUIT(S)—contd.Question *re—contd.*

Supply of — to the guards on the Rohilkund and Kumaon Railway. 3169.

SUKKUR—Question *re* bathing arrangement for Hindu and Muslim railway employees at —. 2646-47.**SULLAGE DRAINS—**

See "Drain(s)".

SUNDAY(S)—Question *re—*

Arrangements for work on — and postal holidays in the Howrah Railway Mail Service. 70-71.

Grant of relaxations on — and holidays to the clerks in the Sub-Record Office of the Howrah Railway Mail Service. 71.

Sale of postage stamps on holidays and —. 3060.

— Fees Fund at the major ports. 3368.

SUNNI(S)—Motions for Adjournment *re* interference by the Government of the United Provinces with the — Muslims of Lucknow. 604-05.**SUPERANNUATED PERSONS—**Question *re* grant of extensions to — and re-appointment of retired Government servants. 2512-14.**SUPERANNUATION—**Question *re* Officials in the Bombay Postal Circle allowed to continue in service after attaining the age of —. 3349.**SUPERINTENDENT(S)—**Question *re—*

Appeals against the orders of the Divisional — on the East Indian Railway. 2770.

Appointment of Mr. Homan as Divisional —, Karachi. 3315.

Contract for building the Postal —'s and Overseer's quarters at Muzaffarpur. 2067.

Duties of — in the Posts and Telegraphs Directorate. 2739.

Employment of the Printing — as the caretaker of the head office buildings of the East Indian Railway. 1019.

SUPERINTENDENT(S)—contd.**Question re—contd.**

Farewell party to be given to the Assistant —, Howrah Goods. 1024-25.

Grant of extensions to some of the — in the Posts and Telegraphs Directorate. 2738.

Misappropriation in the office of the —, Viceregal Estate. 3179-80.

Non-filling of a post of — in the Railway Board. 3348.

Non-observance of orders regarding model rotation by the — of Post Offices, Rohtak. 3165.

Promotion of Office — on the North Western Railway. 3316-17.

Racial discrimination in the matter of promotion of Office — on the North Western Railway. 3316.

Recruitment of a Sikh in the office of the — of Viceregal Estate. 3150-51.

Removal of the portrait of Lord Krishna by the —, Railway Mail Service, "L" Division. 3360-61.

SUPERINTENDENT(S) OF POST OFFICE(S)—**Question re—**

Halting allowance sanctioned to the Inspectors and — in the Hill Districts of the Bengal and Assam circle. 2879.

Restriction of the powers of — in certain matters. 2664.

See also "Superintendent(s)".

SUPERIOR GRADE(S)—

Question re recruitment in — of the Bombay, Baroda and Central India Railway. 2957.

SUPERIOR RAILWAY SERVICE—

Question re special class apprentices of —. 3303-04.

SUPERIOR SERVICE(S)—**Question re—**

Appointment of Assamese in the — of the Assam Bengal Railway. 3314-15.

Bihari employees in the — of the Bengal and North Western Railway. 1909.

Employment of Baluchis in Sind in — in case suitable Baluchistanis are not available. 2651.

Employment of Muslims in the — of the Bombay, Baroda and Central India Railway. 2652-53.

Introduction of new scales of pay for —. 1477.

SUPERIOR SERVICE(S)—contd.**Question re—contd.**

Placing of the form suppliers of the Postal Stock Depot in —. 2631.

Procedure on State Railways for punishing or reducing the staff from — to inferior service on failure to pass an examination. 78-80, 3371.

SUPERIOR TRAFFIC SERVICE—

Question re amalgamation of two grades in the — of the Posts and Telegraphs Department. 3382-83.

SUPERNUMERARY(IES)—

Question re — in the cadre of Assistants in the Posts and Telegraphs Directorate. 2737.

SUPERSESSON—**Question re—**

Period of — of the Ajmer Municipality. 3065-66.

— of Indians by Europeans on the North Western Railway. 2603-04.

— of the Building Committee of the Nasirabad Cantonment. 1714.

SUPERVISING OFFICER(S)—

See "Officer(s)".

SUPERVISING STAFF—**Question re—**

Classification of technically trained — of the Mechanical Department, East Indian Railway. 681-82.

Reduction of the salaries of the — and of the workers of the East Indian Railway Press. 2611.

SUPERVISOR(S)—**Question re—**

Proposal to appoint Mr. K. M. Hassan as — of Railway Labour. 3185-86.

Raising of service limit for recruitment to the cadre of Engineering — of the Telegraph Engineering Branch. 3362.

SUPERVISOR-OPERATOR**SCHEME—**

Question re introduction of the — in some telegraph offices. 3380.

SUPERVISORY DUTY(IES)—

Question re initiation of a new grade of clerks for — in Telegraph Offices. 3313-14.

SUPERVISORY POSTS—

See "Post(s)".

SUPPLEMENTARY RULES—

See "Rule(s)".

SUPPLEMENTARY TENDER—

See "Tender(s)".

SURAT—

Question *re* removal of ban on certain Ashrams in Bardoli and —. 3158.

SURPLUS—

Question *re* — materials of the Calcutta Chord Railway. 1904-05.

SURVEY OF INDIA—

Question *re* Muslims in the —. 3356.

SUSPECT(S)—

Question *re* searches in connection with political — or proscribed literature or terroristic activities in Delhi. 1855-56.

SUSPENSION—

Motion for Adjournment *re* — of some Patwaris of the Aligarh District for alleged attending an election meeting. 3203-06, 3388-89.

Question *re*—

Racial discrimination in the Howrah Division of the East Indian Railway in the matter of placing certain staff under —. 1020-21.
— of persons in the East Indian Railway Press. 2523.

SWORD(S)—

Question *re* restrictions on the possession and carrying — and sword sticks in the Delhi Province. 2514-15.

SWORD-STICKS—

Question *re* restrictions on the possession and carrying swords and — in the Delhi Province. 2514-15.

SYMBOL(S)—

Question *re* system of voting at the coming provincial elections by means of coloured boxes with or without —. 1567-59.

T

TANGANYIKA—

Question *re* statement on Indian interests in — by Mr. H. Vellani. 2304-05.

TANJORE—

Question *re* construction of a railway line from — to Pattukottai. 2306-07.

TANK-WAGON(S)—

Question *re* — constructed by the East Indian Railway. 2969-70.

TANNING INDUSTRY—

Question *re* — in India and duty free import of wattle bark extract. 3147-48.

TARIFF(S)—

Question *re* overhauling of the Indian — System. 417-19.

TARIFF (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

TARIFF BOARD—

Motion for adjournment *re* abolition of the —. 190-91, 222-36.

Question *re*—

Abolition of the Tariff Board. 916-17, 1132, 1216-18, 1221-22, 2593.
Effects of the recommendations of the — on the Cotton Textile Industry upon the handloom weavers. 2078-79.

Giving effect to the recommendations of the — on the Cotton Textile Industry. 1144, 1237.

Government's action on the Report of the — on the Cotton Textile Industry. 1240-42.

Report of the Special —. 500-01.

TARIFF SECOND AMENDMENT BILL—

See "Indian —" under "Bill(s)".

TASK MESSENGER(S)—

Question *re* — employed in the Lahore Telegraph Office. 3319.

TASK-WORK EARNINGS—

See "Earnings".

TATA IRON AND STEEL COMPANY, LIMITED—

Question re—

- Dividends announced by the —. 243.
- Inspection of the accounts of the —. 244.
- Reduction in the prices of steel materials in bar sections in the Madras market by the —. 2958.

TAWNPENG—

- Question re applications for the grant of export quotas of tea by the — and other States. 1614-15.

TAX(ES)—

Question re—

- Enhancement of water — in the Nasirabad Cantonment. 1713.
- Payment of land — by Railway Companies. 2092-93.
- Payment of property — to District Boards and Municipalities by Railway Companies. 2093.
- on wells in the Delhi Province. 904-06.
- levied by the Dehra Dun Cantonment from the inhabitants of certain villages. 1714-15.

TAXATION—

- Question re — proposals of provincial Governments and Coal Cess in Bihar. 1133-34.

TEA—

Question re—

- Adulterated — leaves sold for human consumption. 3062-63.
- Applications for the grant of export quotas of — by the Tawnpeng and other States. 1614-15.
- Proposal to increase freight on coffee — and rubber. 1228.

TEA CESS (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

TEA CONTROL ACT—

See "Act(s)".

TEA CONTROL (AMENDMENT) BILL—

See "Indian —" under "Bill(s)".

TEA ESTATE(S)—

Question re—

- Indian —. 854.
- which applied for special treatment under the Tea Control Act. 854.

TEACHER(S)—

Question re—

- Application of State Railway Leave Rules to — in certain East Indian Railway Schools. 2966.
- Leave on average pay in cases of illness for — in the East Indian Railway Schools. 2967.
- Leave rules governing the — in State Railway schools. 2961-64.
- Non-application of the Revised State Railway Leave Rules to — of the Oakgrove School. 2965.
- Position of — in State Railway Schools. 2967.
- Scales of pay of — in Railway Middle Schools. 97-98.

TEACHING STAFF—

- Question re — of the Imperial Institute of Animal Husbandry and Dairying at Bangalore. 3130-32.

TEAK LOGS—

See "Logs".

TECHNICAL EX-APPRENTICE(S)—

See "Apprentice(s)".

TECHNICAL SCHOOL(S)—

- Question re successful ex-apprentices Mechanics of the East Indian Railways —. 74.
- See also under "School(s)".

TELEGRAM(S)—

- Question re withholding of a — regarding motion for adjournment to discuss the conduct of the Governor of Bihar for his taking active part in organising parties to fight the elections. 2316-17.

TELEGRAPH(S)—

Question re—

- Embezzlement cases in the Lahore Engineering Division and the Amritsar — Exchange Office. 3167
- Pension of — delivery peons. 3146-47.
- Recruitment of Muslims as Engineering Supervisor. —. 3164.

TELEGRAPH DEPARTMENT—

- Question re non-pensionable appointments in the —. 2654-55.

TELEGRAPH ENGINEERING BRANCH—

- Question re raising of service limit for recruitment to the cadre of Engineering Supervisors of the —. 3382.

TELEGRAPH EXCHANGE—

Question re embezzlement cases in the Lahore Engineering Division and the Amritsar — Office. 3167.

TELEGRAPH MASTER(S)—

Question re—

Supervision of work by the — in the Central Telegraph Office, Calcutta. 3381.

— in Telegraph Offices. 3385-86.

TELEGRAPH OFFICE(S)—

Question re—

Complaints about the administration of the Central —, Calcutta. 3379.

Discontent among the staff of the Madras —. 3353.

Duration of duties in —. 3381.

Initiation of a new grade of clerks for supervisory duties in —. 3313-14.

Introduction of the supervisor-operator scheme in some —. 3380.

Opening of the — on the Shahdara-Saharanpur Railway to the public. 1119.

Outturn of the staff in a first class — on certain points. 3386.

Recovery of overdrawn leave allowances from the inferior staff on the Central —, Calcutta. 2657.

Recreation Club of the Central —, Calcutta. 2659-60.

Reduction in the task-work earnings of foot peons of the Madras Central —. 2658.

Rotation of duties of clerks in the —. 2657-58.

Supervision of signal room clerks in —. 2660-61.

Supervision of work by the Telegraph Master in the Central —, Calcutta. 3381.

Task messengers employed in the Lahore —. 3319.

Telegraphs Masters in —. 3385-86.

TELEGRAPH RATES—

Question re concession in — allowed to Railways, Press and Indian States. 2655-56.

TELEGRAPH SIGNALLERS—

See "Signaller(s)".

TELEGRAPH STAFF—

Question re provision for adequate meal relief to certain —. 2658-59.

TELEGRAPHIST(S)—

Question re—

Abolition of the cadre of Station Service —. 3379.

Employment of — for working on pie-money lines. 2660.

Hours of duty of —. 2655.

TELEPHONE(S)—

Question re—

Interception of correspondence and tapping of — of political workers of Delhi. 1851-54.

Introduction of a distinguishing signal for trunk — lines. 589.

Reduction of — Trunk Call charges. 3320-21.

Trunk — call bills. 1486.

TELEPHONE LINE(S)—

Question re congestion on trunk — between certain cities in India. 2409-10.

TELEPHONE OPERATORS—

Question re—

Duty hours of —. 2660.

Muslims recruited as — in the Lahore Engineering Division. 3164-65.

Non-observance of orders regarding reservation on the Delhi Engineering Division for the cadre of — and mistries. 3165.

TELEPHONE REVENUE ACCOUNTING OFFICE—

Question re examination for recruitment of clerks in the —, Delhi. 818-19.

TEMPORARY ESTABLISHMENT—

See "Establishment".

TENDER(S)—

Question re—

Irregularities connected with the acceptance of — for the Irwin Hospital, New Delhi. 910-12.

Purchase of stores by inviting — by the Indian Stores Department. 2330-31.

Supplementary — for the supply of paints invited by the Indian Stores Department. 2328-29.

— for contract of motor mail service in the Dooras. 2877-78.

— for paints invited by the Indian Stores Department, Calcutta Circle. 2332.

TENDER(S)—contd.**Question re—contd.**

- for readymixed red oxide paint required for certain Railways. 2734-35.
- for Red Oxide Paint accepted by the Indian Stores Department. 2331-32.
- for the re-building of Quetta. 2183-85.
- for the sale of ice and aerated waters on the East Indian Railway. 2757-59.
- for the supply of indigenous red oxide paint. 3312-13.
- for the supply of inside body varnish approved by the East Indian Railway. 2941-42.
- for the supply of paints invited by the Indian Stores Department. 2331.
- invited by the Indian Stores Department, Calcutta Circle, for Paint Readymixed Lead White. 2329-30.
- invited for the supply of conservancy plants in New Delhi. 93.

Statement laid on the Table *re* cases in which the lowest — have not been accepted by the High Commissioner for India. 2350-51.

TENURE—**Question re—**

- of an officer of the Railway Board. 3196.
- of the posts of Directorate establishment of the Railway Department. 3139.

TERMINATION—**Question re—**

- Consultation of commercial and industrial opinions after giving notice of — of the Ottawa Trade Agreement. 754-55.
- Delay in giving notice of — of the Ottawa Trade Agreement. 338.
- Notice of — of the Ottawa Trade Agreement. 175.
- of the Ottawa Trade Agreement. 1153-54.
- of the sanctions against Italy. 846-47.

TERRITORIAL FORCE—

Question re students trained in the Indian —. 918-19.

TERRITORY (IES)—

Question re declaration of policy regarding the future of mandated —. 600-01.

TERRORIST(S)—**Question re—**

- Object in transporting — prisoners to the Andamans. 990-91.
- Searches in connection with political suspects or proscribed literature or — activities of — in Delhi. 1855- — situation in India. 1992-94.

TEST(S)—**Question re—**

- Eye-sight — of workers. 2596.
- Postal clerks in the Punjab and North-West Frontier Postal Circle required to pass a — in Gurmukhi. 3165-66.
- of samples of readymixed red oxide paints submitted by certain firms. 2726.

TEXTILES—

Motion for Adjournment re reduction of the duty on British — without consulting the Legislative Assembly. 272, 305-30.

Question re—

- Giving effect to the Recommendations of the Tariff Board on the Cotton — Industry. 1144.
- Government's action on the Report of the Tariff Board on the Cotton — Industry. 1240-42.

TEXTILE INDUSTRY—**Question re—**

- Effects of the recommendations of the Tariff Board on the Cotton — upon the handloom weavers. 2078-79.
- Giving effect to the recommendations of the Tariff Board on the Cotton —. 1237.

THEFTS—

Question re — committed in the Ajmer city. 3066.

THEIN MAUNG, DR.—**Question re—**

- Applications for the grant of export quotas of tea by the Lawnpeng and other States. 1614-15.
- Indianisation of the Military Assistant Surgeon Class. 1784.

THEIN MAUNG, U—

Question re—

Defence of Burma and Burmanization of the defence forces, etc. 3357.

Exclusion of Burma in the negotiations for a fresh trade agreement with Japan. 3358.

Exemption of teak logs from the protective customs duty. 3358.

Report of the Application Committee on Financial Adjustment between India and Burma. 3357.

Report of the Committee on Financial Settlement between Burma and the Shan States. 3357-58.

THIRD CLASS—

Question re—

Attachment of a — bogie for servants to the East Indian Railway Punjab Mail. 671-73.

Inconvenience felt by intermediate and — through passengers on the East Indian Railway. 629.

Inconvenience suffered by — passengers on the East Indian Railway. 1154.

Introduction of new type of — carriages. 1472-73.

Latrines for — and intermediate class passengers on the Assam Bengal Railway. 2620-21.

Open enclosures for — passengers at Hardwar Railway Station. 1702-03.

Provision of fans in the — and intermediate class compartment of State Railways. 983-84.

Redress of the grievances of — passengers. 176-78, 981-83.

Reduction of — fare between Bez-wada and Masulipatam on the Madras and Southern Mahratta Railway. 2339-40.

Reservation of intermediate and — seats on the East Indian Railway. 1487-89.

Return tickets for intermediate and — passengers on certain Railways from Simla. 3184.

THIRD CLASS CARRIAGE(S)—

Question re insanitary condition of the — attached to the Howrah Express for a through journey to the Punjab. 1487.

See also under "Carriage(s)".

THIRD CLASS COMPARTMENT(S)—

See "Compartment(s)".

THIRD CLASS FARE—

See "Fare(s)".

THIRD CLASS PASSENGER(S)—

See "Passenger(s)".

THIRD DIVISION—

Question re promotion of — clerks in the Government of India Offices. 88-89.

THORNE, MR. J. A.—

Code of Civil Procedure (Amendment). Bill—

Consideration of clauses. 3088, 3097.
Resolution re interference from public servants in the ensuing elections. 2680.

Oath of Office. 1.

THROUGH COMPARTMENT(S)—

See "Compartment(s)".

THROUGH TRAVELLING—

Question re rules on the East Indian Railway re alternate routes for — and break of journey. 827-28.
See also under "Travelling".

TICKET(S)—

Question re—

Government servants exempted from the necessity of purchasing platform —. 676-77.

Issue of platform — to the members of the Criminal Investigation Department. 824-25.

Issue of single and return — at reduced rates from Shahabad Markanda on the North Western Railway to certain places. 2359.

Non-prosecution of Sadhus, fakirs and beggars travelling without — on the East Indian Railways. 89.

Passengers detected travelling without —. 3140-41.

Penalties for irregular use, etc., of privilege — orders and passes on Railways. 3136.

Platform — at Moghal Sarai. 1772.

Platform — for persons going to railway stations to receive Viceroy and Governors. 2517-19.

Questions of fraud in connection with Railway —. 2840.

Return — for intermediate and third class passengers on certain Railways from Simla. 3184.

Signature of passengers on monthly — on the East Indian Railway. 37.

Travelling without — on the North Western Railway. 1129.

TICKET CABINET(S)—

Question *re* introduction of Ross Patent — on the Eastern Bengal Railway. 77.

TICKET CASES—

Question *re* cabinets of Ross Patent — purchased for use at the Howrah Booking Offices. 76-77.

TICKET-CHECKER(S)—

Question *re* designation of — on the East Indian Railway. 3129.

TICKET CHECKING STAFF—

Question *re*—
Mileage allowance of — on the East Indian Railway. 2769-70.
— on the East Indian and North Western Railways. 3060-63.

TICKET CHECKING SYSTEM—

Question *re* — on the East Indian and North Western Railways. 3053.

TICKET COLLECTOR(S)—

Question *re*—
Alleged throwing out from moving train of an Oriya boy by a Travelling — of the Bengal Nagpur Railway. 3155-56.
Grant of free quarters or rent in lieu to the — on the East Indian Railway. 3138.

TICKET EXAMINER(S)—

Question *re*—
Check over the work of travelling — on the North Western Railway. 3137.
Confirmation of Special — on the North Western Railway. 3511.
Permanent travelling allowance for Travelling — of the East Indian Railway. 2600-01.
Pressure on — to increase their earnings. 3053.
Removal of the travelling — from the list of running staff. 1688-89.
Report of the Misra Committee on the position and salary of travelling — on the East Indian Railway. 2772.
Special — in the Headquarters Office, North Western Railway. 2989.
Special — on the North Western Railway. 3338.
Travelling — on the North Western Railway. 3139.

TICKET INSPECTOR(S)—

Question *re*—
Consolidated allowances of Travelling —, etc., on the East Indian Railway. 2772.
Pay and allowances of Travelling — on the East Indian Railway. 2771-72.

TICKETLESS PASSENGER(S)—

See "Passenger(s)".

TICKETLESS TRAVELLERS—

Question *re* — charged and punished in India. 251-52.

TICKETLESS TRAVELLING—

Question *re*—
Honorary Special Magistrate dealing with cases of — on State Railways. 1681-84.
Improvements made in railway enclosures of small stations to check —. 1685-86.
— on State Railways. 1684-85.

TIME PUNCHING MACHINE(S)—

Question *re* installation of — in the Railway Board Office. 3143, 3149-50.

TIME-SCALE(S)—

Question *re* promotions to the upper — posts of Assistants in the Railway Board. 3348.

TIME TABLE(S)—

Question *re*—
Increase in the price of the East Indian Railway —. 926-27.
Printing in — the detention period of trains at Junction Stations in case connecting trains are late. 1116-17.

TINNEVELLY TIRUCHENDUR RAILWAY—

See "Railway(s)".

TINSUKIA—

Question *re* railway collision between — and Lunding District on the Assam Bengal Railway. 3314.

TOBACCO FACTORY—

Question *re* strike in the Bangalore —. 2984-86.

TONNAGE—

Question *re* number and — of Indian ships in the ocean-going traffic. 853.

TOTTENHAM, MR. G. R. F.—

Cantonments (Amendment) Bill—

Motion to consider. 483-87, 525-27.
 Consideration of clause 4. 529-31,
 533, 538-40, 541-42, 543.

Consideration of clause 10. 547-50.
 Consideration of clause 16. 551.
 Consideration of clause 22. 553-54.
 Consideration of clause 33. 555.
 Consideration of clause 34. 557-58.

Consideration of clause 38. 558.
 Consideration of clause 44. 559-60.
 Consideration of clause 46. 561, 562-63.

Consideration of clause 48. 566.
 Consideration of clause 10. 1563,
 1564-65, 1566-67, 1569, 1572.
 Consideration of clause 22. 1574-75.
 Consideration of clause 68. 1575-76.
 Motion to pass. 1936-37, 1941-42.
 Oath of Office. 2479.

Geneva Convention Implementing Bill—

Motion for leave to introduce. 522.
 Motion to consider. 2994-95, 2998,
 2999-3000.
 Consideration of clauses. 3001, 3002,
 3003, 3004, 3005.

Manoeuvres Field Firing and Artillery Practice Bill—

Motion for leave to introduce. 2993.
 Motion to circulate. 3265-66, 3268,
 3270, 3272, 3273, 3274, 3281-83.

Red Cross Society (Allocation of Property) Bill—

Motion for leave to introduce. 934.
 Motion to consider. 3030, 3031.
 Consideration of clauses. 3033.
 Motion to pass. 3034.

TOUR(S)—

Question *re* issue of orders regulating and restricting the — of supervising officers of the Posts and Telegraphs Department in the Hill Districts. 2879.

TOWN SUB-OFFICE(S)—

See "Sub-Office(s)".

TRADE—

Question *re*—

Appointment of Sir Charles Innes and Sir Fredrick Whyte as Commissioners to assist the Commercial Relations and Treaties Department of the Board of — Negotiations. 1237-238.

Indo-Ceylon — Relations. 575-76.
 Loss of — suffered by India by adopting the sanctions against Italy. 246-47.

TRADE—*contd.*Question *re*—*contd.*

Quota principle of regulating — between India and Japan. 2591-92.
 Result of the Ottawa Trade Agreement on the foreign — of India. 419-20.
 — license bye-laws passed in Marikburg, South Africa, curtailing Indian interests. 337.

TRADE AGREEMENT(S)—

Question *re*—

Action taken on the Resolution *re* Ottawa —. 188.

Appointment of a committee to examine the working of the Ottawa —. 738.

Article entitled "Indian Interests First" published in the *Bombay Sentinel* regarding negotiations to replace the Ottawa —. 2304.

Bilateral — with England and other countries. 917-18.

Consultation of commercial and industrial opinions after giving notice of termination of the Ottawa —. 754-55.

Consultation with Governments concerned in the Ottawa — *re* their continuation. 723-39.

Delay in giving notice of termination of the Ottawa —. 338.

Exclusion of Burma in the negotiations for a fresh — with Japan. 3358.

Functions of the unofficial advisers to Government in connection with the Indo-British —. 2849-50.

Indian delegation to London in connection with the conclusion of a — in place of the Ottawa —. 2171-74.

Negotiations for a fresh Indo-Japanese —. 3299.

Negotiations for a fresh — to replace the Ottawa —. 2169-70.

Negotiations for a fresh — with Great Britain in place of the Ottawa —. 2494.

Negotiations for a — in place of the Ottawa —. 2582-85.

Negotiations for an Indo-British —. 2501-03.

Negotiations for an Indo-Japanese —. 10-12, 335-36, 439-40, 585, 2170, 2493-94, 3299.

Negotiations for Bilateral —. 175-76.

Negotiations for bilateral — with Great Britain and other countries. 587-88.

Negotiations for Trade Agreements on the basis of reciprocity. 601.

TRADE AGREEMENT(S)—contd.**Question re—contd.**

- Negotiations with the British Government for a new —. 2069-71.
 Notice of termination of the Ottawa —. 175.
 Proposals for concluding reciprocal — between India and Ceylon. 422-23.
 Question and answer in the House of Commons on the 17th June, regarding revision of the Ottawa —. 1218-19.
 Renewal of the Indo-Japanese —. 1220, 1989-90.
 Result of the Ottawa — on the foreign trade of India. 419-20.
 Revision of the Indo-Japanese —. 1239-240.
 Signing of any Indo-Japanese — in England. 751-52.
 Statement on the renewal of the Indo-Japanese — by Mr. M. P. Gandhi. 2305.
 Temporary trade agreements between India and Great Britain. 1212-15.
 Termination of the Ottawa —. 1227, 1229-30, 1989-90, 2018-19.
 — between India and Ceylon. 1210.
 Views expressed by the Bengal National Chamber of Commerce on the Indo-Japanese —. 585.

TRADE AND NAVIGATION ACCOUNTS—

- Question re publication of the "Sea-Borne —". 67.

TRADE COMMISSIONER—

- Question re—
 Appointment of a — for Ceylon in India. 1228.
 Appointment of Indian Consuls and — in foreign countries. 265-66.
 Appointment of Indian — in Japan and East Africa. 2497.
 Appointment of — in Foreign countries. 744.

TRADE DEPRESSION—

- Question re Sir Montague Webb's Book on the — and fall in prices in India. 1782-83.

TRADE DISPUTE (AMENDMENT) BILL—

- See "Bill(s)".

TRADE MARK(S)—

- Question re insistence by the Railway Department to purchase a particular brand and — of articles. 96.

TRADE NEGOTIATION(S)—

- Question re — with Ceylon. 241.

TRADE RELATION(S)—

- Question re negotiations for the establishment of better — with foreign countries. 2012-14.

TRADE UNION(S)—

- See "Union(s)".

TRADE UNION ACT—

- See "Indian —" under "Act(s)".

TRADER(S)—

- Question re stoppage of — from Chinese Turkestan from proceeding to India via Leh. 2495.

TRAFFIC—**Question re—**

- Availability of the Dufferin Bridge near Benares for vehicular —. 670-71.
 Filling up of the vacancy of the Director of —, Railway Board. 3181-82.
 Motor and lorry — competition with the railway on the occasion of the Kurukshetra fair. 1128.
 Number and tonnage of Indian ships in the ocean-going —. 853.
 Termination of the opium — in India. 2726-28.

TRAFFIC DEPARTMENT—

- Demand for Excess Grant in respect of "Working Expenses—Expenses of the —". 3264.

Question re—

- Dividend declared by the Rohilkund and Kumaon Railway and stoppage of promotions in the —. 3169.
 Employees in the — of the Rohilkund and Kumaon Railway discharged on grounds of protracted illness. 3170.
 Non-provision of quarters at Aishbagh Junction, Bareilly and Mailani for the members of the — and Loco. Department. 3173.

TRAFFIC INSPECTOR(S)—

- Question re checking of the work of Station Masters by a — on the East Indian Railway. 82.

TRAFFIC SERVICE—

- Question re amalgamation of two grades in the superior — of the Posts and Telegraphs Department. 3382-83.

TRAIN(S)—

Motion for Adjournment *re* protection of female passengers travelling in female compartments of —. 2665-67.

Question *re*—

Alleged throwing out from a moving — of an Oriya boy by a Travelling Ticket Collector of the Bengal Nagpur Railway. 3155-56.

Assault on a girl in the Bhopal Ujjain Passenger —. 3331-32.

Boards indicating the destinations of — fitted on through compartments on the East Indian Railway. 1489-90.

Cleaning of carriages and latrines of —. 1903.

Collision of special *mela* — at Kalat railway station, North Western Railway. 2841.

Collision of — on the occasion of the Kurukshetra fair. 1128-129.

Death of one Zamir Ahmad by a — at the Devi Nagar crossing near Changigarh Railway Station. 678.

Introduction of mail and express — on the Rohilkund and Kumaon Railway. 3174.

Legislation to restrict the number of — on any railway. 2819.

Non-stoppage of 1-Up and 2-Down — at Shahabad Markanda on the North Western Railway. 2837-39.

Printing in time tables the detention period of — at Junction Stations in case connecting — are late. 1116-117.

Workmen's — running from and to Jamalpur on the East Indian Railway. 2743-44.

TRAIN SERVICE(S)—

Question *re* hardships experienced by pilgrims at Rajgir fair on account of suspension of the Bihar-Bukhtiar-pur Light Railway —. 1715-17.

TRAINING—

Question *re*—

Appointment for — in the Commercial and Transportation Groups on the North Western Railway. 2867-68.

Rules for the recruitment and — of clerical staff and the avenues for their promotion on the East Indian Railway. 1020.

Rules for the recruitment and — of non-gazetted staff on the Eastern Bengal Railway. 1022-23.

— of Indians in field work in the Archæological Department. 1040.

TRAINING CORPS—

Question *re* University —. 183-86.

TRAINING GROUND(S)—

Question *re* value of India as a — for British troops. 496-97.

TRANSFER—

Question *re*—

— of a portion of the Postal Audit Office, Madras, to Rangoon. 2960-61.

— of certain clerks in the Punjab and North-West Frontier Circle. 3362-63.

— of certain industrial employees of the Government of India Press, Calcutta, from the temporary to the permanent establishment. 2617.

— of postal clerks who suffered in the Quetta earthquake to the Punjab Circle. 2335-36.

— of staff from one division to another division on the North Western Railway. 3185.

— of the control of the Animal Nutrition section at Bangalore. 3133-34.

— of the Imperial Institute of Animal Husbandry and Dairying from Bangalore to Delhi. 3132.

TRANSFER TO THE FUND FOR THE ECONOMIC DEVELOPMENT AND IMPROVEMENT OF RURAL AREAS—

Demand for Excess Grant. 3262.

TRANSHIPMENT—

Question *re* — of postal articles from cities in Bihar connected with the Bengal and North Western Railway. 2747.

TRANSLATION(S)—

Question *re* — from English of the notices pasted on Railway Platforms and inside the compartments. 1116.

TRANSPORT ADVISORY COUNCIL—

Question *re*—

Article entitled “— Meeting” regarding Railways published in the *Roy's Weekly*. 2167-68.

Conclusion arrived at by the —. 758-59, 1504-07, 2342-43, 2504-06.

Letter entitled “— Meeting” published in the *Roy's Weekly*. 1927-28.

TRANSPORTATION—

Question *re* object in — of terrorist prisoners to the Andamans. 990-91.

TRANSPORTATION DEPARTMENT(S)—

Question *re* commercial and — of the East Indian Railway. 2636.

TRANSPORTATION GROUP—

Question *re* appointment for training in the Commercial and — on the North Western Railway. 2667-68.

TRANSPORTATION INSPECTOR(S)—

Question *re*—

Posts of — sanctioned by the East Indian Railway. 67, 2636-37.

Promotion of clerical staff to the posts of — and lower gazetted officers. 3062.

TRANSPORTATION INSPECTOR(S) COMMERCIAL—

See "Inspector(s)".

TRANSPORTATION STAFF—

Question *re* seniority of — and commercial staff on the East Indian Railway. 101, 3142.

TRANSVAAL—

Question *re* condition of Indians in — and British Guiana. 1934.

TRAVELLING—

Question *re*—

Conditions for — of servants with their masters in first and second class railway compartments. 669-70.

Illicit — on State Railways. 1049-57.

Rules on the East Indian Railway *re* alternate routes for through — and break of journey. 674.

TRAVELLING ALLOWANCE—

See "Allowance(s)".

TRAVELLING ALLOWANCE RULES—

See "Rule(s)".

TRAVELLING EXPENSE(S)—

Question *re* — to the relations of detenues confined in the Deoli Detention Camp. 3295-96.

TRAVELLING PUBLIC—

Question *re*—

Facilities for the — on the East Indian Railway. 3125.

TRAVELLING PUBLIC—contd.

Question *re*—contd.

Grievances of the — against the Bengal and North Western Railway. 2065-66.

Grievances of the — on the Bengal and North Western Railway. 1909.

Hardship and inconvenience of the — on the District Railway Branch line running from Siliguri to Kishungunj. 3072-73.

Precautions for the safety of the —. 2638.

TRAVELLING RADIO SERVICE—

See "Radio Service".

TRAVELLING TICKET COLLECTOR—

See "Ticket Collector(s)".

TRAVELLING TICKET EXAMINERS—

See "Ticket Examiner(s)".

TRAVELLING TICKET INSPECTOR(S)—

See "Ticket Inspector(s)".

TREASURY BILL(S)—

Question *re*—

Policy in respect of the issue of —. 506-07.

See also under "Bill(s)".

TREATMENT—

Question *re* representations received from the detenues regarding — meted out to them. 3295.

TREATY (IES)—

Question *re*—

Appointment of Sir Charles Innes and Sir Fredrick Whyte as Commissioners to assist the Commercial Relations and — Department of the Board of Trade Negotiations. 1237-238.

Signing of the London Naval — by India. 495-96.

TREE(S)—

Question *re* cutting of — by the owners of bungalows in the Almora Cantonment. 1768-69.

TRIAL(S)—

Question *re* release of persons detained without — in Jails. 1995-96.

TRIBAL AREA(S)—

Question *re* amount allotted for the economic development of —. 2821-22.

TRIBUNAL(S)—

Question *re*—

Recommendations of the Amery — in respect of the Indo-Burma Financial Settlement. 2014-15.

Recommendations of the Indo-Burma Financial —. 1222.

TROLLY(IES)—

Question *re* purchase of new fittings for the motor — by the East Indian Railway. 1017-18.

TROOPS—

Question *re*—

British — in India and their cost of maintenance. 497-99.

Communique issued by the Royal Consul General for Italy about the supply of Dum Dum bullets to Ethiopian —. 745-49.

Expenses on — sent from India to Abyssinia during the Italo-Abyssinian War. 245-46.

Serving of British — under the command of an Indian. 590-91.

Value of India as a training ground for British —. 496-97.

TRUNK CALL(S)—

Question *re*—

Reduction of Telephone — charges 3320-21.

Telephone — bills. 1486.

TRUNK TELEPHONE(S)—

Question *re* — call bills. 1486.

TRUNK TELEPHONE LINE(S)—

Question *re* introduction of a distinguishing signal for —.

See also under "Telephone Line(s)". —589.

TRUST(S)—

Question *re* rules for suing Government for breach of — in respect to service conditions, etc. 2816-17.

TRUSTEE(S)—

Question *re* official — of Bengal. 2850-51.

TRUSTEESHIP AND DISCRIMINATION—

Question *re* article entitled "—" published in the *Hindu*. 2590.

TUBERCULOSIS—

Question *re*—

Detenus suffering from — at Deoli 61.

— in Ajmer. 1907.

TUNDLA—

Question *re*—

Reduction in the grant-in-aid of the East Indian Railway Anglo-Vernacular High School, —. 98.

Stoppage of the teaching of Sanskrit and Persian in the East Indian Railway Anglo-Vernacular High School, —. 98-99.

TUNGABHADRA—

Question *re* negotiations for the settlement of the — dispute. 602.

TUNGABHADRA DISPUTE—

Question *re* end of the —. 1144.

TUNGABHADRA PROJECT—

Question *re* negotiations for the — 250-51.

TWENTY-FOUR PARGANAS—

Motion for adjournment *re* extension by the Government of Bengal of the provisions of Chapters II and III of the Bengal Public Security Act, 1932, to the Town of Calcutta and the Districts of — and Howrah 772-74.

TYPIST(S)—

Question *re* supply on payment of application forms for the post of a — in the Divisional Superintendent's Office, Moradabad. 2506-07.

U**UMAR ALI SHAH, MR.—**

Arya Marriage Validation Bill—
Consideration of clauses. 2022-23.

Question *re*—

Abolition of night schools for educating the illiterate railway workers of the Loco. Department. 3363-64.

Discharge of certain firemen and shunters on the Eastern Bengal Railway. 3363.

Mileage allowance granted for crew staff on the Eastern Bengal Railway. 3366.

UMAR ALI SHAH, MR.—*contd.*Question *re—contd.*

- Powers given to Agents of State Railways to modify the rules for the grant of allowances. 3367-68.
- Provision of box *khalasies* to carry the boxes of Indian drivers. 3365.
- Provision of cooks to drivers on the East Indian Railway. 3365.
- Provision of mosquito curtains, mattresses and bed sheets in the running rooms of drivers on State Railways. 3365.
- Recording of names of the crew staff who fail to collect excess fares from passengers on the Eastern Bengal Railway. 3365-66.
- Recruitment in superior grades of the Bombay, Baroda and Central India Railway. 2957.
- Reduction in working expenses on the Eastern Bengal Railway. 3367.
- Relieving allowance to staff sent to outstations to relieve Station Masters, signallers and clerks. 3364.
- Retrospective effect to concessions granted to railway staff. 3366.
- Running parcel clerks on the Eastern Bengal Railway. 3367.
- Running room arrangement for crew staff on the Eastern Bengal Railway. 3366.
- School established at Calcutta to train firemen, shunters and drivers. 3364.
- Senior subordinate officers in the Loco. and Carriage Department, Bombay, Baroda and Central India Railway. 2957.

UNCLAIMED AMOUNT—

See "Amount(s)".

UNDERFRAME(S)—

Question *re—*

- Annual contract placed by the Indian Stores Department for the supply of Paint Black Readymixed for — and wagon bodies. 2333-34.
- Contract for the supply of Red Oxide for railway wagons and —. 2940-41.
- Use of Red Oxide Paint for painting of railway —, wheels, etc. 2869-76.

UNDER SECRETARY OF STATE FOR INDIA—

Question *re* statement of the — about Mr. Subhash Chandra Bose's arrest. 581-82.

UNEMPLOYMENT—

Question *re—*

- Article entitled "Inter-related problems" published in the *Hindustan Times* regarding — problem. 499-500.
- Article entitled "—" published in the *Hindu* regarding educational reconstruction. 1593-96.
- Measures to combat —. 1847-48.
- Organisation of public works in connection with the relief of —. 256-58.
- Proposals for educational reforms and measures to fight against —. 263-64.
- Report of the Sapru Committee on —. 34-36.
- Schemes for the relief of — suggested by the Sapru Committee. 258-59.
- Lackling of the — problem. 1859.
- problem. 1000-02, 1929-31.

UNIFORM(S)—

Question *re* supply of necessary — for a cabinmen officiating as a guard on the Great Indian Peninsula Railway. 83-84.

UNION(S)—

Question *re—*

- Joining of Railway — and Federations by Railway employees. 3186.
- Non-eligibility of temporary Government servants to become members of recognised — and associations. 3324-25.
- Postmen and Lower Grade Staff Union, Delhi Province. 84-85.
- Recognised Service — and Associations of the staff of the Posts and Telegraphs Department. 3384-85.
- Recognition of the Railway Press Workers' —, Calcutta. 2614.
- Representation of individual cases by service — and associations. 2654.
- Resolutions passed by the Cordite Factory Labour —, Aruvankadu. 3072.
- Staff of State Railways attending meetings of their Trade —. 2768.
- Travelling allowances to staff on State Railways for attending meetings of their Trade —. 2768.

UNION OF SOUTH AFRICA—

See "South Africa".

UNIT(S)—

Question *re* promotions to the rank of a Jamadar or Subedar in Indianised —. 3305.

UNITED KINGDOM—

Motion for adjournment *re* reduction of the import duty on grey cotton goods and on bordered and bleached cotton goods imported from the —. 365.

Question *re*—

Demands to put off all negotiations by fresh agreements between the — and India. 586.

Export of raw cotton and raw cotton purchased by the — and Japan. 586.

Persons paid from Indian Revenues in the — and the British Colonies. 2161-62.

UNITED PROVINCES—

Message from His Excellency the Viceroy and Governor General disallowing Mr. Mohan Lal Saksena's motion for adjournment *re* Secrecy of vote in the rural areas of the —. 2280.

Motion for Adjournment *re*—

Interference by the Government of the — with the Sunni Muslims of Lucknow. 604-05.

Restrictions by the — Government on the movements of the general public at Lucknow. 1244-246.

Secrecy of vote in the rural areas of the —. 2245-47.

Question *re* representation made on behalf of the Brahmins of the — by the Brahmin Sabha, Ferozepur. 2950.

UNITED STATES OF AMERICA—

Question *re*—

Restrictions on the movement of Mr. Sainendra Nath Ghose, a Political exile in the —. 3297.

Share of Indians in the quota of immigration allowed into the —. 1467-69.

UNIVERSITY (IES)—

Question *re*—

Discontent among the — of India regarding grants made to them. 2497-98.

UNIVERSITY (IES)—*contd.*Question *re*—*contd.*

Educational assistance to the children of the railway staff reading in the Hindu and Muslim —. 3061.

Strike of students in the Aligarh Muslim —. 2580-81.

Suffrage of the — electorate in the Central Provinces. 3298-99.

UNIVERSITY BOARD(S)—

Question *re* constitution of the Central —. 245.

UNIVERSITY CERTIFICATES—

See "Certificate(s)".

UNIVERSITY TRAINING CORPS—

Question *re* —. 183-86.

UNLOADING WORK—

Question *re* loading and — of the railways done by the porters. 2520-21.

UNOFFICIAL ADVISER(S)—

See "Adviser(s)".

UPLIFT WORK—

Question *re* progress made in the village — in the centrally administered areas. 2318-19.

UPPER TIME-SCALE—

See "Time-Scale(s)".

URINAL(S)—

Question *re* construction of hydrants supplying drinking water or — and latrines by the roadside in New Delhi. 90.

URIA(S)—

Question *re* recruitment of Biharis and — in the Dead Letter Office, Calcutta. 2831-32.

UTENSIL(S)—

Question *re* allowance to detenus for replacing —, beddings and warm clothings, etc. 3296.

V

VACANCY (IES)—

Question *re*—

Clerical — in the Dacca Head Post Office filled in contravention of the revised communal orders. 19.

VACANCY(IES)—*contd.*Question *re—contd.*

Filling up of — of coolies and wiremen in the Electric Department of the North Western Railway, Delhi. 3510.

Filling up of — on the East Indian Railway without the medium of Selection Boards. 100.

— of stenographers in Headquarters and Divisional Offices on the North Western Railway. 2989.

VALUE—

Question *re* assessment of annual — of property in the Nasirabad Cantonment. 1713.

VALVE(S)—

Question *re* wireless — and other components. 1044-45.

VABMA, MR. B. B.—

Question *re—*

Accident at Segauli on the Bengal and North Western Railway. 1909-10.

Bihari employees in the superior service of the Bengal and North Western Railway. 1909.

Enquiry into the grievances of the employees of the Bengal and North Western Railway. 2858-63.

Goods wagons of the Bengal and North Western Railway. 1910-11.

Grievances of the travelling public on the Bengal and North Western Railway. 1909.

Leave, passes, etc., of the staff on the Bengal and North Western Railway. 2855-58.

Non-maintenance of a sufficient number of *Hamals* on the Bengal and North Western Railway. 2863.

Provision of a bridge over the Gandak river at Saidpur Ghat near Pusa. 3054.

Railway servants and passengers killed in the accident at Segauli, Bengal and North Western Railway. 3053-54.

Restriction of the powers of Superintendents of Post Offices in certain matters. 2664.

Retrenchment in the Rongpur Postal Division in disregard of the Government orders. 2664.

Third class carriages built by the Bengal and North Western Railway. 1910.

VARNISH(ES)—

Question *re—*

Determination of the quality of paints, — and enamels, etc. 2726.

Non-supply of accurate forecasts of quantities by the Railway Board *re* purchase of paints and —. 2876-77.

Tenders for the supply of inside body — approved by the East Indian Railway. 2941-42.

VEGETABLE GHEE—

See "Ghee".

VEHICULAR TRAFFIC—

Question *re* availability of the Dufferin Bridge near Benares for —. 670-71.

VELLANI, M. H.—

Question *re* statement on Indian interests in Tanganyika by —. 2304-05

VENDOR(S)—

Question *re—*

Differentiation made by — of food-stuffs at Railway Stations. 2157-59.

Moat — on the North Western Railway. 3302.

VERNACULAR SCHOOL—

See "School(s)".

VETERINARY CORPS—

Question *re—*

Allowances fixed for wives of Indian Officers in the Indian Army —. 3178.

Indianisation of the Indian Army —. 1229.

VICEREGAL ESTATE—

Question *re—*

Misappropriation in the office of the Superintendent, —. 3179-80.

Recruitment of a Sikh in the office of the Superintendent of —. 3150-51.

VICEROY, HIS EXCELLENCY THE—

Message from — disallowing Mr. Mohan Lal Saksena's motion for adjournment *re* Secrecy of vote in the rural areas of the United Provinces. 2280

Message from — disallowing Mr. Mohan Lal Saksena's motion for adjournment *re* Extermment of Mr. M. R. Masani from the Punjab. 651.

VICEROY, HIS EXCELLENCY THE
—*contd.*

Message from — disallowing Qazi Muhammad Ahmad Kazmi's motion for adjournment *re* prohibition of the recital of *Mudhe-Sahaba* in Lucknow. 2380.

Question *re*—

Details of certain allowances of —'s Household. 509-10.

Platform tickets for persons going to railway stations to receive — and Governors. 2517-19.

Speech delivered to the Council of State and the Legislative Assembly by —. 1551-56.

See also "Governor General, His Excellency the".

VILLAGE(S)—

Question *re*—

Assault on the inhabitants of a — near Garha (Jubbulpore) by British soldiers. 2168.

Improvement of the sanitation of — in the Delhi Province. 2755-56.

Persons convicted in connection with the raid on the —. 660-61.
Provisions of radio sets in —. 1788-89

Taxes levied by the Dehra Dun Cantonment from the inhabitants of certain —. 1714-15.

— Post Offices opened during the last two years. 1863.

VILLAGE INDUSTRIES ASSOCIATION—

Question *re* All-India Village Industries Association. 2178-79.

VILLAGE POST OFFICES—

See "Post Office(s)".

VILLAGE PROGRAMME—

See "Programme".

VILLAGE RECONSTRUCTION FUND—

Question *re* amount allotted to the — for Assam. 2021-22.

VILLAGE UPLIFT WORK—

Question *re* progress made in the — in the centrally administered areas. 2318-19.

VISION(S)—

Question *re*—

Rules on the East Indian Railway preventing the employment of staff suffering from defective — to certain posts. 1022.

Staff with defective — employed as drivers and Assistant Loco. Foremen, etc., on State Railways. 2632-33.

VISIT(S)—

Question *re* — of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3070-71.

VISITOR(S)—

Question *re* appointment of non-official — for the Cellular Jail and Convict Settlement in the Andamans. 899-1000.

VISSANJI, MR. MATHURADAS—

Indian Companies (Amendment) Bill—

Motion to consider. 796-98.

Consideration of—

Clause 7. 959.

Clause 40. 1520-21, 1751.

Clause 42. 2143-44, 2279.

Question *re*—

Abolition of the Tariff Board. 2593.

Investigation of the Indian income-tax system by experts. 2593.

Legislation to regulate Banking business. 3325.

Quota principle of regulating trade between India and Japan. 2591-92.

VIVA VOCE—

Question *re*—

Marks for — in the Indian Civil Service Examination. 1766-67.

Summoning of candidates for — examination by the Public Service Commission. 3067-68.

VIZAGAPATAM—

Question *re*—

Deck Passengers' Conference held at —. 1464-66.

Permanent extension of the salt concessions to the North — District. 1467.

VOCABULARY(IES)—

Question *re* development of a minimum of common — of "basic Hindustani" in Broadcasting. 901-02.

VOLUNTEER(S)—

Question *re* practising of rifle shooting with an air-gun by the — of the Hindustani Seva Dal. 661-62.

VOTE(S)—

Message from His Excellency the Viceroy and Governor General disallowing Mr. Mohan Lal Saksena's motion for adjournment *re* Secrecy of — in the rural areas of the United Provinces. 2280.

Motion for Adjournment *re* secrecy of vote in the rural areas of the United Provinces. 2245-47.

VOTER(S)—

Question *re*—

Enrolment or qualified — by the system in operation in Great Britain. 1223-25.

Shortage in the number of — for the reformed Legislative Assembly of Madras. 930-31.

VOTING—

Question *re*—

Determination of methods of — in the Provinces. 3153.

Indian delegation — against the British delegation in the League of Nations. 2506-12.

System of — at the coming provincial elections by means of coloured boxes with or without symbols. 1557-59.

W

WAGE(S)—

Question *re*—

Convention *re* establishment of a machinery for fixing minimum —. 259-60.

Proposed retrenchment of railway staff and the lowering of — and salaries. 2082-84.

— in the manufacture of sugar and in the cultivation of sugar-cane. 2625.

WAGON(S)—

Demand for Excess Grant in respect of "Working Expenses—Maintenance of Carriage and — Stock". 3264.

Question *re*—

Annual contract placed by the Indian Stores Department for the supply of Paint Black Ready-mixed for underframes and — bodies. 2333-34.

WAGON(S)—*contd.*

Question *re*—*contd.*

Contract for the supply of Red Oxide for railway — and underframes. 2940-41.

Goods — of the Bengal and North Western Railway. 1910-11.

Old coaching and goods carriages and — on the Bombay, Baroda and Central India Railway. 3064-65.

Tank — constructed by the East Indian Railway. 2969-70.

Use of spray guns for painting of —. 2835.

— painted black by the East Indian Railway. 2725.

WAITING LIST(S)—

Question *re*—

Maintenance of — of the retrenched staff of the Railways. 2865-66.

Re-appointment of retrenched persons borne on the — of Railways. 2612.

WAITING ROOM(S)—

Question *re*—

Absence of a — or shed at the Phulwari Sharif Station on the East Indian Railway. 2067.

Absence of intermediate class — on the Rohilkund and Kumaon Railway. 3175-76.

Amalgamation of Booking Offices and extension of — at Waltair. 1903-04.

Provision of a — at Nathnagar Station. 73.

Provision of a — for intermediate class passengers at Saharanpur. 1701.

Provision of proper — for intermediate class passengers at Delhi. 1701-02.

— for intermediate class passengers at the Benares Cantonment Railway Station. 670.

Want of a bathroom and a lavatory in the Second Class — at Moghul Sarai. 1771-72.

Want of an intermediate class — at Benares Cantonment Railway Station. 2745-46.

Want of an intermediate class — at Bhagalpur Railway Station. 2825.

WALK-OUT—

— by the Members sitting on the Opposition Benches. 327-28.

WALTAIR—**Question re—**

Amalgamation of Booking Offices and extension of waiting rooms at —. 1903-04.

Dismissal of certain scavengers at — by the Bengal Nagpur Railway. 1769-70.

WAR—**Question re—**

Disability pension to military employees invalidated during the Great —. 1010-13, 2661-64, 2649-50, 2756.

Expenses on troops sent from India to Abyssinia during the Italo-Abyssinian —. 245-46.

Feelings in India regarding Indians not helping Great Britain in future —. 3307-08.

Great Britain's consultation with India before joining the last —. 3307.

India's contribution during the Great — to Great Britain. 2507-08.

Indians sent overseas during the last European —. 3306-07.

Loss of Indian lives or properties in the Italo-Abyssinian —. 188-89.

Money from the Indian Exchequer spent over the last European —. 3307.

Money raised by voluntary contributions for the Great —. 3307.

Number of persons recruited during the last —. 3307.

Preparations for — by the European nations. 1780-82.

Protection of the Sindwork merchants from the danger of civil — in Spain. 2344-45.

— Bonds and Cash Certificates issued during the Great — remaining unpaid. 2090-91.

WAR BLOCK SCHEME—**Question re—**

Advisability of not sending away any Indian officer under the —. 3306.

Indians sent away from the Army under —. 3305-06.
— 3306.

WAR BOND(S)—

Question re — and Cash Certificates issued during the Great War remaining unpaid. 2090-91.

WARM CLOTHING—

See "Clothing(s)".

WATER—**Question re—**

Absence of storm — and sullage drains in Karol Bagh, Delhi. 1612.

Arrangement for the supply of drinking — to passengers on the East Indian Railway. 3128.

Arrangement for — for guards of the Assam Bengal Railway. 2621.
(Construction of hydrants supplying drinking — or urinals and latrines by the roadside in New Delhi. 90.

Increase in the — rates in the Lahore Cantonment. 1009.

Lack of — arrangements at Kot Daya Kishen on the North West Frontier Railway. 2839-40.

Short-comings in the scheme of cattle improvement and reduction of the canal — rate. 1023.

WATER BOARD—

Question re loans advanced to the Jharia —. 1132-33.

WATER CHARGE(S)—

Question re levy of — from the inferior servants of the Posts and Telegraphs Department in Delhi and New Delhi. 2882-83.

WATER RESERVOIRS—

Question re contamination of certain — in Delhi. 907-08.

WATER SUPPLY—**Question re—**

Rate charged for — in the Nasirabad Cantonment. 1712.

Refund of the amount paid by the Nasirabad Cantonment Board for the —. 1712.

— in cantonments. 1698-99.

WATER TAP(S)—

Question re paucity of drinking — at street corners or road crossings in New Delhi. 1607.

WATER TAX—

See "Tax(es)".

WATERWAY(S)—

Question re inconvenience and hardship caused by silting up of a certain — between Buxar and Chausa Railway Station on the East Indian Railway. 2978-79.

WATTLE BARK—

Question *re* tanning industry in India and duty free import of — extract. 3147-48.

WEAVER(S)—

Question *re*—

Effects of the recommendations of the Tariff Board on the Cotton Textile Industry upon the handloom — 2078-79.

Help to the handloom — 2077-78.

Plight of — in Madras. 1998-99.

Steps taken to improve the plight of handloom. — 770-71.

WEBB, SIR MONTAGUE—

Question *re* —'s Book on the trade depression and fall in prices in India. 1782-83.

WELFARE COMMITTEE(S)—

Question *re*—

Absence of an employees' — on the Rohilkund and Kumaon Railway. 3170.

— on State Railways. 2641.

WELFARE OFFICER(S)—

Question *re* duties of the Deputy Agent, Personnel, and the — of the Eastern Bengal Railway. 3639.

WELLS—

Question *re* tax on — in the Delhi Province. 904-06.

WESTERN CIRCLE—

Question *re* protected monuments in the —. 3057.

WESTERN INDIA—

Question *re* provision of aircraft depots or parks in — or Southern India. 1469-70.

WHEATSTONE SYSTEM—

Question *re* wireless — for working between Rangoon and Madras. 3383-84.

WHEEL(S)—

Question *re* use of Red Oxide Paint for painting of railway underframes, —, etc. 2869-76.

WHEELER COMMITTEE—

Question *re* report of the —. 241-43, 244-45, 757-58, 2932-39.

WHEELER'S STALL(S)—

Question *re* fixation of the value of a shilling in Indian Currency for the sale of English books at the — on Railway Stations. 2626.

WIFE(VES)—

Question *re*—

Allowances fixed for — of Indian Officers in the Indian Army Veterinary Corps. 3178.

Running of businesses by the — of railway servants. 3341.

WINDOW(S)—

Question *re* catches supplied in railway compartments for "Lift-of" — shutters. 1209-10.

WIRELESS—

Question *re*—

Inauguration of direct — Beam Service between India and Japan. 1043.

— valves and other components. 1044-45.

— wheatstone system for working between Rangoon and Madras. 3383-84.

WIRELESS OPERATOR(S)—

Question *re* communal composition of candidates declared successful in the examination for recruitment of —. 3319.

WIREMAN(EN)—

Question *re* filling up of vacancies of coolies and — in the Electric Department of North Western Railway, Delhi. 3310.

WOMAN(EN)—

Question *re*—

Circulation of Bills affecting —'s rights. 1792-93.

Suppression of immoral traffic in — in Delhi and the centrally administered areas. 2317-18.

WOMEN'S RIGHTS TO PROPERTY BILL—

See "Hindu —" under "Bill(s)".

WORKER(S)—

Motion for adjournment *re* arrest of public — in the North-West Frontier Province. 606.

WORKER(S)—*contd.***Question re—**

Abolition of night schools for educating the illiterate railway — of the Loco. Department. 3363-64.

Eye-sight test of —. 2596.

Health Insurance and sick leave for industrial —. 2626.

Histories of public — of Delhi. 1000.

Leave, holidays and pay, etc., of industrial — of railways. 853-54.

Recommendations of the Royal Commission on Labour regarding periodical eye-sight test of —. 2595-96.

Reduction of the salaries of the supervising staff and of the — of the East Indian Railway Press. 2611.

WORKING EXPENSES—

Question *re* reduction in — on the Eastern Bengal Railway. 3367.

WORKING EXPENSES—EXPENSES OF THE TRAFFIC DEPARTMENT—

Demand for Excess Grant. 3264.

WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER—

Demand for Excess Grant. 3264.

WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK—

Demand for Excess Grant. 3264.

WORKING HOURS—

Question *re* fixation of — of inferior staff in the Railway Mail Service. 71.

See also "Hour(s)".

WORKMAN(EN)—

Question *re* —'s train running from and to Jamalpur on the East Indian Railway. 2743-44.

WORKSHOP(S)—**Question re—**

Appointment of successful Technical ex-apprentices of the Lillooah —. 685.

Explosion at the Moghalpura — on the North Western Railway. 1793-95.

Periodical eye-sight tests of the employees in the mechanical — of old Oudh and Rohilkhand Railway. 2595.

Strike in the Bengal Nagpur Railway — at Kharagpur. 520-21.

Successful ex-apprentices of the Lillooah —. 75, 684-85.

WORKS COMMITTEE—

Question *re* — of the East Indian Railway Press. 69.

WHYTE, SIR FREDERICK—

Question *re* appointment of Sir Charles Innes and — as Commissioners to assist the Commercial Relations and Treaties Department of the Board of Trade Negotiations. 1237-38.

Y**YAKUB, SIR MUHAMMAD—****Arya Marriage Validation Bill—**

Motion to consider. 1647-51, 1653.

Consideration of clauses. 1661-62, 1673, 2033-36, 2041, 2042, 2790-96, 2797, 2798, 2800, 2801, 2802.

Durgah Khawaja Saheb Bill—

Motion to consider. 3287-88, 3289, 3290.

Consideration of clauses. 3401.

Motion to pass.

Indian Companies (Amendment) Bill—

Consideration of—

Clause 7. 954.

Clause 42. 1969.

Indian Motor Vehicles (Amendment) Bill—

Motions to refer to Select Committee and to circulate. 474.

Indian Railways (Amendment) Bill—

Motion to refer to Select Committee and to circulate. 391, 392.

Motion for adjournment re—

Alleged frivolous nature of motions of adjournment. 1243-244.

New rules for recruitment to the Indian Civil Service. 144-47.

Question re—

Appointment of Mr. Pothan Joseph as editor of programme at the Delhi Broadcasting Station. 1911-12.

Article entitled "N. W. R. Lower Gazetted Service and Muslims" published in the *Eastern Times*. 2486-87.

British policy in Palestine. 931-32.

Routine grade examination for recruitment to the Government of India Secretariat. 602-03.

Stenographers in the Government of India Departments. 75.

Question (Supplementary) re—

Appointment of Mr. Franks as the Editor of the *Indian Listener*. 691-93.

Certain facilities provided to the convicts sent to the Andamans. 985-88.

YAKUB, SIR MUHAMMAD—*contd.*

- Question (Supplementary) *re—contd.*
 Fixation of dates for polling in the Provinces for the coming elections 3200-02.
 Giving back of the administration of Berar to His Exalted Highness the Nizam. 591-93.
 Indian Secretaries, Joint and Assistant Secretaries in the Government of India. 1131-132.
 Interview of candidates for certain posts in the Broadcasting Department. 2752.
 Issue of postage stamps and currency with the new King's effigy. 823.
 Qualifications for appointment as High Commissioner for India in London. 240.
 Reduction of Muslim Clerks in the Opium Agent's Office, Ghazipur. 346-49.
 Resolution *re—*
 Indebtedness of agriculturists. 1801.
 Interference from public servants in the ensuing elections. 2198, 2200, 2201-03, 2217, 2220.
 Statement *re* demonstration against the ruling of the Chair. 353.

YAMIN KHAN, SIR MUHAMMAD—
 Indian Companies (Amendment) Bill—
 Consideration of clause 40. 1518-19, 1522.

- Motion for adjournment *re* new rules for recruitment to the Indian Civil Service. 147-49.
 Question *re* visit of — and Raizada Hans Raj to the Andamans. 3070-71.
 Resolution *re—*
 Indebtedness of agriculturists. 1813-16.
 Interference from public servants in the ensuing elections. 2211, 2217, 2218, 2219-20.

YARN—

- Question *re* reduction of freight on — on the South Indian Railway. 333-34.

YEATTS, MR. M. W. W. M.—

- Oath of Office. 3125.

Z

ZAFRULLAH KHAN, THE HON-
 OURABLE SIR MUHAMMAD—

- Arya Marriage Validation Bill—
 Consideration of caluses. 2797, 2799.
 Bangalore Marriages Validating Bill—
 Motion to consider. 3020.

ZAFRULLAH KHAN, THE HON-
 OURABLE SIR MUHAMMAD—
contd.

- Chittagong Port (Amendment) Bill—
 Motion for leave to introduce. 113.
 Motion to consider. 3038, 3039, 3041, 3043-45.
 Motion to pass. 3046.
 Geneva Convention Implementing Bill—
 Consideration of caluses. 3001.
 Indian Railways (Amendment) Bill—
 Motions to refer to Select Committee and to circulate. 113-16, 118, 119, 125, 140, 195, 199, 200, 201, 202, 212, 213, 288, 289, 290, 291, 292, 295, 294, 297-98, 299-305, 383-93.
 Indian Rubber Control (Amendment) Bill—
 Motion for leave to introduce. 534.
 Motion to consider. 3005-06, 3007, 3008-18.
 Motion to pass. 3017, 3018.
 Indian Tea Cess (Amendment) Bill—
 Motion to consider. 2884-85, 2896, 2898, 2902, 2903, 2912.
 Consideration of caluses. 2913-14, 2917, 2919, 2920, 2921, 2923, 2924, 2927, 2930, 2931, 2932-33.
 Motion to pass. 2935.
 Indian Tea Control (Amendment) Bill—
 Motion for leave to introduce. 1562.
 Motion to consider. 3021-22.
 Consideration of clauses. 3023, 3024, 3025-26, 3027, 3028, 3029.
 Motion for adjournment *re—*
 Abolition of the Tariff Board. 223, 225, 226-28.
 Indian-owned shipping service between India and Europe. 2244, 2245.
 Protection of female passengers travelling in female compartments of trains. 2666, 2667.
 Reduction of the duty on British textiles without consulting the Legislative Assembly. 324-27.
 Restrictions by the United Provinces Government on the movements of the general public at Lucknow. 1244-46.
 Resolution *re* interference from public servants in the ensuing elections. 2694.

ZAMIR AHMAD—

- Question *re* death of one — by a train at the Devi Nagar crossing near Changigarh Railway Station. 673.

ZANZIBAR—

- Question *re—*
 Appointment of an officer to watch the interests of Indians in —. 440.

ZANZIBAR—*contd.*Question *re—contd.*

- Article entitled "The — Enquiry" published in the *Hindu*. 431.
- Enquiry into the working of the Clove Growers' Association in — and reservation of Kenya Highlands for Europeans. 753-54.
- Indian Clove Growers' interests in —. 440.
- Indians in —. 2587-89.
- Memorandum submitted by the Indian National Association of — to Mr. G. H. Binder. 2001-03.
- Mr. Binder's enquiry in —. 750.
- Position of Indians in —. 33-34, 2003-04.
- Possibility of further extension of the moratorium in —. 1593.
- Putting of an embargo on the import of — cloves. 582-83.
- Report of the Commission of Enquiry concerning the riot in —. 1495-1504.
- Report of the — Riot Enquiry Committee. 491.
- Safeguarding of the interests of Indian *re* clove trade in —. 583.
- Indian National Association's memorandum submitted to the Riot Inquiry Commission. 431-32, 512.

ZANZIBAR NATIONAL ASSOCIATION—

See "Association(s)".

ZIAUDDIN AHMAD, DR.—

- Arya Marriage Validation Bill—
Consideration of clauses. 2046-48.
- Durgah Khawaja Saheb Bill—
Motion to consider. 3288-91, 3388.
- Consideration of clauses 3390, 3391, 3392, 3394, 3395, 3396, 3397, 3399, 3400.
- Motion to pass.
- Indian Companies (Amendment) Bill—
Motion to consider. 631-34, 779, 804-05, 807.
- Consideration of—
Clause 32. 1180-82.
Clause 36. 1192.
Clause 37. 1198, 1429-30, 1434.
Clause 40. 1521.
Clause 42. 1874, 1875, 1876, 1877, 2100, 2101, 2129, 2145, 2147, 2250, 2263, 2292, 2353.
Clause 44. 2356.
Clause 67. 2392.
Clause 75. 2436.
New Clause 81. 2444-47.
Clause 111. 2474.
- Indian Railways (Amendment) Bill—
Motions to refer to Select Committee and to circulate. 116 20, 197, 300.

ZIAUDDIN AHMAD, DR.—*contd.*

- Indian Tea Cess (Amendment) Bill—
Consideration of clauses. 2913, 2917-18.
- Motion to pass. 2935.
- Manoeuvres Field Firing and Artillery Practice Bill—
Motion to circulate. 3273-74, 3276.
- Motion for adjournment *re—*
Abolition of the Tariff Board. 225, 229-31.
- Reduction of the duty on British textiles without consulting the Legislative Assembly. 313-16.
- Revision of the Indian Currency and Exchange policy. 2715-17.
- Suspension of some Patwaris of the Aligarh District for alleged attending an election meeting. 3388-89.
- Question *re—*
Article entitled "N. W. R. Lower Gazetted Service and Muslims", published in the *Eastern Times* 2486-87.
- Dividends announced by the Tata Iron and Steel Company, Limited 243.
- Extra Departmental Post Offices. 3326-27.
- Inspection of the accounts of the Tata Iron and Steel Company, Limited. 244.
- Recruitment of Muslims in Port Trust. 62-63.
- Retrenchment on railways. 1900-01.
- Question (Supplementary) *re—*
Allegations against the staff of the Rohilkund and Kumaon Railway. 3170-72.
- Allotment made for the Burdwan-Arambagh Road from the Road Development Fund. 2341.
- Anti-Indian agitation and boycott of Indian Malayalees in Ceylon. 2316.
- Article entitled "Broadcasting in England and India" published in the *Hindustan Times*. 594-95.
- Article entitled "Roads and Road Transport" published in the *Madras Mail*. 2312.
- Ban on Indian students in Great Britain. 2176.
- Conclusions arrived at by the Transport Advisory Council in Simla. 2342-43.
- Construction of a railway line from Tanjore to Pattukottai. 2307.
- Development of an All-India policy for Indian Ports. 2591.
- Development of the Indian Industries. 571-72.
- Employees discharged from the East Indian Railway on account of defective eye sight. 2594.

ZIAUDDIN AHMAD, DR.—contd.

- Question (Supplementary) *re—contd.*
 Exemption of the running staff from the operation of Hours of Employment Rules on State Railways 2600.
 Fees charged by the Public Service Commission for competitive examinations. 3176-78.
 Functions and duties of the Imperial Dairy Experts 3132-33
 Giving back of the Administration of Berar to His Exalted Highness the Nizam. 591-93.
 Government's quinine policy. 2303
 Grievances of Indians in Malaya 2306.
 Help to the handloom weavers. 2078.
 Honorary Magistrates on the East Indian Railway. 305d.
 Ludians in Zanzibar 2589.
 Interview of candidates for certain posts in the Broadcasting Department. 2751.
 Latrines for third and intermediate class passengers on the Assam Bengal Railway. 2620.
 Leave rules governing the teachers in State Railway schools. 2964
 Marks for viva voce in the India Civil Service Examination. 1766.
 Negotiations between the Government of India and the Kathiawar States to regulate the import of foreign goods. 2413.
 Negotiations with the British Government for a new trade agreement. 2070.
 Programmes issued by the Delhi Broadcasting Station and Securing of the services of Sikhs. 3199-3200.
 Progress made in the village uplift work in the centrally administered areas. 2319.
 Promotions to the post of Sub-Heads in the Railway Clearing Accounts Office. 2983.
 Proportion of Sikhs in certain Departments under the Government of India. 1147-152.
 Proposed retrenchment of railway staff and the lowering of wages and salaries. 2083.
 Protection of the rights of Indians in Ceylon. 2301-02
 Protection to the coconut industry. 2579, 2580.
 Provision of a bridge over the Gandar river at Saidpur Ghat near Pusa. 3054.
 Purchase of Sindhi cattle for Bangalore Farm and issue of breeding bulls. 3134.
 Quarters for the staff of the Saharanpur Remount Depot. 2088.

ZIAUDDIN AHMAD, DR.—concl.

- Question (Supplementary) *re—concl.*
 Quota principle of regulating trade between India and Japan. 2592.
 Rates for the sale of ice and aerated waters on the East Indian and North Western Railways. 2757.
 Rates of commission charged by the Imperial Bank of India and advances made by it. 3143-45.
 Recommendations of the Royal Commission on Labour regarding periodical eye-sight test of workers. 2596.
 Reduction of third class fare between Bezwada and Masulipatam on the Madras and Southern Mahratta Railway. 2340.
 Refusal to forward appeals of staff by Officers on State Railways. 2767.
 Remission of sentence of one Ratnasabhapathi Gounder of the Coimbatore District. 2326.
 Research works carried out by the Imperial Dairy Experts. 3134-35.
 Reservation of intermediate and third class seats on the East Indian Railway. 1487-89.
 Statement on the renewal of the Indo-Japanese trade agreement by Mr. M. P. Gandhi. 2305.
 Strike of students in the Aligarh Muslim University. 2580, 2581.
 Supercession of Indians by Europeans on the North Western Railway. 2604.
 Tanning industry in India and duty free import of wattle bark extract. 3147-48.
 Tenders for the sale of ice and aerated waters on the East Indian Railway. 2759.
 Ticket checking staff on the East Indian and North Western Railways. 3060.
 Ticket checking system on the East Indian and North Western Railways. 3053.
 Transfer of the control of the Animal Nutrition section at Bangalore. 3133-34.
 Transfer of the Imperial Institute of Animal Husbandry and Dairying from Bangalore to Delhi. 3132.
 Visit of Sir Muhammad Yamin Khan and Raizada Hans Raj to the Andamans. 3071.
 Resolution *re—*
 Indebtedness of agriculturists. 1833, 1834-36.
 Interference from public servants in the ensuing elections. 2691.
 ZOO—
 Question *re* provision of a library, — and museum, etc., in New Delhi. 3359.