

Monday, 26th September, 1932

THE

LEGISLATIVE ASSEMBLY DEBATES

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FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



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Legislative Assembly.

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Deputy President :

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RAI BAHADUR D. DUTT.

Marshal :

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

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LEGISLATIVE ASSEMBLY.

Monday, 26th September, 1932.

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

STATEMENT *RE* COMMUNAL AWARD.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, will you allow me to request you to make a departure from the usual practice at question time as a very important statement has to be made by my Honourable colleague, the Home Member, and I am sure the House will agree with me when they hear the statement that this departure is well justified. Will you allow us to do so ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : What is the statement ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable the Home Member desires to make a statement about the Communal Award and the decision of His Majesty's Government with regard to the Communal Award in relation to the depressed classes.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As a special case, the Chair will allow the statement to be made at this stage.

The Honourable Mr. H. G. Haig (Home Member) : In accordance with your permission, Sir, I will read to the House a Statement issued by His Majesty's Government this morning in connection with the agreement reached at Poona on Saturday afternoon. His Majesty's Government have learnt with great satisfaction that an agreement has been reached between the leaders of the Depressed Classes and of the rest of the Hindu community regarding the representation of the Depressed Classes in the new legislatures and certain other matters affecting their welfare. In place of the system of general constituencies combined with special Depressed Class constituencies contained in the Government Communal Award of 4th August last, the agreement provides for general constituencies within which seats are reserved for Depressed Classes subject to important conditions as to the manner in which the reserved seats are filled. The Government, in their Award, which was given in the absence of agreement between the communities, were solely concerned in relation to the Depressed Classes to provide adequate securities that the interests of these classes should be observed by the new legislatures. As representatives of the Depressed Classes and other Hindus acting together believe that the scheme now forwarded by them to His Majesty's Government is adequate for that purpose, the Government, in accordance with the procedure which they laid down in paragraph 4 of their Award, will recommend to Parliament,

(1307)

in due course, the adoption of the clauses of the agreement dealing with representation in the provincial legislatures in place of the provisions in paragraph 9 of the Award. (Applause.)

It will be understood that the total number of general seats including those reserved for the Depressed Classes under the agreement will, in each Province, remain the same as the number of general seats *plus* the number of special Depressed Class seats provided for in His Majesty's Government's decision.

His Majesty's Government note that the agreement deals also with certain questions outside the scope of their award of August 4th. Clauses 8 and 9 deal with general points, the realisation of which will be likely to depend in the main on the actual working of the constitution. But His Majesty's Government take note of these clauses as a definite pledge of the intentions of the Caste Hindus towards the Depressed Classes.

There are two other points outside the scope of their Award : (1) The agreement contemplates that the franchise for the Depressed Classes should be that recommended by the Franchise (Lord Lothian's) Committee. It is obvious that the level of the franchise for the Depressed Classes (and indeed for Hindus generally) must be determined at the same time as that for other communities is being settled, and the whole subject is under consideration by His Majesty's Government. (2) The agreement also provides for a particular method of electing Depressed Class representatives for the Legislature at the Centre. This, again, is a subject outside the terms of this Award which is under investigation as part of the whole scheme for election for the legislature at the Centre, and no piecemeal conclusion can be reached. What has been said on these two points should not be regarded as implying that His Majesty's Government are against what is proposed in the agreement, but that these questions are still under consideration. To prevent misunderstanding, it may be explained that the Government regard the figure 18 per cent. for the percentage of British India general seats at the Centre to be reserved for the Depressed Classes as a matter for settlement between them and other Hindus. (Applause.)

MEMBER SWORN.

The Honourable Sir Brojendra Mitter, Kt., K.C.S.I., (Law Member).

QUESTIONS AND ANSWERS.

GRANT OF EXTENSIONS TO OFFICIALS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

767. *Mr. P. G. Reddi : Will Government be pleased to state whether they have retired officials of 55 years and over or those that have completed 30 years of service ? If not, why not ? Is it a fact that extensions of service continue to be granted in the Posts and Telegraphs Department ? If so, why ?

Mr. T. Ryan : The retirement of such officials is being steadily carried out according to requirements, but Government do not consider that the entire suspension of the ordinary rules governing the grant of

extension of service to officials who have reached the age of 55, is either necessary or desirable; and, in suitable cases, extensions of service are allowed in the Posts and Telegraphs Department in the interests of efficiency.

RECRUITMENT OF POSTMEN IN THE PROPOSED " B. " DIVISION CADRE.

768. *Mr. P. G. Reddi : (a) Are Government prepared to consider the desirability of employing as many efficient and suitable postmen as have passed a prescribed test in the proposed " B " Division cadre of the Posts and Telegraphs Department in preference to raw outsiders ?

(b) Do Government propose to issue instructions to this effect and stop outside recruitment of outsiders by the Divisional Officers ?

Mr. T. Ryan : (a) and (b). Existing orders already provide for the appointment of qualified men of the postman class to every second vacancy in the Lower Division clerical cadre, while the remaining posts are to be offered to outsiders who have already been accepted as candidates for employment in the department.

TRIENNIAL CHANGE OF PERSONAL CLERKS AND HEAD CLERKS IN THE OFFICES OF THE SUPERINTENDENTS OF POST OFFICES.

769. *Mr. P. G. Reddi : Have Government made it clear to all Superintendents of Post Offices that a change of personal clerks and head clerks in their offices every three years is quite essential and that they should not nominate or recommend anyone to be retained in that office on the score of long and continued service therein ? If not, do they propose to do so now ?

Mr. T. Ryan : Existing orders already lay down that Head Clerks in the offices of Superintendents of Post Offices are not to remain in the same division for more than three years ; but, owing to the existing financial conditions, such orders have been held in suspense for the time being except where transfers are specially desirable. Government do not consider any time-limit necessary in the case of other clerks.

ABOLITION OF THE TRAVANCORE POSTAL DIVISION.

770. *Mr. P. G. Reddi : Is it a fact that the Travancore Government have their own State Post Offices in addition to those of Government and that the work of British Post Offices is in consequence comparatively insignificant ? If so, are Government prepared to consider the advisability of abolishing the Travancore Postal Division and attaching one-half comprising the northern portion to the present Tinnevely Division and the other half comprising the southern portion to the present Malabar Division ?

Mr. T. Ryan : It is a fact that the Travancore Government have their own State post offices, but the Travancore Postal Division, as at present constituted, comprises not only the Indian States of Travancore and Cochin, but also a portion of the Walavanad Taluk of the Malabar District. Although the work in that Division is not, as the Honourable

Member states, comparatively insignificant, it is possible that some re-arrangement of the divisional charges is feasible. A copy of the Honourable Member's question is being sent to the Postmaster General, Madras, for consideration of his suggestion.

Mr. Gaya Prasad Singh : Are Government aware that Travancore is a very progressive and enlightened State and nothing should be done to curtail the postal facilities in that State ?

Mr. T. Ryan : I do not think that any action likely to be taken as a result of consideration of this suggestion will interfere with the development of postal facilities in Travancore.

REMOVAL OF THE OFFICE OF THE CHINGALPUT POSTAL DIVISION FROM MADRAS TO CHINGALPUT.

771. ***Mr. P. G. Reddi :** Is it a fact that on grounds of economy, convenience and considerable saving of cost, the late Mr. Malan, I.C.S., Post Master General, Madras, ordered the removal of Chingalput Postal Division Office from Madras to Chingalput, and that these orders were passed so long ago as over three years and that they have not been carried out ? Are Government prepared to direct the carrying out of these orders forthwith ? If not, why not ?

Mr. T. Ryan : Government have no information. The location of the Headquarters of a Postal Division is a matter within the competence of the head of the Postal Circle and a copy of the question is being sent to the Postmaster General, Madras.

REPRESENTATIONS *re* PROTECTION TO THE GLASS INDUSTRY.

772. ***Lala Rameshwar Prasad Bagla :** (a) Will Government please state how many representations they have received since 1927 on the question of protection to the glass industry, as also the names of the bodies that made the said representations ?

(b) Will Government please inform the house what action they took on each of these representations and when ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) In 1926, the following six concerns addressed a joint representation to the Government of India asking for protection to the Indian glass industry :

1. The Ogale Glass Works, Limited.
2. The Paisa Fund Glass Works.
3. The United Provinces Glass Works, Limited.
4. The Ganga Glass Works, Limited.
5. The Bengal Glass Works, Limited, and
6. The Onama Glass Works.

Later, the Maharashtra and the United Provinces Chambers of Commerce, the Indian Glass Manufacturers' Association and the Glass and Bangles Industrial Association also addressed the Government of India on the subject.

(b) The representations were considered and the applicants informed that the Government of India were not satisfied that a *prima facie* case had been made out for a reference to the Tariff Board. In August, 1929.

however, the United Provinces Glass Works represented that they had started the manufacture of sheet glass and asked for protection to that industry. As the result of certain further enquiries, there appeared to the Government of India to be a *prima facie* case for referring the industry to the Tariff Board and it was then decided to give an opportunity also to the other branches of the glass industry of proving their case before the Board. The reference was made in the Commerce Department Resolution No. 458-T. (2), dated the 20th October, 1931. The Resolution was published in the Gazette of India of the 24th October, 1931, and a copy of it is in the Library.

Mr. Lalchand Navalrai : Will the Honourable Member please state if the glass manufacturers did prove their case before the Tariff Board ?

The Honourable Sir C. P. Ramaswami Aiyar : I did not quite follow the Honourable Member, but I may say that the report of the Tariff Board on this investigation is before Government now in the Commerce Department and it is being considered in great detail.

RECOMMENDATIONS OF THE TARIFF BOARD IN RESPECT OF GLASS INDUSTRY.

773. ***Lala Rameshwar Prasad Bagla :** (a) Will Government please state briefly the findings of the Tariff Board as a result of their recent enquiry into the condition of the glass industry and also their recommendations ?

(b) Will Government please state if they have given effect to any of the recommendations of the Tariff Board in this connection ?

(c) If the reply to part (b) be in the negative, will Government please state the reasons ?

The Honourable Sir C. P. Ramaswami Aiyar : With your permission, Sir, I propose to reply to questions Nos. 773 and 774 together.

The attention of the Honourable Member is invited to the reply given by me on the 16th September, 1932, to question No. 310 by Bhai Parma Nand.

RECOMMENDATIONS OF THE TARIFF BOARD IN RESPECT OF GLASS INDUSTRY.

†774. ***Lala Rameshwar Prasad Bagla :** (a) Will Government please state when they propose to give effect to the main recommendations of the Tariff Board in regard to giving protection to the glass industry ?

(b) Are Government aware that the glass industry is in a very miserable plight these days and, if protection is not forthcoming at once, this important industry of the country will shortly collapse ?

(c) If the reply to part (b) be in the affirmative, are Government prepared to give an assurance to the House that necessary action to give effect to the recommendations of the Tariff Board will be taken at an early date ?

UNEMPLOYMENT PROBLEM IN INDIA.

775. ***Lala Rameshwar Prasad Bagla :** (a) Are Government aware that there is widespread unemployment throughout India ?

(b) Will Government please state what steps, if any, they have so far taken in order to mitigate the unemployment evil ?

†For answer to this question, see answer to question No. 773.

(c) If the reply to part (b) be in the negative, are Government prepared to consider the desirability of instituting an early inquiry into the question ?

(d) Will Government please state whether they prepare any statement which may at a glance show the total number of persons, both literate and illiterate, who are unemployed ?

(e) Are Government aware that almost all the European countries prepare such statements with the help of the Employment Exchanges established for this and similar purposes ?

(f) If the reply to part (d) be in the negative, do Government propose to consider the desirability of collecting the above information ?

Mr. A. G. Clow : (a) There is a considerable amount of unemployment among the educated middle classes, and there is some unemployment among certain sections of the industrial population.

(b) The matter is primarily one which concerns Local Governments and, as the Honourable Member is probably aware, some of them have devoted considerable attention to it in recent years, unemployment committees being appointed in at least four provinces. The question was also examined by the Whitley Commission and I would invite the Honourable Member's attention to those parts of their Report which deal with this subject.

(c) Does not arise.

(d) and (f). Some figures of educated unemployment have been collected in connection with the 1931 census. Government do not propose to collect further figures.

(e) Most of the leading European countries publish statistics of unemployment, but, I believe, that these statistics are not based exclusively on figures supplied by official employment agencies.

Mr. B. Das : Did the Whitley Commission go into the question of unemployment among the educated classes or only among the working classes ?

Mr. A. G. Clow : The Whitley Commission dealt with the question of industrial labour ; they did not deal with the question of educated unemployment except, I think, very incidentally.

Dr. Ziauddin Ahmad : Are Government aware that there is more unemployment among the lower middle classes than among labour ?

Mr. A. G. Clow : In proportion to their numbers I think that is the case.

Dr. Ziauddin Ahmad : Are Government going to start giving relief to these lower middle classes in the same manner as they are giving relief to labour ?

Mr. Lalchand Navalrai : Have Government considered this question ? If so, have they come to any decision as to the methods for meeting unemployment ?

Mr. A. G. Clow : I would invite the Honourable Member's attention to part (b) of the answer. The matter is primarily one which concerns the Local Governments.

Mr. Lalchand Navalrai : Have the Local Governments been asked to adopt certain measures to meet this unemployment ?

Mr. A. G. Clow : Following a Resolution of this House some years ago, the attention of Local Governments was drawn to the question of middle class unemployment ; and I think it was after that and, partly in consequence of it, that some of them appointed committees to examine the subject.

Mr. Lalchand Navalrai : As it was a long time ago, are Government going to remind them now that this unemployment question is troubling the people very much ?

Mr. A. G. Clow : I take it that the Local Governments are examining the recommendations of the Whitley Commission which concern them. They include certain recommendations on unemployment.

Mr. Lalchand Navalrai : Is there any objection to the Government of India reminding them of it ?

Mr. A. G. Clow : I have no doubt the Local Governments receive copies of the debates and the questions in this House which will serve, if necessary, to remind them.

FORMATION OF THE ALL-INDIA MUSLIM RAILWAYMEN'S ASSOCIATION.

776. ***Mr. M. Maswood Ahmad :** Are Government aware that the Muslim Railway employees have formed a Union called the All-India Muslim Railwaymen's Association and established its branches at the Headquarters of the different railways with sub-divisions at divisional centres ?

Mr. P. B. Rau : Government are aware of the formation of a Union called the All-India Railway Muslim Employees' Association with branches on certain railways.

VIEWS OF THE ALL-INDIA RAILWAYMEN'S FEDERATION IN CONNECTION WITH THE ECONOMY CAMPAIGN.

777. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to lay on the table copies of the correspondence that passed between the Railway Board and the All-India Railwaymen's Federation from 1st January, 1931, to 31st August, 1932, in connection with the economy campaign together with copies of any memorials addressed by the All-India Railwaymen's Federation to the Government of India in the Department of Industries and Labour or to the Railway Board or to the Home Department in connection therewith ?

(b) Will Government be pleased to state if they are prepared to give the Muslim employees of the Railways a chance to express their views on the suggestions made by the All-India Railwaymen's Federation regarding the economy campaign before Government pass any orders thereon ?

Mr. P. B. Rau : (a) Copies of important correspondence which has passed between the Railway Board and the All-India Railwaymen's

Federation since January, 1931, on staff retrenchment and reports of meetings held with them to discuss this subject have been placed in the Library of the House. No memorial was addressed by the Federation to the Government of India in the Industries and Labour and Home Departments in connection with the economy campaign.

(b) Government have already passed orders on the suggestions made by the Federation.

Mr. M. Maswood Ahmad : Are Government prepared to give the same facilities to Muslim employees as are given to the Hindu employees on the Railways ?

Mr. P. R. Rau : As far as I am aware, no special facilities are given to Hindu employees.

MUSLIM PERCENTAGE IN THE INDIAN AUDIT AND ACCOUNTS SERVICE.

778. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state if they are aware that the Muslim percentage in the Indian Audit and Accounts Service is very low ?

(b) Will Government be pleased to state whether it is a fact that this is the only service which has been Indianised thoroughly, and what particular steps Government have taken in 1932 for the adjustment of communal inequalities in the service ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes.

(b) The examination for recruitment for the Indian Audit and Accounts Service has been stopped temporarily. There is to be no recruitment this year and the question of adjustment of communal inequalities does not, therefore, arise.

MUSLIM ASSISTANT ACCOUNTS OFFICERS AND ACCOUNTANTS IN ACCOUNTS AND AUDIT OFFICES.

779. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state if it is a fact that Assistant Accounts Officers in various Accounts and Audit Offices in India are appointed by means of promotion from the non-gazetted supervising staff ?

(b) Will Government be pleased to state the total number of the Assistant Accounts Officers all over India and the number of the Mussalman together with their percentage in relation to the total number of appointments ?

(c) Will Government be pleased to state the total number of the posts of Accountants in all the Accounts and Audit Offices in India and the number of Muslim Accountants ?

(d) Will Government be pleased to state what steps were taken to improve the percentage of Muslims in the posts of (1) Assistant Accounts Officers, and (2) Accountants ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) Yes.

(b) and (c). In the Accounts and Audit Offices under the Auditor General, there are at present 84 Assistant Accounts Officers and 572 Subordinate Accounts Service Accountants. The number of Muslims in the former grade is 2 and in the latter 22.

(d) I would refer the Honourable Member to the reply to parts (c) and (d) of question No. 887 asked by Shaikh Sadiq Hasan on the 9th March, 1931, a copy of which is in the Library of the House, and the reply which Sir Alan Parsons gave on the 20th instant to part (b) of Sardar Sant Singh's question No. 467.

RECRUITMENT OF MUSLIMS IN THE INDIAN AUDIT AND ACCOUNTS SERVICE.

780. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state if it is a fact that the competitive examination for the Indian Audit and Accounts Service has been held in abeyance for several years ?

(b) Will Government be pleased to state whether, in the absence of any examination for appointments to the Indian Accounts and Audit Service, subsequent vacancies that arise in the service will only be filled up through promotions from among the Assistant Accounts Officers ?

(c) Will Government be pleased to lay on the table a list of the Assistant Accounts Officers arranged according to the different communities ?

(d) If the reply to part (b) above be in the affirmative, will Government be pleased to state if they are aware that the holding in abeyance of the examination has made it impossible for the members of the Muslim community to get appointments in the Indian Audit and Accounts Service for an indefinite period ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) The examination was last held in December, 1930.

(b) No. A fixed proportion of the total cadre of the Service consists of promoted subordinates and promotions can, therefore, be made only when there are vacancies among the promoted subordinates in the Service. Promotions are made on merit, and not only from the rank of Assistant Accounts Officer.

(c) In view of the first reply referred to in my reply to part (d) of the preceding question, I do not consider that any useful purpose would be served by collecting this information.

(d) Does not arise.

NUMBER OF QUALIFIED CANDIDATES ON THE WAITING LIST MAINTAINED BY THE PUBLIC SERVICE COMMISSION.

781. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state the number of the candidates on the waiting list as it stood on 31st August, 1932, who have passed the examination prescribed by the Public Service Commission for appointment as clerks in the Secretariat offices ?

(b) Will Government be pleased to state whether the Public Service Commission, or its Secretary or its other officials recommend candidates for appointment as clerks even if there is no passed candidate on their waiting list ? If so, what is the criterion for recommending any unpassed candidate for appointment as a clerk ?

(c) Will Government be pleased to state whether their different departments have power to make appointments in their clerical staff from among the candidates who possess the minimum academic qualifications

required for the purpose, in case the Public Service Commission has no duly qualified candidates on the waiting list to recommend ?

The Honourable Mr. H. G. Haig : (a) Under the present system of recruitment, the Public Service Commission hold competitive examinations for the filling of such vacancies as may occur during specified periods. The Commission fix a minimum qualifying mark, and any candidate who obtains less than that mark is not offered a post. The number of candidates who competed at the examination held in 1931 and obtained a minimum mark or more, but have not been offered posts, is 17. These candidates could not be provided for as the period, during which vacancies were to be filled on the results of that examination, has now expired.

(b) No.

(c) Presumably the Honourable Member refers to the filling of temporary and officiating vacancies. In these cases, the Departments of the Government of India have discretion.

APPOINTMENT OF THE MEMBERS OF THE MINORITY COMMUNITIES IN
GOVERNMENT DEPARTMENTS.

782. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether, in view of the policy that 33 per cent. of the appointments should be filled up from the members of the minority communities, the Public Service Commission recommend on their own accord 33 per cent. of the candidates from the minority communities for appointment or whether the Departments of Government require the Public Service Commission to make their recommendations for appointment of members of the minority communities according to this percentage ?

(b) If either of the two alternative procedures mentioned in part (a) above is not adopted, will Government be pleased to state how they insure the appointment of the members of the minority communities to 1-3rd of the total vacancies in their Departments ?

(c) Will Government be pleased to state whether instructions contained in Home Department memorandum No. F. 176/25-Est., dated 5th February, 1926, and in their memorandum No. F. 21/2/30-Est., dated 22nd March, 1930, have been notified to the Public Service Commission for compliance ?

The Honourable Mr. H. G. Haig : (a) The orders about the reservation of one-third of vacancies for the redress of communal inequalities apply only to vacancies which are to be filled by direct recruitment, not to those to be filled by promotion. It rests with the Departments and offices concerned to intimate to the Public Service Commission from which communities they want recruits for vacancies of the first category.

(b) Does not arise.

(c) Yes, in so far as their own office staff is concerned. In regard to the staffs of other Departments, the responsibility rests with the Head of the Department concerned.

ALLEGED INJUSTICE TO RETRENCHED MUSLIMS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

783. ***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to state how many men (subordinate and inferior) from amongst those retrenched and demoted in connection with the economy campaign prior to 31st July, 1932, in the Delhi Division of the North Western Railway have been reappointed up to 1st September, 1932 ?

(b) How many of them are Hindus, Muslims, Sikhs, Anglo-Indians, Europeans and others ?

(c) With reference to the reply given by Mr. Hayman on the floor of the House, will Government please state if it is a fact that the Agent, North Western Railway, Lahore, had issued instructions to Divisional Superintendents to recall Muslims until their proportion comes to what it was before they were retrenched in order to remove the injustice done to them ?

(d) Is it a fact that the Divisional Superintendents are not empowered to reappoint any retrenched hand, but they are required to place their demands upon the Employment Officer, Moghalpura, who alone complies with their demands ?

(e) Is it a fact that the Junior Assistant Personnel in charge of the Central Labour Exchange was furnished with copies of the instructions mentioned in part (c) above ?

(f) Is it a fact that the Employment Officer, Moghalpura (Junior Assistant Personnel) sends retrenched hands in response to several demands made upon him in the order of seniority, and not as desired by the Agent, North Western Railway, Lahore, in his instructions mentioned in part (c) above ?

(g) Will Government please state whether the proportion of the Muslims in the Delhi Division had reached to what it was before the retrenchment campaign came in, before the non-Muslims were reappointed ? If not, was it not in disregard of their instructions and, if so, do Government propose to take disciplinary action against the subordinates concerned ?

Mr. P. B. Rau : I have called for certain information and will lay a reply on the table in due course.

GRANT OF HOLIDAYS TO MUSLIM RAILWAY EMPLOYEES.

784. ***Mr. M. Maswood Ahmad** : (a) Are Government aware that an undertaking regarding the grant of holidays to Muslim railway employees was given by the Honourable Sir George Rainy, then Member for Commerce and Railways, when he met a deputation of the Muslim Members of the Legislative Assembly and the Council of State on the 18th September, 1931, and that Mr. P. B. Chandwani issued letters to the Agents of the State-managed Railways after eleven months (that is, on the 18th August, 1932) wherein he remarked that the Railway Board were not in favour of an increase in the number of holidays and that they preferred to leave the matter in the hands of the Agents ?

(b) Do Government realise that the portion of Mr. Chandwani's letter mentioned above (namely, R. B. No. 3966-E. of 18th August, 1932) that

“ the Railway Board are not in favour of an increase in the number of holidays ” nullifies the undertaking given by the Honourable Member for Commerce and Railways referred to in part (a) above ?

(c) Do Government propose to withdraw the portion of the above letter quoted in part (b) above and leave the matter entirely in the hands of the Agents to use their discretion in the matter of Muslim holidays in the light of the undertaking given by the Honourable Member referred to in parts (a) and (b) above ?

(d) Will Government be pleased to lay on the table copies of the Agent's letters No. 358-E. | O., dated 3rd May, 1932, No. A.E.-1174 | 8, dated 5th April, 1932, No. 270-E. | 1, dated 24th March, 1932, and No. 21239-R. | 77, dated 5th April, 1932, referred to in the Railway Board's letter No. 3966-E. of 18th August, 1932 ?

Mr. P. B. Rau : (a) Yes. At the same time, it was clearly laid down that Agents should take into consideration the practice followed by Local Government.

(b) No.

(c) No.

(d) Government regret they are not prepared to place this correspondence on the table, as they do not consider any public purpose will be served by it.

Dr. Ziauddin Ahmad : May I ask, whether this fact that they should follow the practice of the Local Governments forms part of the letter addressed by the Director of Traffic to the Agents ?

Mr. P. B. Rau : In the letter it is stated that the Railway Board desire that Agents should take into consideration the practice followed by Local Governments.

Mr. M. Maswood Ahmad : The sentence says that the Railway Board are not in favour of an increase in the number of holidays : does it not nullify the undertaking and does it leave the departments concerned free to exercise their discretion and to see the Local Government's circulars in this matter ?

Mr. P. B. Rau : No : the Government are convinced that at present the total number of holidays granted to railway employees is not at any rate too little.

COMMUNAL COMPOSITION OF THE INSPECTORS OF VARIOUS BRANCHES ON THE EAST INDIAN RAILWAY.

785. ***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state how many inspectors of various branches are employed on the East Indian Railway ?

(b) How many of them are Anglo-Indians, Europeans, Hindus, Muhammadans, Christians and Sikhs ?

Mr. P. B. Rau : I have called for certain information regarding part (a) of the question and will lay a reply on the table, in due course. As regards part (b), Government regret they are unable to supplement the information given in their annual administration reports by details about the communal composition of individual offices or classes of subordinate staff employed in a Railway.

CHECKING OF THE ACCOUNTS OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY BY INSPECTORS OF STATION ACCOUNTS OF THE EAST INDIAN RAILWAY.

786. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that inspectors of station accounts on the East Indian Railway are utilised to check the accounts of the Shabdara-Saharanpur Light Railway which is under Company management ?

(b) If so, why ?

(c) If they are surplus to be spared for other railways, have Government considered the question of retrenching their posts ?

(d) Is it a fact that the Chief Accounts Officer desired to have sanction for a few more inspectors of station accounts, as the present number was considered inadequate to cope with the work ?

(e) If the reply to part (d) be in the affirmative, why are they utilised on another railway ?

(f) Is it a fact that this arrangement with the Shabdara-Saharanpur Light Railway was with the East Indian Railway under Company management and that the Government lease with the Shabdara-Saharanpur Light Railway expired in 1928 when the East Indian Railway was taken over by the State ? If so, why is this arrangement still carried on ? Was the sanction of the Railway Board taken on the point ?

Mr. P. E. Rau : (a) Yes.

(b), (c), and (e). Under the terms of an agreement in force for the last 28 years between the East Indian Railway and the Shabdara-Saharanpur Light Railway, the East Indian Railway audit the Traffic Accounts of the Shabdara-Saharanpur Light Railway and receive a half yearly payment for performing the work.

(d) Yes, but owing to the subsequent reorganisation of the work, the request was withdrawn.

(f) I am afraid, I do not understand this question. Government took over the liabilities of the East Indian Railway on purchase.

Dr. Ziauddin Ahmad : In view of the fact that this railway is directly under a Local Government and not the Government of India, is it or is it not desirable that we should charge for this inspection work ?

Mr. P. E. Rau : A charge is being made ; we are receiving a half yearly payment for performing the work.

PAY OF TELEGRAPH INSPECTORS OF THE AMALGAMATED EAST INDIAN AND OUDH AND ROHILKUND RAILWAYS.

787. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state what was the pay of Telegraph Inspectors on the East Indian Railway under Company and the Oudh and Rohilkund Railway under State and after amalgamation of both the Railways ?

(b) Is it a fact that after amalgamation the pay of the East Indian Railway Inspector was raised and his jurisdiction curtailed due to the Jubbulpore and Delhi-Umballa-Kalka sections being taken away from the East Indian Railway ?

(c) What is the total number of such inspectors on the East Indian Railway now and what is the average length of their jurisdiction ?

(d) Will Government please state whether the work of telegraph check is entrusted to the Chief Operating Superintendent's Office on the East Indian Railway ? Is the system prevalent on other State Railways as well ?

Mr. P. B. Rau : I have called for certain information and will lay a reply on the table, in due course.

WORKING OF THE MOODY-WARD SYSTEM AND THE NUMBER OF PASSENGERS DETECTED TRAVELLING WITHOUT TICKETS.

788. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to starred question No. 1114 (b) in the Legislative Assembly, dated 2nd October, 1931, will Government be pleased to state if the Moody-Ward system has acted " as a deterrent to passengers who might otherwise entrain without proper tickets " ?

(b) If the reply to above be in the affirmative, will Government be pleased to state the total number of passengers detected undertaking illicit journeys from 1st June, 1931, to 31st May, 1932 ?

Mr. P. B. Rau : (a) Yes. The East Indian Railway Administration has reported that the system is yielding satisfactory results.

(b) The total number of cases of all kinds detected was 358,256.

AMOUNT RECOVERED FROM PASSENGERS BY TRAVELLING TICKET EXAMINERS.

789. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state the total amount recovered by Travelling Ticket Examiners on the East Indian Railway from 1st June, 1931, to 31st May, 1932, analysing under the following heads :

(Cash only.)

- (i) amount of excess fare ;
- (ii) amount of penalty ;
- (iii) amount of unbooked or partially booked luggage ;
- (iv) amount of tickets issued for want of time without penalty ;
- (v) amount of extension of journey without penalty ;
- (vi) amount of unbooked livestock and cycles ;
- (vii) total number of cases detected ;
- (viii) average income per Travelling Ticket Examiner ;
- (ix) number of cases and amount involved in respect of passengers made over on journals for the recovery of dues ;
- (x) total amount recovered by staff or courts in respect of the journals issued and the total amount written off ; and
- (xi) total number of cases prosecuted under sections 112, 114 and 116, Railway Act, and 417, 419, 420, Indian Penal Code ?

(b) Will Government be pleased to give the same information as above in respect of Travelling Ticket Inspectors for 1927-28 ?

Mr. P. E. Rau : (a), (i) to (vi). Figures under each of these heads are not separately recorded. The total amount actually realised was Rs. 4,65,631-14-0.

(vii) I have already stated that the total number of cases of all kinds detected was 358,256.

(viii) The information is not available and to compile it, with reference to the actual number of days each Travelling Ticket Examiner worked during the year, would involve a considerable amount of labour.

(ix) and (x). The amount due for recovery in cases made over for prosecution was Rs. 1,24,285-9-3. I am enquiring whether the other details asked for are readily available and will lay them on the table of the House, if they are.

(xi) The total number of cases made over for prosecution was 55,432, but details are not available as to the section of the Act or Code under which action was taken.

(b) The only information now available for 1927-28 is that the amount recovered on account of passengers found travelling without proper tickets, etc., was Rs 4,17,683.

Dr. Ziauddin Ahmad : Do I understand correctly that the T. T. Is. in 1927-28 collected more money than the T. T. Es. this year ?

Mr. P. E. Rau : No ; the total amount recovered in 1927-28 was Rs. 4,17,683. Between 1st June, 1931, and 31st May, 1932, it was Rs. 4,65,631 ; but this comparison will not lead to any results.

Dr. Ziauddin Ahmad : That is for us to do.

REFUNDS IN RESPECT OF EXCESS FARES RECOVERED.

790. ***Khan Bahadur Haji Wajihuddin :** With reference to questions Nos. 389 of 16th February, 1932 and 852 (a) of 18th March, 1932, in the Legislative Assembly, will Government be pleased to state if Messrs. Moody and Ward, Officers of the Crew Enquiry Committee, condemned the accounts control on the ground that " the Accounts department would be much stricter than other departments in refusing to forego excess fare and penalty charges " ? Is it a fact that such refunds are not granted by the Accounts Department, but by the Chief Commercial Manager (Claims) ?

Mr. P. E. Rau : I presume the first part of the Honourable Member's question has reference to paragraph 62 of the Moody-Ward Committee's Report in which reasons were given against what was believed to be the probable point of view of the Accounts Department. The reply to the second part is in the affirmative.

CONTROL OF TRAVELLING TICKET EXAMINERS BY THE SUPERINTENDENT, STAFF, ON THE EAST INDIAN RAILWAY.

791. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state if it is a fact that in some Divisions of the East Indian Railway the Travelling Ticket Examiners are kept under the Superintendent, Staff, and that as per paragraph 67 of Messrs. Moody and Ward's report, the Superintendent, Commercial, should be in control of them ? Was the latter approved by the Agent, East Indian Railway, and sanctioned by the Railway Board ?

Mr. P. B. Rau : With your permission, Sir, I propose to reply to questions Nos. 791, 793, 795, 798 and 800 to 807 together. I have called for certain information and will lay a reply on the table, in due course.

SYSTEM OF TICKET CHECKING ON THE EAST INDIAN RAILWAY.

792. ***Khan Bahadur Haji Wajihuddin :** With reference to question No. 239 in the Legislative Assembly, dated 12th February, 1932, will Government be pleased to state :

- (a) if it is a fact that in some Divisions, contrary to the recommendations of Messrs. Moody and Ward, no regular Travelling Ticket Examiners run with mail and express trains which are checked by flying batches at certain points only ;
- (b) whether the system recommended by Messrs. Moody and Ward which was approved of by the Agent and sanctioned by the Railway Board last year is in operation on the East Indian Railway or is it some other system ;
- (c) whether sanction was obtained from the Railway Board to abandon the Moody-Ward recommendations in respect of mail and express train working by Travelling Ticket Examiners and in respect of control by other than the Superintendent, Commercial ?

Mr. P. B. Rau : (a) The East Indian Railway Administration reports that Travelling Ticket Examiners have been withdrawn from trains that have few halts and the number of flying squads increased.

(b) The system recommended by the Moody-Ward Committee is in operation on the East Indian Railway.

(c) No, so long as the principles of this system are generally followed, Government must leave it to the Railway Administration to decide in actual practice whether any modification of the general arrangement is called for on certain sections, by the exigencies of local conditions.

Dr. Ziauddin Ahmad : Does it not follow from (a) particularly that the different Superintendents adopt different practice ?

Mr. P. B. Rau : No ; it would be the decision of the Agent of the Railway.

Dr. Ziauddin Ahmad : And different Agents follow different practice ?

Mr. P. B. Rau : That is so.

Dr. Ziauddin Ahmad : Is it not contrary to the reply given by the Honourable Member a few days ago when I said that Agents are trying fresh experiments everywhere and here is the proof that every Agent has got his own practice ?

Mr. P. B. Rau : I told the Honourable Member the other day to the best of my recollection that Divisional Superintendents were not authorised to depart from the principles laid down by the Agents.

Dr. Ziauddin Ahmad : Is it not a fact that the Divisional Superintendent of Allahabad is the only person who carried on examinations in a

manner that the same question papers were set at different centres at different times ?

Mr. P. B. Rau : I am not aware of that ; if my Honourable friend wants me to inquire into the matter, I suggest his putting a question on the paper.

Dr. Ziauddin Ahmad : I put this question last Session and I thought that six months were quite sufficient to make an inquiry.

REPORTS OF CHIEF INSPECTORS OF TRAVELLING TICKET EXAMINERS ON THE TICKET CHECKING SYSTEM.

†793. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state if it is a fact that some time back the Chief Inspectors of Travelling Ticket Examiners of all Divisions were asked to submit a report on the working of the present system and that the majority of them recommended that it should be under Accounts control but, in forwarding their report to the higher authorities, this particular recommendation was eliminated by the authorities interested ? Have the Railway Board compared the original reports of the Chief Inspectors with those forwarded later on ?

DESIRABILITY OF DIVIDED CONTROL OVER COLLECTIONS AND CHECKING OF RAILWAY TICKETS.

794. ***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state what the advantages are of Operating control over Accounts control so far as work and utility of the system are concerned ?

(b) Is it a fact that Messrs. Moody and Ward, in paragraph 69 on page 40 of their Report, condemned collection of tickets and check on tickets by the same staff ?

(c) Is it a fact that Travelling Ticket Examiners are often utilised as Ticket Collectors specially during *Mela* time and specially those who are on the relieving list ?

Mr. P. B. Rau : (a) and (b). I would refer the Honourable Member to paragraph 47 of the Proceedings of the Public Accounts Committee on the 27th November, 1931, on page 30 of the Report of the Committee on the Accounts of 1929-30.

(c) Government have no information, but, in times of pressure, staff ordinarily employed on certain duties are always utilised elsewhere, where the need for their services is considered temporarily to be greater.

TOTAL EXPENDITURE ON TRAVELLING TICKET INSPECTORS, HEAD TICKET COLLECTORS, ETC.

†795. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state :

(a) the total expenditure incurred on Travelling Ticket Inspectors' establishment during 1927-28 in respect of :

(i) pay and allowance,

(ii) uniforms, stationery, stores, etc.,

†For answer to this question, see answer to question No. 791.

- (iii) office staff including peons, and
- (iv) total strength of staff of each category ?
- (b) the same particulars as asked for in part (a) above in respect of Ticket Collectors, Head Ticket Collectors and Lady Ticket Collectors for 1925-26 ;
- (c) the same particulars as asked for in part (a) above in respect of Travelling Ticket Examiners and their Inspectors from 1st June, 1931, to 31st May, 1932 ;
- (d) the same particulars as asked for in part (a) above in respect of Ticket Collectors, Head Ticket Collectors and Lady Ticket Collectors from 1st June, 1931, to 31st May, 1932; and
- (e) whether the Moody-Ward system has worked within the estimated expenditure or exceeded it ?

TICKET CHECKING ON ASANSOL AND DINAPORE DIVISIONS OF THE EAST INDIAN RAILWAY.

796. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to question No. 853 (b), dated 18th March, 1932, in the Legislative Assembly, will Government be pleased to state if it is a fact that on page 11 of the report of the Chief Auditor on the Appropriation Accounts of the East Indian Railway for 1928-29, it is stated that some of the branches of the Asansol and Dinapore Divisions where Crew operated were worked by T. T. Es. ?

(b) If the reply to the above be in affirmative, will Government be pleased to state why the Railway Board has no information ?

Mr. P. E. Rau : (a) The Report referred to states that the former system of ticket checking was in force over certain branches.

(b) I am afraid my attention had not been drawn to this particular part of the report quoted by my Honourable friend, but I might remind him that his original question was whether these branch lines were worked by Travelling Ticket Examiners brought from a non-crew area. The quotation which he has so kindly brought to my notice does not give a direct reply to that question.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

797. *Khan Bahadur Haji Wajihuddin : (a) With reference to the reply to question No. 1121, dated 2nd October, 1931, in the Legislative Assembly, will Government be pleased to state what duties are performed by drivers, guards and T. T. Es. while (i) the train is running and (ii) the train is at halt ?

(b) Will Government be pleased to state if it is a fact that T. T. Es. are paid a consolidated allowance and that such an allowance under Supplementary Rule 22 is paid to staff " whose duties require him to travel extensively " ?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state why the T. T. Es. on extensive running duty are paid Rs. 17-8-0 and Rs. 13-2-0 a month and guards paid much more than the former ?

Mr. P. B. Rau : (a) The duties and responsibilities of drivers and guards are prescribed in the General Rules for all Open Lines of Railways in British India, published in the Gazette of India, dated 9th March, 1929, under the Railway Board's Notification No. 1078-T., dated the 9th March, 1929. In addition to these duties, drivers are required, both while the train is running and during halts, to attend to various parts of the locomotive to ensure their working efficiently, while guards are required at stations to receive and deliver luggage and parcels, attend to passengers and assist generally to secure the comfort and safety of passengers. The duties of a Travelling Ticket Examiner vary on different railways according to the instructions issued by the Administrations concerned, but, in the main, they are confined to detecting passengers travelling without proper tickets or without their luggage, etc., properly booked. This work may be done both in running trains and when the train halts at a station.

(b) The practice varies on different railways ; and a permanent travelling allowance, where paid, is paid all the year round, but not during leave or joining time or when travelling allowance of any other kind is drawn.

(c) Does not arise—but the question of revising the existing allowances on the East Indian Railway to which the question presumably refers is under consideration.

Dr. Ziauddin Ahmad : Will the Honourable gentleman keep in his mind when he decides the question of T. T. Es. and T. T. Is. : it is rather an important question.

Mr. P. B. Rau : Certainly.

MISAPPROPRIATION OF MONEY BY CERTAIN MEMBERS OF THE CREW STAFF.

†798. ***Khan Bahadur Haji Wajihuddin :** With reference to the reply to unstarred question No. 511 (d) by Mr. Amar Nath Dutt in the Legislative Assembly, dated 24th September, 1928, stating that no security from the temporary Crew staff was necessary, because the amount handled by them was very little, will Government be pleased to state how the amount of excess fare to the extent of Rs. 1,500 misappropriated by Mr. Duff of the Crew Department, Howrah, was accounted for and the same in respect of nine other men of the same department as acknowledged in reply to question No. 1110 (f) (i) by Sir Muhammad Yakub in the Legislative Assembly, on the 18th March, 1929 ?

SYSTEM OF TICKET CHECKING, CONTROL OF THE CREW STAFF, ETC., ON CERTAIN RAILWAYS.

799. ***Khan Bahadur Haji Wajihuddin :** With reference to the reply to starred questions Nos. 849, 852 (b) in the Legislative Assembly, dated 18th March, 1932, and No. 1112 (a), dated 2nd October, 1931, will Government be pleased to enquire from the Agents of the Railways, and lay on the table the information asked for in the questions quoted above ?

†For answer to this question, see answer to question No. 791.

Mr. P. B. Ray : As regards question No. 849, which was answered on the 18th March, 1932, and question No. 1112, which was answered on the 2nd October, 1931, Government did not consider that any useful purpose would be served by calling for the detailed information necessary, in order to ascertain what systems of ticket checking were in force on the various railways ten years ago, and what the reasons were for transferring the control of Travelling Ticket Examiners on the Oudh and Rohilkand Railway from the Operating to the Accounts Department 23 years ago. In both cases, considerable work would have been involved in the tracing up of report ?

In regard to part (b) of question No. 852, I did consider whether the information should be called for, but decided not to do so, as the compilation of the figures required would have involved a considerable amount of clerical labour.

In these circumstances, Government are unable to comply with my Honourable friend's request.

STOPPAGE OF THE CONSOLIDATED ALLOWANCE TO TRAVELLING TICKET EXAMINERS WHILE ON CASUAL LEAVE.

†800. ***Khan Bahadur Haji Wajihuddin :** With reference to question No. 1122, dated 2nd October, 1931, in the Legislative Assembly, will Government be pleased to state why the consolidated allowance paid to the T. T. Es. in the Moody-Ward system during casual leave has now been stopped ?

CONSOLIDATED ALLOWANCE OF THE TRAVELLING TICKET EXAMINERS.

†801. ***Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state why the consolidated allowance of the T. T. Es. was subjected to 12½ per cent. cut long before the cut was applied to pay ?

WORK OF TRAVELLING TICKET EXAMINERS.

†802. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that in paragraph 8 on page 11 of Chief Auditor's Report on the Appropriation Accounts of the East Indian Railway for 1928-29, it is given :

"The Crew system is under the control of the Chief Operating Superintendent whose work is tested by Crew Inspectors who work under the orders of the Chief Accounts Officer."

(b) Will Government be pleased to state whether the work of the T. T. Es. of the Moody-Ward system introduced from 1st June, 1931, and working under the Chief Operating Superintendent is judged or tested by the Accounts Department ? If so, how ?

RE-EXAMINATION OF TRAVELLING TICKET EXAMINERS AND TICKET COLLECTORS.

†803. ***Khan Bahadur Haji Wajihuddin :** (a) With reference to question No. 850, dated 18th March, 1932, in the Legislative Assembly, will Government be pleased to state why the T. T. Es. and T. Cs., irrespective of past qualifications and long services, have been re-examined ?

†For answer to this question, see answer to question No. 791.

(b) Is it a fact that this examination is called efficiency test and is based on the suggestions of Divisional Commercial Officers ?

(c) Have the T. T. Es. or T. Cs. been given any training by the operating department ?

(d) Is it a fact that no Railway employees are subjected to such test without being given any training ?

(e) Were any such periodical tests ever held by the Accounts Department in respect of the old T. T. Es. ?

(f) Will Government state whether individual officers-in-charge of T. T. Es. have all passed an examination in checking duties ?

(g) Will Government please state whether the clerical staff working in the Claims section of the Chief Commercial Manager's Office have all passed Coaching, Goods and other examinations to deal with cases of contested claims ?

(h) Will Government please state whether clerks in Divisional Offices have passed recognised examinations of clerical duties ?

(i) Are clerks in the Accounts section of Divisional Offices and Head Offices qualified in accounts duties holding certificates or diplomas of accountancy ?

(j) Will Government be pleased to state if such periodical tests are held in respect of clerical, Engineering, Mechanical, Medical, Electrical, Accounts, Commercial Carriage and Wagons staff ?

(k) In view of the report of Mr. A. C. Badenoch, Director of Railway Audit, will Government please state whether such efficiency periodical test has not been considered necessary in respect of staff mentioned in part (j) above ?

VISION TEST FOR TRAVELLING TICKET EXAMINERS.

†804. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if it is a fact that in vision test classification the Travelling Ticket Examiners are placed in A-2 ?

(b) Is it a fact that this examination in A-2 is intended for those who are in operative control of signals ?

(c) Is it a fact that Block Signal Inspectors and the staff using trolleys are placed in a lower category than the T. T. Es. ?

(d) Is it a fact that the T. T. Es. have nothing to do with the operation of signals nor are they required to know anything about them ?

(e) Is it a fact that the function of the T. T. Es. is to examine tickets and passes like the Ticket Collectors ?

(f) Is it a fact that the Ticket Collectors and Head Ticket Collectors are placed in a much lower category than the T. T. Es. in respect of the vision test ?

(g) Is it a fact that staff in ticket printing section are also placed much lower than the T. T. Es. in this respect ?

†For answer to this question, see answer to question No. 791.

(k) Is it a fact that Inspectors of T. T. Es. are also placed lower than T. T. Es. in this respect ?

(i) Is it a fact that officers are exempted from such strict or even ordinary periodical tests ?

(j) Is it a fact that hitherto Train Ticket Checkers used to be examined only at the time of their appointment in eye-sight and that used to be an ordinary test as compared with the present one and that no further examination was held till their retirement ?

(k) If the reply to parts (a) to (j) above be in the affirmative, what is the reason for this test in the case of the T. T. Es. now ?

(l) Is it a fact that although they are required to undergo revised vision test of a higher degree, yet in some of the Divisions the medical officers examine them in health in addition to vision ?

(m) On what authority is this done ?

PARTIAL PAYMENT OF ARREARS OF CONSOLIDATED ALLOWANCES TO THE STAFF IN THE DINAPORE DIVISION OF THE EAST INDIAN RAILWAY.

†805. *Khan Bahadur Haji Wajihuddin : (a) With reference to question No. 1122 (f) in the Legislative Assembly, dated 2nd October, 1931, will Government be pleased to state why partial payment of arrear consolidated allowance which was not paid during station duty has been made to the staff in Dinapore Division and why the balance has not been paid till now ?

(b) How much arrears have been paid so far and how much are left to be paid in Dinapore Division ?

(c) Why have these arrears not been paid to the staff in other Divisions ?

(d) When are the arrears expected to be paid up and is it a fact that they have accumulated for about five years of Crew working ?

RE-EXAMINATION OF THE STAFF DISCHARGED FROM SERVICE ON THE INAUGURATION OF THE MOODY-WARD SYSTEM IN THE DINAPORE DIVISION OF THE EAST INDIAN RAILWAY.

†806. *Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state if the staff discharged from service on the inauguration of the Moody-Ward system and afterwards re-instated in the Dinapore Division have been again ordered to appear at an examination ? Is it a fact that they passed the same during the very year of the introduction of the system from 1st June, 1931 ?

(b) Will Government be pleased to state if it is a fact that contrary to Departmental Circulars, staff above 45 years of age are also forced to appear at this examination ? If so, why ?

TRAVELLING TICKET EXAMINERS IN THE MOODY-WARD SYSTEM.

†807. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to state why some of the old Travelling Ticket Inspectors who worked

in that capacity for years and who also worked in the Crew system as Crew-in-charge have been utilised as Ticket Collectors in the present system and Crewmen who were not allowed to handle cash and who were in an inferior position to them have been utilised as Travelling Ticket Examiners in the Moody-Ward system ?

RE-APPOINTMENT OF STAFF ON THE RECOMMENDATIONS OF THE COURT OF ENQUIRY.

808. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to state if the staff taken back in service on the recommendations of the Court of Enquiry have been re-instated or re-appointed ?

Mr. P. B. Rau : Government have instructed the Agents of the State-managed Railways, and invited those of the Company-managed Railways, to re-instate such employees who were discharged or demoted as a measure of retrenchment as were recommended by the Court of Enquiry for re-instatement.

FIRST CLASS RAILWAY PASSES ALLOWED TO THE HEADMISTRESS OF THE OAKGROVE SCHOOL.

809. *Mr. M. Maswood Ahmad (on behalf of Mr. Muhammad Azhar Ali) : (a) Is it a fact that the Headmistress (Girls Section) of the Oakgrove School is an assistant under the Principal of that School ?

(b) Is it a fact that her scale of pay is only Rs. 250—350 ?

(c) Is it a fact that she is entitled to first class passes, as advertised in the *Statesman* recently ?

(d) Is it a fact that the scale of pay of Headmasters of Indian High Schools of the East Indian Railway as recently revised is Rs. 250—800 ?

(e) Is it a fact that the Headmasters of Indian High Schools are in sole charge of their schools and not as assistants under a Principal as is the case in the Oakgrove School ?

(f) Is it a fact that these Headmasters of Indian High Schools, in spite of their higher grade, are not allowed first class passes ?

(g) Why are these privileges withheld from the Headmasters of Indian High Schools ?

(h) What steps do Government propose to take to remove this example of racial discrimination ?

Mr. P. B. Rau : (a) The Head Mistress is in direct charge of the Girls' High School, but is responsible to the Principal who is in administrative charge of the Oakgrove School which consists of three separate schools, a Boys' High School, a Girls' High School and a Junior School for boys and girls.

(b) Yes.

(c) Yes.

(d) The pay of teachers in railway schools on the East Indian Railway was assimilated to the pay of teachers in Government Schools from 1st April, 1929.

(e) Yes.

(f) They are not allowed first class passes.

(g) and (h). The matter is under reference to the Agent, East Indian Railway, and I will lay a reply on the table in due course.

GRIEVANCES OF INDIANS IN TANGANYIKA.

810. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to Mr. Chitale's speech in the Legislative Council of Tanganyika published in the *Tanganyika Opinion*, dated the 12th February, 1932, on page 7, under the heading " Mr. Chitale opposes all further taxation " ?

(b) Has the attention of Government been drawn to the text of the memorandum presented to Sir Fazl-i-Husain by the Indian Association of Dar-es-Salaam as published in the *Tanganyika Opinion* of 19th February, 1932, at page 10 ?

(c) What steps have Government taken to redress the grievances of the Indians of Tanganyika in respect of the non-native poll tax and Trades Licensing (Amendment) Ordinance, especially the complaint that " The Indian community of Tanganyika feel that in spite of the theoretical equality which they enjoy under the terms of the Mandate and as citizens of the Empire, there is a marked tendency on the part of the Government of Tanganyika to ignore their rights in various directions " ?

(d) Did Government receive any memorandum from the Dar-es-Salaam Indian Association on the subject ; and if so, what steps have Government taken on the issues involved, and with what result ?

Mr. G. S. Bajpai : (a) and (b). Yes, Sir.

(c) Government have been in communication with His Majesty's Government in regard to the Non-Native Poll Tax and Trades Licensing (Amendment) Ordinances. As regards the former, His Excellency the Governor of Tanganyika has given an assurance in the local Legislative Council that the substitution of the Poll Tax for the Non-Native Education Tax will not restrict or retard the provision of facilities for Indian education, subject to the limits imposed by the budgetary position, which presumably affects all communities. With regard to the Trades Licensing (Amendment) Ordinance, the Governor assured a deputation from the Indian community that there was no thought of racial discrimination underlying the legislation and that there would be no such discrimination in its application. He informed the deputation that Government fully realised the value of the Indian trader to the Territory and the necessity for protecting his interests.

(d) The Honourable Member presumably refers to representations received in regard to the Non-Native Poll Tax Ordinance and the Trades Licensing (Amendment) Ordinance. The answers I have just given cover this part of the question.

GRIEVANCES OF INDIANS IN TANGANYIKA AND PORTUGUESE EAST AFRICA.

811. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the *Tanganyika Opinion* of 26th February, 1932, at page 5 to a reproduction of the report of the proceedings of the Permanent Mandates Commission of the League of Nations regarding grievances of the Tanganyika Indian community ?

(b) Has the attention of Government been drawn to an article under the heading "Indians to be swept out of Portuguese East Africa" as published in the *Tanganyika Opinion*, dated the 4th March, 1932, at page 12, and also to page 4 of the *Tanganyika Opinion*, dated the 8th April, under the heading "Portuguese East Africa" giving the views of Mr. C. F. Andrews?

(c) What steps have Government taken to safeguard the interests of the domiciled Indian community in that territory, and with what results?

Mr. G. S. Bajpai : (a) Yes, Sir.

(b) and (c). I would draw the Honourable Member's attention to the reply given by Mr. Metcalfe on the 23rd September, 1932, to Lala Rameshwar Prasad Bagla's question, No. 694.

**STATEMENT MADE BY THE GOVERNOR OF TANGANYIKA REGARDING
NON-PAYMENT OF NON-NATIVE POLL TAX.**

812. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the *Tanganyika Opinion* of 25th March, 1932, page 9, under the heading "Pandit Bhawani Dayal's Message to Tanganyika Indians" in the last paragraph of which a reference is made to an alleged statement that the Governor of Tanganyika said that those Indians who could not pay the non-native poll tax had better return to India?

(b) Have Government taken or propose to take any steps now to get such a suggestion from the Governor repudiated? If so, what? And if the statement is true, in what manner do Government propose to approach the Government of Tanganyika?

Mr. G. S. Bajpai : (a) Yes, Sir.

(b) So far as Government are aware, His Excellency the Governor of Tanganyika did not make the statement attributed to him. The second part of the question does not, therefore, arise.

**MEMORANDUM OF THE DAR-ES-SALAAM INDIAN ASSOCIATION ON THE FINANCIAL
POSITION OF THE TANGANYIKA TERRITORY.**

813. ***Mr. Gaya Prasad Singh :** Has the attention of Government been drawn to the text of the memorandum of the Dar-es-Salam Indian Association presented to Sir Sydney Armitage Smith on the financial position of the Tanganyika Territory as reproduced in the *Tanganyika Opinion* of the 22nd April, 1932, at pages 5 and 6?

Mr. G. S. Bajpai : Yes, Sir.

DISCRIMINATION IN THE TOWNSHIPS OF KENYA AGAINST INDIANS.

814. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to an article in the *Tanganyika Opinion*, dated the 29th April, 1932, page 14, under the heading "Segregation in the Townships of Kenya Re-introduced"?

(b) What steps did Government propose to take to stop this discrimination in the townships of Kenya against the Indians?

Mr. G. S. Bajpai : (a) Yes, Sir.

(b) So far as the Government of India are aware, the policy of segregation, as between Europeans and Asiatics in the Townships of Kenya, was abandoned in 1923, and restrictions on Indian occupation of premises in certain areas are limited only to those cases in which restrictive covenants were introduced before the White Paper of 1923 was published. These covenants have been held to be legally binding on Government. The Government of India are making enquiries as to the exact circumstances of the case referred to in the newspaper report to which the Honourable Member has drawn attention.

POSITION OF INDIANS IN TANGANYIKA AND PORTUGUESE EAST AFRICA.

1815. ***Mr. Gaya Prasad Singh :** Has the attention of Government been drawn to the opinions of the Rev. Andrews on the Indian position in Tanganyika and in Portuguese East Africa with regard to the new Ordinances and as published in the *Tanganyika Opinion* of the 6th May, 1932, at page 2 ?

Mr. G. S. Bajpai : Yes, Sir.

RACIAL DISCRIMINATION IN THE PORT OF BOMBAY.

1816. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a correspondence letter from A. C. L. DeSouza as reproduced in the *Tanganyika Opinion* of the 3rd June, 1932, at page 10, under the heading " In India Against Indians " on the subject of racial discrimination in the Port of Bombay ?

(b) Do Government propose to ask the Health Officer to change the arbitrary procedure as to the proof of the vaccination marks ?

Mr. G. S. Bajpai : (a) Yes.

(b) The Honourable Member has also doubtless perused the letter addressed on the subject by the Imperial Indian Citizenship Association, Bombay, to the Government of India. One of the suggestions made in that letter was that Government should issue a special list of medical practitioners whose certificates should be accepted by the Port Health Officer. This has been done. I place a copy of the list on the table of the House.

List of the authorities prescribed for the issue of certificates of vaccination which will be accepted by the Port Health Officer, Bombay.

- (1) All Civil Surgeons,
- (2) All Government Medical Officers,
- (3) All Municipal Vaccinators, and
- (4) All Government and Municipal Health Officers.

The Port Health Officer is also permitted at his discretion to accept certificates issued by registered medical practitioners personally known to him.

PROPOSED HANDING OVER OF THE POSTAL AND TELEGRAPH SERVICES IN TANGANYIKA TO THE KENYA GOVERNMENT.

817. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to an article in the *Tanganyika Opinion* of the 10th June, 1932, at page 13, under the heading "Scheme hatched to deprive Tanganyika of its supremacy" according to which it is proposed to hand over the Postal and Telegraph services, in Tanganyika (to which the Dar-es-Salaam Indian Association has objected) to the Kenya Government ?

(b) Do Government propose to make representations to the Colonial Office on the subject ?

Mr. G. S. Bajpai : (a) Yes, Sir.

(b) The Government of India are in correspondence with His Majesty's Government on the subject.

Dr. Ziauddin Ahmad : Will Government be pleased to communicate the strong resentment that is felt in the Indian Legislature and also in India generally on this particular question ?

Mr. G. S. Bajpai : I was not aware, Sir, that there was resentment in the House before even the Report of the gentlemen who has been appointed to inquire into this matter had been received. It may be a prospective resentment, but I would say that it is not justified at this juncture.

RACIAL DISCRIMINATION AGAINST INDIANS IN TANGANYIKA.

818. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the text of the memorandum of the Dar-es-Salaam Indian Association presented to Mr. Roger Gibb on the Railway problem in Tanganyika as published in the *Tanganyika Opinion* of the 15th July, 1932, at pages 7 and 8 ?

(b) Do Government propose to take necessary steps to have the racial discrimination against the Indians in several respects as disclosed therein removed ?

Mr. G. S. Bajpai : (a) Yes, Sir.

(b) Government are awaiting Mr. Gibb's report.

COMMERCIAL AND TRADE INTERESTS OF INDIANS IN KENYA AND EAST AFRICA.

819. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to the *Tanganyika Opinion* of the 22nd July, 1932, pages 3, 6 and 8 indicating that a new East African Indian Chamber of Commerce and Industry has been established, and that the East African Indian interest generally and that of Kenya in particular is in danger ?

(b) Do Government propose to make necessary representations to the Imperial Government so that the commercial and trade interests of Indians in Kenya and East Africa may not be jeopardised as threatened ?

Mr. G. S. Bajpai : (a) Yes, Sir.

(b) The Government of India are in correspondence with His Majesty's Government on the subject.

FOOD SUPPLIED TO THE BENGALI STATE PRISONERS IN THE MIANWALI JAIL.

820. *Mr. S. C. Mitra : (a) Is it a fact that four Bengali State prisoners under Regulation III of 1818 are detained in the Mianwali Jail ?

(b) If so, is it a fact that they applied for being transferred to any Bengal Jail or Deoli Camp ?

(c) Is it a fact that they complained about the food supplied to them as being most unsuitable for Bengalis ? If so, what steps were taken by Government for redressing their grievances about food ?

(d) Is it a fact that the Civil Surgeon in charge of the jail also recommended for their transfer and is it also a fact that the said recommendation of the Civil Surgeon was rejected ; if so, will Government please state the reasons for rejecting the recommendation ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) and (c). Certain representations were received from these State Prisoners in June last in which they complained of the heat and of the lack of certain articles of Bengali diet and asked to be transferred to a cooler climate, but not specifying a Bengal Jail or Deoli. The State Prisoners are supplied as far as possible, with the articles of diet to which they are accustomed, and the medical reports received show that they are generally keeping good health.

(d) No such recommendation by the Jail Superintendent has been received by the Government of India.

WITHHOLDING OF COMMUNICATIONS FROM, AND REDUCTION IN DAILY ALLOWANCES OF, THE BENGALI STATE PRISONERS IN THE MIANWALI JAIL.

821. *Mr. S. C. Mitra : (a) Is it a fact that all communications from the four Bengali State prisoners in Mianwali Jail to their relations, business partners, friends and to the Members of the Legislative Assembly are withheld by the authorities concerned ? If so, will Government please state the reasons for withholding each of such communications ?

(b) Is it a fact that the daily allowance for these State prisoners has been reduced from Re. 1-12-0 to Re. 1-6-0 ; if so, why ? Will Government please state the percentage of reduction in this case and how it bears to the general ten per cent. reduction in Government expenditure ?

The Honourable Mr. H. G. Haig : (a) Certain complaints, in the matter of the censorship of their correspondence, have been received from these State Prisoners. The matter is under enquiry.

(b) No, Sir. I would refer the Honourable Member to the reply given by me to his question No. 194 on the 13th September, 1932.

CONCENTRATION OF STATE PRISONERS IN THE DEOLI DETENTION CAMP.

822. *Mr. S. C. Mitra : (a) Will Government be pleased to state whether they considered the question of concentrating all the State prisoners now being detained in different jails in different provinces in the Deoli Camp ?

(b) If not, do Government propose to consider the question ? If not, why not ?

(c) Are Government aware that there is at present a great difficulty in supplying Bengali food to the Bengal State prisoners in different jails ?

scattered all over India, and are they prepared to consider whether by concentrating all State prisoners in a single camp this food difficulty may be greatly mitigated ?

The Honourable Mr. H. G. Haig : (a) and (b). No. There are, in the opinion of the Government of India, definite objections to transferring all those who are at present State Prisoners under Regulation III from the jails in which they are confined to the Depli Camp.

(c) I am satisfied that all that is reasonably possible is done to ensure that the Bengal State Prisoners have a diet to which they are accustomed.

EMPLOYEES OF THE POSTS AND TELEGRAPHS DEPARTMENT HOLDING COMMERCIAL DIPLOMAS OF THE UNITED PROVINCES.

823. ***Mr. S. G. Jog** (on behalf of Mr. A. Das) : (a) Will Government be pleased to state, having regard to the Government of India order No. 74-Est. 28 (Department of Industries and Labour, P. and T., dated the 19th September, 1930), the circumstances under which the holders of the Commercial Diploma of the Board of High School and Intermediate Education, United Provinces, appointed in the post offices before the 19th September, 1930, have been disallowed the benefit of being treated as undergraduates in the United Provinces Circle ?

(b) Will Government be pleased to state how many holders of the said diploma entertained in the department of Posts and Telegraphs prior to 19th September, 1930, have been granted the benefit of higher rate of pay given to the undergraduates ?

(c) Will Government be pleased to state the number of employees holding the Commercial Diploma certificate who have been disallowed the benefit of higher rate of pay given to undergraduates ?

(d) Do Government propose to reconsider the order quoted in part (a) above, and give relief to those affected by it with retrospective effect ?

Mr. T. Ryan : (a) Because the concession sanctioned in the Government of India order referred to by the Honourable Member was granted to those degree and diploma holders in Commerce who entered the Posts and Telegraphs Department on the time-scales of pay of the clerical service on or after the 19th September, 1930, the date of the order, and it is not the practice for Government to grant concessions with retrospective effect.

(b) None, for the reasons just stated in the reply to part (a).

(c) Government regret that the information is not readily available, nor do they propose to call for it, in view of the time and labour which would be involved in its collection.

(d) No.

COLLIERIES AUCTIONED AT BURDWAN, ASANSOL AND DHANBAD SINCE MR. WHITWORTH'S APPOINTMENT AS CHIEF MINING ENGINEER.

824. ***Mr. A. H. Ghuznavi :** Will Government be pleased to lay on the table a statement giving the names of the collieries which have been sold in auction at Burdwan, Asansol and Dhanbad, since Mr. Whitworth has been appointed Chief Mining Engineer, and stating, if possible, the causes for which they were sold ?

Mr. P. R. Rau : Government have no information.

Dr. Ziauddin Ahmad : May I know whether the Government were or were not consulted before these collieries were auctioned ?

Mr. P. E. Rau : These are not collieries belonging to Government.

MEDICAL TREATMENT OF CERTAIN BENGALI STATE PRISONERS IN THE DAMOH JAIL.

825. ***Mr. S. C. Mitra :** (a) Is it a fact that four Bengali State prisoners, viz., (i) Professor Jyotish Chandra Ghosh, (ii) Mr. Bhupati Majumdar, (iii) Mr. Surash Chandra Das, and (iv) Mr. Purnachandra Das have been detained in the Damoh Jail, Central Provinces, under Bengal Regulation III of 1818 since the beginning of January this year ?

(b) If so, is it a fact that Professor Ghosh has been suffering from various ailments, culminating in nervous prostration ?

(c) How long has he been under incarceration at a stretch ?

(d) Do Government propose to release him or relax the rigour of detention in consideration of his ill-health ? If not, why not ?

(e) Is it a fact that Mr. Bhupati Majumdar has been suffering from nasal trouble ?

(f) If so, do Government propose to transfer him to a place where he can get better medical treatment ?

(g) Are Government aware that he was treated some months before in the Calcutta Medical College, when he was suffering from similar nasal troubles ?

(h) What is the report of the specialist of the Calcutta Medical College regarding the health of Mr. Purnachandra Das just before his transfer to the Central Provinces ?

(i) Does the report show that he was suffering from Duodenal ulcer of a chronic type at the time of his transfer to Damoh ?

(j) Has he ever vomited persistently since he came to the Central Provinces ?

(k) Do Government propose to transfer him to a place where he can get better medical aid ? If not, why not ?

(l) Did Government consider the health report of these persons before they selected Damoh Sub-Jail as the proper place for their detention ?

(m) Did the Bengal Government send the health reports of these State prisoners before their transfer so as to enable the Central Provinces Government to choose a suitable place for their detention in the light of these reports ?

(n) Will Government be pleased to state whether the hospital of a sub-jail like Damoh is sufficiently equipped for treatment of such diseases ?

(o) Is it a fact that the Bengal Regulation III of 1818 lays down that the Superintendents of Jails shall at once report to Government whether the rigour of detention is likely to tell upon the health of the prisoners and that a periodical report of their health should be submitted to Government ?

(p) If so, will Government be pleased to state if any such report has been submitted ? If not, why not ?

(q) If it has been submitted, will they be pleased to place them on the table ? If not, why not ?

The Honourable Mr. H. G. Haig: (a) Yes.

(b) He is reported to be suffering from Neurasthenia for some years. His chief complaint is disturbed sleep, but his general health has been satisfactory and the last report received in August showed that he had gained 9 lbs. in weight since his admission to the jail.

(c) He has been detained under Regulation III of 1818 since the 1st January, 1932.

(d) No.

(e) On admission to the Damoh Jail, he was troubled with a nasal complaint which disappeared without treatment, possibly due to change of residence.

(f) Does not arise.

(g) I have no information about this.

(h), (i) and (j). I have no information regarding his previous medical history, but the reports received by me show that though he was reported to suffer from duodenal ulcer, he has gained 11 lbs. in weight since admission to the Damoh Jail, takes ordinary diet and, except for an attack of gastritis for three days in August last, his general health is reported to be satisfactory.

(k) The medical reports do not show that there is any need to consider the question of his transfer, nor is there any reason to believe that the medical treatment is inadequate.

(l) and (m). The Damoh Sub-Jail was selected as the most suitable place for the detention of these State Prisoners in the Central Provinces. There is nothing to suggest that, from the point of view of health, it is unsuitable.

(n) There is no reason to suppose that the medical facilities are inadequate.

(o), (p) and (q). Section 6 of Regulation III of 1818 requires the submission of a report from the Jail Superintendent as to whether the degree of confinement imposed on the State Prisoner appears liable to injure his health. A report under this section was duly submitted to Government. Periodical reports under section 4 of the Regulation by the officer appointed to visit and report on these prisoners are being received regularly. I am not prepared to lay copies of these reports on the table.

INADEQUATE DIETARY ALLOWANCE GRANTED TO THE BENGALI STATE PRISONERS IN THE DAMOH JAIL.

826. ***Mr. S. C. Mitra:** (a) Is it a fact that State prisoners get Re. 1-8-0 per diem per head as dietary allowance ?

(b) Is it a fact that they have to bring *dal*, fish, sweets and other articles of their daily consumption from Bengal at the rate of Rs. 8 per maund as freight charge ?

(c) Is it a fact that they have to bring some other articles such as plantains, oranges and rice from Jubbulpore and other places far away from Damoh ?

(d) Are Government aware that the freight charges on such articles consume a great portion of their diet allowance? If so, do Government propose to increase their diet allowance?

The Honourable Mr. H. G. Haig : (a) Diet allowances vary according to local conditions.

(b), (c) and (d). I have no information about freight charges; but, in consideration of the fact that certain articles are not available locally, the diet allowance at Damoh has been raised.

GRIEVANCES OF BENGALI DETENUS DETAINED IN PROVINCES OUTSIDE BENGAL.

827. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state whether they have carried out the solemn pledge given by Sir James Crerar in the last Assembly Session in connection with the transfer of Bengali detenues to other provinces to the effect that liberal rules will be framed for their treatment and that conditions obtaining in Bengal will be created where they are kept?

(b) Is it a fact that Bengal Regulation III of 1818 provides that the State prisoners should be treated in jail according to their rank and station in life?

(c) If so, do Government propose to remove their grievances by increasing their allowances and giving proper facilities for their exercise?

The Honourable Mr. H. G. Haig : (a) I would refer the Honourable Member to the replies given by me to part (b) of Mr. Gaya Prasad Singh's question No. 22 on the 5th September.

(b) The Regulation requires that suitable provision should be made for the support of a State Prisoner according to his rank in life and to his own wants and this factor is taken into consideration in each case.

(c) Does not arise.

DETENUS IN THE DAMOH SUB-JAIL.

828. ***Mr. S. C. Mitra :** (a) Are the detenues at Damoh confined day and night in a yard of the Damoh sub-jail? Are Government aware that such a confinement for an indefinitely long period will tell heavily on their health and mind?

(b) If so, what step do Government propose to take to remove the rigours of confinement in the interest of their health? If none, why not?

The Honourable Mr. H. G. Haig : (a) and (b). The medical reports received show that the degree of confinement is not injurious to their health. Sanction has been accorded to the confinement of these prisoners in a separate building adjacent to the Damoh Sub-Jail, with a view to provide better accommodation for them than was available in the jail itself.

SUPPLY OF BOOKS TO DETENUS.

829. ***Mr. S. C. Mitra :** What arrangements have been made for the supply of books in the cases of the detenues?

The Honourable Mr. H. G. Haig : The arrangements for the supply of books to persons dealt with under the Bengal Criminal Law Amendment Act, 1930, are regulated by rules made by the Government of Bengal. In

regard to the Bengal detenus transferred to the Deoli Camp Jail, I would refer the Honourable Member to Rule 8 of the Bengal Detenus Custody Rules, framed by the Chief Commissioner, Ajmer-Merwara, and published in the Gazette of India, dated the 14th May, 1932.

Mr. K. C. Neogy : Is the Honourable Member aware that in the list of periodicals, which the detenus at Deoli are permitted to read, there are certain periodicals which ceased to exist long ago ?

The Honourable Mr. H. G. Haig : Possibly the detenus are anxious to read the earlier numbers of those periodicals.

Mr. K. C. Neogy : Can the Honourable Member tell us who it was that drew up that particular list ?

The Honourable Mr. H. G. Haig : The list is based on the rules in force in Bengal.

Mr. S. C. Mitra : What is the arrangement for the supply of books to State Prisoners who are not in Deoli or in Bengal, but in other provinces of India ?

The Honourable Mr. H. G. Haig : I imagine that arrangements are made locally.

INADEQUATE ALLOWANCES GRANTED TO BENGALI STATE PRISONERS DETAINED OUTSIDE BENGAL.

830. ***Mr. S. C. Mitra :** (a) Is it a fact that Rs. 1-10-0 has been fixed per head per diem for the detenus in Buxar Detention Camp in Bengal ?

(b) If so, why has a meagre allowance of Rs. 1-8-0 been sanctioned for the State prisoners outside Bengal ?

The Honourable Mr. H. G. Haig : (a) No. I understand the rate is much less than that.

(b) Does not arise.

ALLOWANCES, HEALTH, ETC., OF THE BENGALI STATE PRISONERS CONFINED IN JAILS OUTSIDE BENGAL.

831. ***Mr. S. C. Mitra :** (a) What are the dietary allowances fixed for the Bengalee State prisoners now confined in the Trichinopoly, Cannanore, Rajahmundry, Central Jails in Madras, Mianwali and Rawalpindi Jails in Punjab, and Peshawar Jail in the North-West Frontier Province ?

(b) Do Government propose to place on the table the health reports of the State prisoners detained in those jails ? If not, why not ?

(c) Will Government kindly state the period of detention of the State prisoners detained in those Jails and in the Damoh (Central Provinces) under Bengal Criminal Law Amendment Act and Bengal Regulation III of 1818 ?

(d) Is it a fact that almost all the violent revolutionary crimes were perpetrated long after their detention ?

(e) What were the terroristic violent crimes committed before their detention which justified their incarceration ?

(f) Does Bengal Regulation III enjoin that His Excellency the Governor General and Viceroy should be satisfied in case of its application ?

(g) If so, did Government place all the necessary papers of all the prisoners detained under the Regulation before His Excellency the Governor General ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) I would refer the Honourable Member to the statement I laid on the table in reply to Sardar Sant Singh's question No. 163 on the 12th September, 1932.

(b) These reports are submitted for the information of Government. I regret, I am not prepared to lay them on the table.

(c) The information is given in the statement I laid on the table in reply to Sardar Sant Singh's question No. 163 on the 12th September. There are no persons detained under the Bengal Criminal Law Amendment Act in any of these provinces.

(d) No.

(e) I cannot disclose the information on which Government acted.

(f) and (g). Action taken under Regulation III is determined by the Governor General in Council (not the Governor General) after due consideration of all the circumstances relevant to each case.

CENSORSHIP OF LETTERS AND BOOKS OF STATE PRISONERS.

832. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state who is the censor of letters and books of the State prisoners ?

(b) Who has selected him for the purpose ?

(c) Have Government promulgated any rules for his guidance ?

(d) If so, will the Honourable Member-in-charge be good enough to place them on the table ?

(e) If there are no rules, will Government be pleased to state what procedure the prisoners are expected to adopt for appealing to higher authorities against the orders of such censoring authorities ?

(f) Is it a fact that some officers of I. B., C. I. D. Bengal, other than the censor, sign in his behalf the communications of the State prisoners and information regarding the withholding of letters in all cases ?

(g) If so, what is the function of the censor ?

(h) Is it a fact that the censor takes more than two weeks in censoring the letters in-coming and out-going ?

(i) Is it a fact that in case of a letter being withheld the censor informs the State prisoners concerned after over a month ?

(j) Is it a fact that no reason is assigned by the censor for withholding any letter ?

(k) Is it a fact, that the censor did not pass such books as the 'Socialist Movement' by Ramsay MacDonald the present Prime Minister of England for the study of the State prisoners at Damoh (Central Provinces) ?

(l) Does the censor himself read the books and form his opinion or does he censor them on the title of the books and the names of their authors ?

(m) Who is the appellate authority against the censor's decision ?

(n) Is it a fact that congratulatory letters to the Mayor and Deputy Mayors of Calcutta from the State prisoners at Damoh have been withheld ? If so, why ?

(o) Is it a fact that letters enquiring of the health of friends and relations have been stopped ? If so, why ?

The Honourable Mr. H. G. Haig : (a) to (j), (l), (m) and (o). The censorship of the correspondence of State Prisoners confined under Regulation III of 1818 is conducted in the provinces to which they belong. Books are allowed at the discretion of the Jail Superintendent who, in cases of doubt, consults the District Magistrate or the Commissioner of Police, as the case may be. It is always open to the State Prisoners to submit representations in this matter if they have any grievance and all such representations are forwarded to and dealt with by the Government of India under the provisions of section 5 of the Regulation. Such complaints, as have been made, have been enquired into with a view to removing any real grievance as regards delay or other matters as far as is consistent with the proper exercise of censorship.

(k) and (n). I have no information and have received no representations on these points.

Mr. B. Das : Have any State Prisoners submitted any representation that they were not allowed to read the Premier Ramsay MacDonald's book, and, if so, will he consider that representation ?

The Honourable Mr. H. G. Haig : I shall certainly examine any representation, that is made.

Mr. B. Das : Has the Honourable Member read that particular book, and has he found it objectionable to read ?

The Honourable Mr. H. G. Haig : I am afraid I have not had the the advantage myself of reading the book.

FACILITIES TO STATE PRISONERS FOR OUT-DOOR EXERCISES AND GAMES.

833. ***Mr. S. C. Mitra :** Will Government be pleased to state as to what facilities have been given to State prisoners in different jails for out-door exercises and games ? If none, why not ?

The Honourable Mr. H. G. Haig : Facilities for exercise vary according to local circumstances. Arrangements are made by the Superintendent with due regard to the maintenance of jail discipline and the safe custody of the State Prisoners. They are allowed to exercise in the open air in the mornings and evenings, and, where conditions permit and they so desire, arrangements are made for badminton, Indian clubs, and other forms of exercise.

APPOINTMENT OF A MEMBER OF THE LAHORE CANTONMENT BOARD AS THE EXECUTIVE OFFICER.

834. ***Sirdar Sohan Singh :** (a) Is it a fact that resolution No. 27 (1) of the Lahore Cantonment Board meeting held on 30th April, 1932, was moved to empower one of the elected members of that Board to perform the duties of the Executive Officer during his absence ?

(b) Is it also a fact that this resolution was supported by all the seven elected members and was defeated by sheer weight of the official majority of eight members ?

(c) If the answer to the above is in the affirmative, what action do Government propose to take in the matter ?

Mr. G. R. F. Tottenham : (a), (b) and (c). Government have no information. I have called for a report and will lay the answer on the table as soon as possible.

REDUCTION IN THE RATES FOR STREET LIGHTING IN THE LAHORE CANTONMENT.

835. *Sirdar Sohan Singh : (a) Will Government be pleased to state whether it is a fact that the Military Engineering Services, Lahore Cantonment, charge four annas and six pies per unit for street lighting from the Lahore Cantonment Board ?

(b) Is it a fact that the charge from private retail consumers is only annas four per unit in the same Cantonment by the same Department ?

(c) Is it also a fact that in the neighbouring municipality of Lahore only three annas and six pies per unit is paid on account of street lighting and that even this rate is considered high by the Dobson Enquiry Committee in paragraph 127 of their report ?

(d) Is it also a fact that the Cantonment Board, Lahore, has several times protested against this high rate ?

(e) If the answer to the above is in the affirmative, are Government prepared to order a reduction in the rates of this military department ?

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

(b) Yes.

(c) I am prepared to accept the Honourable Member's statement of the facts.

(d) No, Sir ; Government have not received any protest. They have been informed, however, that when agreeing to pay the rates now charged, the Board added to their Resolution a rider to the effect that these rates should be reduced.

(e) Government are prepared to examine on its merits any representation on the subject which the Board may decide to make.

PILGRIMS TO AND REPATRIATED FROM HEDJAZ.

836. *Mr. Rahimtoola M. Chinoy : Will Government be pleased to lay on the table a statement giving the figures for each year separately from 1919 to 1931 showing :

(a) the number of destitute pilgrims repatriated from Hedjaz and their percentage in respect to the total number sailed from India,

(b) the total cost incurred on account of destitute pilgrims repatriated from Hedjaz to India,

(c) the number of pilgrims who sailed with single tickets without depositing the amount required for the return journey,

(d) the number of pilgrims who sailed to Hedjaz with single tickets and depositing the amount required for the return journey,

(e) the number of pilgrims who sailed to Hedjaz with return tickets, and

(f) the names of the Shipping Companies carrying pilgrims to the Hedjaz and the minimum and maximum rates of passage charged by them ?

Mr. G. S. Bajpai : A statement giving such information, as is available, is laid on the table.

Statement giving the information asked for by Mr. Bahimtools M. Chiny in question No. 836.

1 Year.	2 Number of destitute pilgrims repatriated from the Hejar.	3 Percentage of destitutes to the total number of pilgrims sailed from India.	4 Total cost of repatriation.	5 Number of pilgrims who sailed with single tickets without depositing money to cover the cost of return passage.	6 Number of pilgrims who deposited money to cover the cost of return passage.	7 Number of pilgrims who sailed with return tickets.	8 Names of Shipping Companies engaged in the pilgrim traffic and the minimum and maximum rates charged by them.	9 Remarks.
							(b)	
							(c)	
1919	(A)	(A)	(A)	The system of compulsory deposits or return tickets was not in force.			Names of Shipping Companies. (a)	• Rates are for deck-passages without food from Bombay or Karachi.
							Minimum rate.*	
							Maximum rate.*	
1920	(A)	(A)	(A)	Do.			Single. Return. Single. P- turn.	(A) Information as to the number of pilgrims repatriated is not available. In 1919, the Government of India made special arrangements at considerable expense to induce Shipping Companies to issue return tickets at preferential rates. Single tickets were issued only to such pilgrims as did not intend to return to India. In 1920, special arrangements were again made as in the preceding year, but some Shipping Companies who agreed to issue return tickets issued a limited number of single tickets.

1 Year.	2 Number of destitute pilgrims repatriated from the Hajas.	3 Percentage of destitutes to the total number of pilgrims sailed from India.	4 Total cost of repatriation.	5 Number of pilgrims who sailed with single tickets without depositing money to cover the cost of return passage.	6 Number of pilgrims who deposited money to cover the cost of return passage.	7 Number of pilgrims who sailed with return tickets.	8 Names of Shipping Companies engaged in the pilgrim traffic and the minimum and maximum rates charged by them.		9 Remarks.			
							(a) Names of Shipping Companies.			(b) Minimum rate.		(c) Maximum rate.
							Single.			Return.		
			Rs.				Rs.	Rs.				
1921	600	4.5	40,000	The system of compulsory deposits or return tickets was not in force.	Do.		100	175	100	175		
			(B) 30,000				80	80	80	80	80	
1922	1,108	8.6					25	100	90	165		
							164	60	60	60		
							20	60	90	90		
							5	60	70	70		
1923	(C) 2,765	11.3	(D) 37,900				50	140	125	190		
							25	110	120	140		
							30	120	130	140		
							No information is available					
1924	160	0.9	5,120	2,265	15,912	63	35	125	125	125		
							25	100	100	100		
							25	100	100	100		
1925	28	1.16	1,508	102	1,033	630	125	185	125	185		
							125	195	125	195		
1926	472	2.5	25,603	3,400	7,392	13,546	35	125	95	195		
								95	95	195		
							25	125	No information is available.			
							20	110	is available.			

* Rates are for deck-passages without food from Bombay or Karachi.

(B) This amount was paid by the Central Haj Committees from funds collected by it.

(C) Includes 1,049 destitutes repatriated free of charge by Shipping Companies.

(D) Includes Rs. 2,600 paid by the Central Haj Committee from funds collected by it.

The return fare from Calcutta charged by this Company was Rs. 210.

The return fare from Calcutta charged by this Company was Rs. 210.

1227	188	0-6	3,460	2,764	1,617	31,723	(1) Mogra Line (2) Nemasi Line (3) Shustari Line	.. .. ..	125 25 70	195 90 110	125 125 125	195 195 195	The single fare from Calcutta charged by this Company varied from Rs. 110 to Rs. 145.
1228	179	0-8	(E) 2,417	4,696	394	15,902	(1) Mogra Line	..	90	120	125	195	The single fare from Calcutta was Rs. 150 and the return fare Rs. 250.
1229	129	0-7	4,011	3,619	777	15,260	(1) Mogra Line (2) Nemasi Line (3) Shustari Line	.. .. ..	125 25 125	195 25 195	125 125 125	195 195 195	(E) Includes Rs. 917 contributed by pilgrims.
1230	387	3-3	(F) 14,806	3,253	933	10,372	(1) Mogra Line (2) Nemasi Line	.. ..	125 75	195 145	125 125	195 195	The single fare from Calcutta was Rs. 140 and the return fare Rs. 240.
1231	313	3-3	12,339	1,148	30	8,061	(1) Mogra Line (2) Nemasi Line	.. ..	110 80	160 140	110 110	160 160	The single fare from Calcutta was Rs. 135 and the return fare Rs. 215.

The single fare from Calcutta charged by this Company varied from Rs. 110 to Rs. 145.

The single fare from Calcutta charged by this Company was Rs. 150 fixed.

The single fare from Calcutta was Rs. 150 and the return fare Rs. 250.

(E) Includes Rs. 917 contributed by pilgrims.

The single fare from Calcutta was Rs. 140 and the return fare Rs. 240.

The single fare from Calcutta was Rs. 150 and the return fare Rs. 250.

(F) Includes Rs. 1,009 contributed by pilgrims.

The single fare from Calcutta was Rs. 135 and the return fare Rs. 215.

RECOMMENDATIONS OF THE HAJ INQUIRY COMMITTEE.

837. *Mr. Rahimtoola M. Chinoy : Will Government be pleased to state :

- (a) whether they have accepted recommendations Nos. 29 to 33 of the Haj Inquiry Committee and, if so, what steps they have taken or propose to take to give effect to those recommendations with regard to improving the arrangements for the accommodation and medical inspection of pilgrims at " F " Shed, Alexandra Docks, Bombay ;
- (b) whether they have accepted recommendations Nos. 214 to 217 of the Haj Inquiry Committee and, if so, to what extent they have reduced or propose to reduce the Kamaran dues ;
- (c) whether they have accepted recommendations Nos. 53 and 54 of the Haj Inquiry Committee, and, if so, what action they have taken to recover from shipping companies the sums due by them as compensation to the pilgrims ;
- (d) whether it is a fact that shipping companies have, taking advantage of the ambiguity of Rule 68 N. (2) of the Indian Merchant Shipping Act, refused to make over to Government, for credit to the Indigent Pilgrims' Fund, such amounts of deposits for return passage refundable by them and, if so, the amount so withheld by the shipping companies ; and
- (e) whether it is a fact that shipping companies have recovered from Government the amounts previously refunded by them on account of unclaimed passage money under Rule 68 N. (2) of the Indian Merchant Shipping Act and, if so, the amount so recovered by the shipping companies ?

Mr. G. S. Bajpai : (a) Recommendations Nos. 29—33 have been accepted in principle. Practical effect will be given to them as soon as financial conditions permit.

(b) Recommendations Nos. 216—217 have not been accepted, because they conflict with the provisions of the Anglo-Dutch Agreement regarding Kamaran. As regards recommendations Nos. 214—215, Government are doing everything possible to reduce expenditure at Kamaran and are examining the question of reducing the Kamaran dues in consultation with the Government of the Netherlands East Indies, whose consent is required before the dues can be reduced.

(c) The Government of Bombay have filed a suit against the Nemazee Line for the recovery of sums due from that Company as compensation to pilgrims. No further action is possible on recommendations Nos. 53—54 until the result of the suit is known.

(d) and (e). The Honourable Member is referred to the reply given on the 16th September, 1931, to parts (a) and (b) of starred question No. 386 asked by Khan Bahadur Haji Wajihuddin.

Dr. Ziauddin Ahmad : Cannot the Honourable Member give us the amount which they paid back to the company on account of this recovery ?

Mr. G. S. Bajpai : I can obtain the information, in so far as it is available, for the Honourable Member.

PROPOSED ABOLITION OF PASONDA OR SAKNARA POST OFFICE IN THE BURDWAN DISTRICT.

838. *Mr. B. N. Misra : Will Government be pleased to state whether it is a fact that :

- (a) there is a proposal for the abolition of either Pasonda or Saknara Post Office in the district of Burdwan (Bengal) ;
- (b) Pasonda Post Office is nearer to the local market, boat-station and place of business, where big shops are also situated, as compared to Saknara P. O. in the district of Burdwan (Bengal) ; and
- (c) Pasonda Post Office is situated in a central place so far as the jurisdictions of both Saknara and Pasonda Post Offices in the district of Burdwan (Bengal) are concerned ?

Mr. T. Ryan : Government have no information. The matter is within the competence of the Postmaster General, Bengal and Assam, to whom a copy of the question is being sent.

BRANCH POSTMASTERS WITHIN THE JURISDICTION OF THE RAINA SUB-POST OFFICE IN THE BURDWAN DISTRICT.

839. *Mr. B. N. Misra : (a) How many Branch Post Masters are there within the jurisdiction of Raina Sub-Post Office in the district of Burdwan ?

(b) How many of them are Mussalmans ?

(c) Will Government please state whether the residents of villages under the postal jurisdictions of Raina and its branch Post Offices are both Hindus and Mussalmans ?

Mr. T. Ryan : (a) Five, all of whom are Extra-Departmental Agents.

(b) One.

(c) Yes.

INCOME-TAX COLLECTED ON INCOMES BELOW RS. 2,000.

840. *Mr. A. Das : (a) Will Government please state the amount of tax collected from 31st March, 1931 to 30th April, 1932, on incomes from Rs. 1,000 and above and up to Rs. 2,000 or below in the whole of India ?

(b) What has been the total expenditure on this collection, what is the net yield to Government during this period, what was Government's estimate about it and by how much has the yield fallen short of Government's estimate ?

The Honourable Sir C. P. Ramaswami Aiyar : (a) I am not in a position to give the figures for the period of 13 months and one day to which the Honourable Member refers. Subject to check when the accounts figures are received, the receipts in the financial year 1931-32 on incomes from Rs. 1,000 to Rs. 1,999 amounted to Rs. 15,68,521.

(b) The total expenditure incurred during the year 1931-32, in connection with the collection of the tax on lower incomes, was approximately Rs. 2½ lakhs. The original estimate of expenditure for that year on

that account was Rs. seven lakhs. The original estimate of the yield from the tax on lower incomes for the year 1931-32 was Rs. 38 lakhs.

Dr. Ziauddin Ahmad : May I ask what is the percentage of the actuals compared with the expectation ?

The Honourable Sir C. P. Ramaswami Aiyar : The percentage is the percentage of 15 to 38. (Laughter.)

Dr. Ziauddin Ahmad : That is less than 50 per cent.

The Honourable Sir C. P. Ramaswami Aiyar : That is a matter of arithmetical calculation.

Rao Bahadur B. L. Patil : May I know whether Government expect any more income from this source ?

The Honourable Sir C. P. Ramaswami Aiyar : They do.

ALLEGED INJUSTICE TO CERTAIN TICKET CHECKING AND TICKET COLLECTING STAFF OF THE EAST INDIAN RAILWAY.

841. ***Dr. Ziauddin Ahmad :** (a) Is it not a fact that the attention of the Railway Board has been drawn by the Members of the Assembly, Railway organisations and individuals to the injustice done by the East Indian Railway to (i) the old Travelling Ticket Inspectors, (ii) the crews and the crews-in-charge, and (iii) ordinary ticket collectors in the fixing of the salaries in the proposed Moody-Ward scheme ?

(b) Is it not a fact that Government repeatedly replied that the matter is under investigation and that report has been called for from the Agent of the East Indian Railway ?

(c) Did the Railway Board make an independent inquiry ?

(d) How many times did the Railway Board approach the Agent of the East Indian Railway by correspondence or personal conversations and on what dates ?

(e) Did the Agent give any reply to such inquiries ; if not, why not ?

(f) Is the Agent, East Indian Railway, bound to obey the orders issued by the Railway Board and act according to their directions ?

(g) If not, what are the relations between the Agents and the Railway Board ?

Mr. P. R. Rau : (a) The attention of the Railway Board has been drawn to the alleged grievances of the Ticket Checking staff of the East Indian Railway in the matter of the pay allowed to them under the Moody-Ward Scheme.

(b) to (e). As similar questions arose with reference to similar staff on the Eastern Bengal and North Western Railways, the question was discussed by the Railway Board with representatives of the three State Railways concerned. Detailed proposals have recently been submitted by the Agents which are at present under the consideration of the Railway Board. It is hoped that the points at issue will be settled very shortly.

(f) Yes.

(g) Does not arise.

Dr. Ziauddin Ahmad : I thank the Honourable gentleman for settling this question for ever, but will he also keep in mind the subject matter of part (c) of question No. 797 ? It is this, in giving allowance to the Travelling Ticket Inspectors, the rule is that the time must be over eight hours and the time is so fixed that it is only seven hours 59 minutes, 59 seconds, so that they may not get any travelling allowance.

Mr. P. R. Rau : The point will be borne in mind when the question is decided.

ALLEGATIONS OF ILL-TREATMENT TO INDOOR PATIENTS IN THE DELHI CIVIL HOSPITAL.

842. ***Dr. Ziauddin Ahmad :** (a) Are Government aware of the allegations that ill-treatment is accorded to indoor patients in the Delhi Civil Hospital and illegal gratifications forcibly extracted from them ?

(b) Has the Director General of Civil Hospitals made an independent inquiry ?

(c) Who is the supervising authority of the Delhi Civil Hospital ?

Mr. G. S. Bajpai : Government have read such allegations in the Press and have made enquiries from the Local Administration. The result will be communicated to the House in due course.

TRIPS TO SIMLA OF THE DEPUTY ASSISTANT ELECTRICAL ENGINEER, POSTS AND TELEGRAPHS DEPARTMENT, NEW DELHI.

843. ***Mr. Muhammad Azhar Ali :** (a) Will Government please state :

(1) whether the Deputy Assistant Electrical Engineer, Posts and Telegraphs, New Delhi, proceeds to Simla ; if so, what is his business up there ;

(2) how often he has moved up hitherto, and since when ;

(3) what expenditure Government have been committed to hitherto, separately, in regard to (i) transport charges ; (ii) halting allowances ; and (iii) other incidentals, if any ; and

(4) what the average cost is per trip ?

(b) Is it true that these visits to Simla, were of a regular and uniform nature—month by month—throughout the year ? If so, what justifies the calls up at Simla, during the winter months ? Did the calls during the summer months have any significance ?

(c) Do the department retain permanently a qualified electrician or other such official at Simla ? If so, has he ever been found lacking in the due performance of his duties, or otherwise inefficient ? If so, how was the defaulting official dealt with ? Was any reduced, removed or discharged in the last five years ?

(d) Technically, what are the academic or other degrees or qualifications of the electrical official attached to the Simla Central Telegraph Office as compared with the Deputy Assistant Electrical Engineer of New Delhi ? If the qualifications of both the officers are identical, what purpose is served by the latter inspecting or examining the duties and

other functions discharged by the former ? How do Government profit by such visits ?

(e) Is it true, that the Divisional Engineer, Telegraphs, Delhi Engineering Division, enjoys almost a complete recess up at Simla during the entire Summer season ?

(f) Is it not a fact that the maximum benefits obtainable under the touring regulations and privileges have invariably been exploited time and again ?

(g) Are Government prepared to explore thoroughly the cause and justification of all such visits made hitherto separately and justify, individually, the need for such public expenditure, when it should have been necessarily avoided ?

Mr. T. Ryan : (a) (1) Yes ; for inspection of the telegraph equipment and electric light installations in post and telegraph offices in Simla which are in his charge.

(2) Since 1926 ; detailed information is, however, not available before 1930 when the officer visited Simla eight times, in 1931 four times and in 1932 twice.

(3) In 1930, transport charges—Rs. 472, halting allowance—Rs. 583 ; in 1931, transport charges—Rs. 236, halting allowance—Rs. 220 ; in 1932, transport charges—Rs. 138 ; halting allowance—Rs. 119. There were no incidental charges.

(4) About Rs. 125.

(b) No. Visits were made during the summer months only when the work was heavy. The second part does not arise.

(c) The reply to the first part is in the affirmative and to the second part in the negative. The other parts do not arise.

(d) Both officers have departmental training. The Deputy Assistant Electrical Engineer is a senior and more experienced officer and has consequently more technical knowledge.

(e) The Divisional Engineer is required to be in Simla for 90 days in the summer season.

(f) Certainly not.

(g) Does not arise in view of reply to (f).

NUMBER OF SUPERINTENDENTS OF POST OFFICES IN THE SIND AND BALUCHISTAN AND OTHER POSTAL CIRCLES.

844. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that in Sind and Baluchistan, there are only three Superintendents of Post Offices, and that an independent Circle is being retained there ? What is the approximate annual expenditure ?

(b) What is the number of Superintendents in other Postal Circles in India ?

Mr. T. Ryan : (a) If the Honourable Member is referring to Superintendents in charge of Postal Divisions, the reply to the first part of the question is in the affirmative. The Circle is a minor circle and is in

charge of a Director whose status is lower than that of Postmasters General who are in charge of other Circles. As regards the second part of the question, the Honourable Member's attention is invited to part (f) (3) of the reply given in this House on the 26th January, 1931, to Mr. S. C. Shahani's unstarred question No. 48.

(b) If the Honourable Member refers to Superintendents in charge of Postal divisions, the number is as follows :

Bengal and Assam Circle	..	..	..	19
Bihar and Orissa Circle	..	..	..	8
Bombay Circle	..	..	..	12
Central Circle	..	..	..	9
Madras Circle	..	..	..	16
Punjab and North-West Frontier Circle	..	..	..	16
United Provinces Circle	..	..	..	13

Mr. M. Maswood Ahmad : Is it not a fact that the post offices in Baluchistan and Sind are scattered over vast areas as compared with other parts ?

Mr. T. Ryan : It is the case that the post offices are scattered over a large area.

PROPOSED VISIT OF MAJOR MILNER, M.P., TO MAHATMA GANDHI.

845. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state whether they came to know that the object of the proposed visit of Major Milner, M.P., to Mahatma Gandhi, was political in character ? If so, how did they come to know this ?

(b) Is political discussion of every kind prohibited between Mahatma Gandhi and his visitors ?

(c) Was a similar restriction imposed in 1930-31 when Mahatma Gandhi was in detention ?

The Honourable Mr. H. G. Haig : (a) The object of the visit was stated in Major Milner's application for an interview.

(b) Interviews have been confined to those who are not likely to discuss politics.

(c) That was the general position, but certain exceptions were made.

Mr. N. M. Joshi : May I know what was the object stated by Major Milner in his application ?

The Honourable Mr. H. G. Haig : The question was whether the object of the visit was political in character. Major Milner's application made it quite clear that that was the object.

Mr. Gaya Prasad Singh : Will Government place a copy of Major Milner's letter on the table ?

The Honourable Mr. H. G. Haig : I am not prepared to do that.

Mr. B. Das : Is it the opinion of Government that Major Milner was a dangerous character and, therefore, he should not be allowed to interview Mahatma Gandhi ?

The Honourable Mr. H. G. Haig : The question of visitors being dangerous characters does not arise. The point was that interviews were confined to those who were not likely to discuss politics.

Mr. B. Das : Is it not a fact that Major Milner is a follower of the Prime Minister, Mr. Ramsay MacDonald, and for that reason he ought to have been allowed the interview ?

The Honourable Mr. H. G. Haig : I am not aware of Major Milner's particular political connections, but the question is not whether Major Milner is a follower of the Labour Party, but whether he wishes to discuss certain political questions.

Mr. B. Das : Did the India Office supply statements to the Government of India about the antecedents of socialist M. P.'s who were members of the Lothian Committee ?

The Honourable Mr. H. G. Haig : I have seen no such information.

Mr. B. Das : Does that mean that the India Office is not doing its duty ?

The Honourable Mr. H. G. Haig : It is not part of the duty of the India Office to supply information which we can get by consulting "Who's Who".

Mr. N. M. Joshi : May I know, whether this restriction was intended to facilitate settlement with the Congress or obstruct it ?

The Honourable Mr. H. G. Haig : The object was to impede the development of the Civil Disobedience Movement.

SELECTION OF NEWSPAPERS AND PERIODICALS FOR THE DETENUS AT DEOLI.

846. ***Mr. Gaya Prasad Singh :** Will Government kindly state who made the selection of newspapers and periodicals that the detenus at Deoli (Ajmer-Merwara) are permitted to read ; and on what principle was the selection made ?

The Honourable Mr. H. G. Haig : The selection was made by the Government of Bengal and is understood to be in accordance with the practice followed in Bengal.

Mr. Gaya Prasad Singh : Are Government aware that in the list of periodicals, there are names of certain periodicals which have ceased to exist ?

The Honourable Mr. H. G. Haig : I was not aware of that, but I am perfectly prepared to take that piece of information from the Honourable Member and from Mr. Neogy.

12 Noon.

Mr. K. C. Neogy : Is the Honourable Member aware that in one particular case, not only the journal ceased to exist years ago, but that two successive editors of the journal are also dead ?

The Honourable Mr. H. G. Haig : But does the Honourable Member suggest that the views expressed in the Press become obsolete and that such papers lose their value completely after one or two years ?

Mr. K. C. Neogy : The list was intended to cover the cases of newspapers and periodicals that are at present published ?

The Honourable Mr. H. G. Haig : That no doubt is the primary object, but I have no doubt that if an application was made for the past files, a search would be made.

Mr. Gaya Prasad Singh : Is this a sample of the up-to-date information possessed by the Government ?

The Honourable Mr. H. G. Haig : It is possible, Sir, that the lists have not very recently come under revision.

MOTION RE TERRORIST OUTRAGE AT PAHARTALI,
CHITTAGONG.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, it devolves on me to discharge a very painful and melancholy duty, but one which, I think, it is absolutely incumbent on this House and on all thinking persons in India to discharge. With your permission, Mr. President, I desire to make this motion :

“ This House desires to place on record its feelings of horror and its strong condemnation of the terrorist outrage perpetrated on the night of the 24th September at Pahartali and requests the Honourable the President to convey its deep sympathy with the families of the victims and the wounded persons.”

Sir, I do not intend to speak at any length on this motion. I however desire, with your leave, Mr. President, to bring to the notice of the Honourable Members of this House the main details or outlines of the occurrence. The first telegram that was received was that :

“ A party of terrorists armed with 476 muskets, revolvers, guns and bombs raided Assam-Bengal Railway European Institute at Pahartali, Chittagong, at 11 last night (*that is, at 11 P.M. on the 24th instant*) when social gathering was being held. Raiders threw bombs inside Institute killing one old European woman, and wounding Inspector MacDonald, Sergeant Willis and six other Europeans. Raiders escaped. The body of Pritilata Waddar, who has been missing since Dalaghat incident on June 14th when Captain Cameron was murdered and for whose arrest reward has been declared by Government, was found near Institute with bullet wounds. Dead girl who is about 20, graduated from Bethune College, Calcutta, this year.”

That was the first information that was received. Later on, we got this news :

“ Terrorists made sudden attack on European Institute last night at Pahartali in Chittagong. One European woman was killed and 8 Europeans are said to have been injured. Assailants escaped leaving behind body of a Bengali girl who died of bullet wounds in encounter.”

[The Honourable Sir C. P. Ramaswami Aiyar.]

It appears this attack was made when dancing was proceeding in the Institute (*Cries of "Shame, shame"*), and it also appears that the terrorists numbered about ten. Now, Mr. President, dealing with this matter and referring to this most saddening incident, H. E. the Governor of Bengal uses the following language :

" This most senseless and brutal crime resulting and apparently intended to result in killing and maiming defenceless women will shock all persons of decent feeling in Bengal, India and throughout world."

These, Mr. President, are the features of the incident which, I have no doubt, will shock and fill with horror all thinking India. (Hear, hear.) Let me, in the first place, make it abundantly clear—as clear as any statement made in this House can do—that this outrage is most uncharacteristic of India, of Indian civilization and Indian culture (Hear, hear) and unworthy of India (Hear, hear) ; and not only it is uncharacteristic and unworthy of India, but it is as detrimental to the highest interests as it is opposed to the fundamental ideals of this ancient land of hoary traditions. (Loud and prolonged applause.) Moreover, Sir, it is bound to bring about such racial hatred, such feelings of exacerbation, such possibilities of dangerous and terrible reprisals, that I shudder to think of what the outcome may be. Sir, Members on all sides of this Honourable House are playing their great part in the evolution of a new constitution when India will come to her own. As part of that responsibility and the duty owed by men of feeling and sensibilities, let us make it clear, let us make it manifest that we are horror-struck at incidents of this kind, and that we denounce these crimes and the motives of these misguided criminals with no uncertain voice and that we deeply sympathise with the victims and their families. (Loud and prolonged Applause.)

Sir Hari Singh Gowar (Central Provinces Hindi Divisions ; Non-Muhammadian) : Sir, I and my party associate ourselves with every word that has fallen from the Honourable the Leader of the House. We think that acts of this character are not the acts of mere revolutionaries, but those of maniacs as they make no distinction between men and women and women and children. Sir, we, as representatives of the country in this central representative institution in the land, denounce these acts as acts which are not only brutal, unjustified, cruel and sinful, but acts which, in the end, will delay and arrest the steady growth of responsible institutions in this country. (Loud applause.) Sir, our sympathies go out to the innocent victims of this senseless and dastardly outrage, and the least we can do, Sir, is to request you to convey to the relations of these victims and to the wounded our heartfelt condolence and sympathy. (Loud Applause.)

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadian Urban) : Sir, on behalf of my Party, I endorse all that has been said by the Leader of the House in respect of the recent dastardly outrage at Chittagong. Sir, there cannot be the least doubt that outrages of this character must be revolting to the feelings of every right-thinking person. Sir, as one, associated for a long time with the practice of law and the administration of justice, I do regard every murderer, every outrage committed, as criminal, whatever may be the motive inspiring it. Sir, as pointed out by the Leader

of the House, outrages of this kind, which have racial motives behind them, cannot be condemned too strongly ; and it is my firm conviction that these outrages cannot advance the political interests of India in any way. (Loud Applause.)

Mr. G. Morgan (Bengal: European): Sir, on behalf of the European Group, representing the European community in India, I wholeheartedly support the Resolution moved by the Honourable the Leader of the House.

I am sure this Honourable House will understand that it is very difficult for me to speak without a certain amount of heat in this particular matter, this particular outrage in Chittagong. But I will do my best to moderate my language, however strongly I may feel in this matter.—As it has been designated by the Governor of Bengal, it is a senseless and a brutal crime. The gathering where this bomb was thrown was a social gathering, people lightheartedly enjoying themselves the last day of the week, a Saturday. There is no excuse for these crimes under any circumstances, and there is certainly no excuse for a crime of this description which was perpetrated on Saturday night, the 24th instant. I agree with the Honourable the Leader of the House, when he says, that this crime was not only diabolical, but that, it is contrary to the characteristics and the traditions of the people of this great country. (Applause.) Sir, I may tell the House that this sort of crime—and my experience in Eastern Bengal has been a very long one—has been perpetrated in increasing intensity since 1904. This revolutionary movement has been getting worse and worse, and there is no doubt that it is one of the worst things that could happen at the present moment when we are all endeavouring to find a way by which constitutional changes can be brought about. But, Sir, this sort of crime will unbalance even the most sane mind. However sane one may be, crime of this description raises feelings which is designated in our language by “seeing red”, and that is a feeling we do not want to see raised in this country. We do not want these communal and racial feelings raised. How are we going to carry on when this sort of crime is being perpetrated? I hope this House will endorse unanimously and wholeheartedly the Resolution which has been moved and if the Government of India require special powers, however drastic, to deal with particularly these outrages and revolutionary movements, we shall be prepared to give them.

Kunwar Raghbir Singh (Agra Division : Non-Muhammadan Rural): Sir, it is my melancholy duty to associate myself and my Party, I mean the United India Party, in supporting the motion moved by the Honourable the Leader of the House. No words can be too strong to condemn such outrages as are perpetrated in the name of terrorism, especially in Bengal, these days. We have been very much shocked to hear that such acts have not yet stopped in spite of the best efforts made to stop them. It is absolutely un-Indian and particularly at a time when the great Indian leader is fasting and preaching non-violence. Sir, with these words, I hope that the House will carry the motion unanimously.

Mr. A. H. Ghumavi (Dacca cum Mymensingh : Muhammadan Rural): Sir, we, the Members sitting on these Benches, associate ourselves entirely

[Mr. A. H. Ghuznavi.]

with what the Honourable the Leader of the House has said. It is our first and foremost duty to convey to the bereaved families our profound sorrow and deepest sympathy in their bereavement. No words of ours, no human sympathy, could console them in their affliction, but when they will know that to-day India mourns deeply and sincerely their loss, and when they will know that the House passes this Resolution unanimously, it will undoubtedly lighten the burden of their grief. Sir, bombs and revolvers are the weapons of cowards and criminals. Those who make use of them cannot have any conception of true patriotism. Need I say, Sir, to these misguided youths that resort to bombs and pistols, instead of advancing the cause of our motherland, hopelessly retards her constitutional progress. Sir, we should not content ourselves with only condemning the action of the perpetrators of these crimes, but should strongly condemn and denounce those who, by their writings, by their actions, and by their speeches, extol these deeds of violence, and eulogise the assassins as saints, martyrs, heroes and patriots. Nor can we exonerate the Government from the charge of apparent inaction, weakness and vacillation which are equally responsible for these murders and anarchical crimes. Sir, here is a paper *The Star of India* which has given to us....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, are we discussing the Ordinance Bill ? The Leader of the European Group has already insulted us....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. The occasion is such that it is desirable not to introduce any controversy.

Mr. A. H. Ghuznavi : Sir, with your permission, I would just mention this that very recently in Calcutta a terrorist leaflet was posted throughout the City of Calcutta asking every Indian to murder Europeans, men and women. Not only that, they went further and said that whoever of the Indians supported the Government should be murdered also. With these words, I associate myself wholeheartedly with what the Leader of the House has said, and I support the Resolution.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) : Sir, the occasion is too serious to enter into any controversial discussion. I join wholeheartedly with the Leader of the House and with other Honourable Members who have just spoken in condemning unreservedly the terrorist outrages which have been blackening the face of this fair country. (Applause.) Sir, while condemning these outrages, I very strongly deprecate this occasion being utilised by some henchmen of Government in bringing any controversial politics into the discussion.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair very much regrets that on a solemn occasion like this any views or sentiments should be given expression to which do not bear directly on the motion that the Honourable the Leader of the House has placed before the House.

Mr. Gaya Prasad Singh : Quite.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : In the opinion of the Chair, sufficient discussion has taken place and in putting the motion to the House, the Chair wishes to associate itself with all that has fallen from Honourable Members, especially having regard to the real interests of our Motherland. (Hear, hear and Applause.)

The question is :

“ This House desires to place on record its feelings of horror and its strong condemnation of the terrorist outrage perpetrated on the night of 24th September at Pahartali and requests the Honourable the President to convey its deep sympathy with the families of the victims and the wounded persons.”

The motion was adopted unanimously.

BILLS PASSED BY THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Council of State :

“ I am directed to inform you that the Council of State has, at its meeting held on the 23rd September, 1932, agreed, without any amendment, to the following Bills which were passed by the Legislative Assembly at its meetings held on the 12th, 14th and 16th September, 1932, namely :

1. A Bill further to amend the Indian Emigration Act, 1922, for certain purposes,
2. A Bill further to amend the Cantonments Act, 1924, for a certain purpose,
3. A Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes,
4. A Bill to amend the Trade Disputes Act, 1929, for certain purposes, and
5. A Bill to establish committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.”

STATEMENTS LAID ON THE TABLE.

CASES IN WHICH THE LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY THE HIGH COMMISSIONER FOR INDIA IN PURCHASING STORES FOR THE GOVERNMENT OF INDIA.

Mr. A. G. Clow (Government of India : Nominated Official) : I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending the 30th June 1932.

HIGH COMMISSION

INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central Government goods demanded, were accepted on the grounds of superior quality, inspection, quicker

HALF-YEAR ENDING

Stores ordered.	Contract number.	Name of Contractor.	Amount of Contract.
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PART A.—Cases in which lower foreign tenders, including British tenders for foreign

Nil.

PART B.—Cases in which the discrimination is

			£ s. d.
Levels, wood No. 445	M. 2706/4767/4-2-32	Maple & Co., Ltd. ..	355 12 9 (British).
Essential oils, 1891 lbs.	N. 438/710/7-6-32	Potter and Clarke, Ltd.	475 5 6 (British).

PART C.—Cases in which the Discrimina

Nil.

PART D.—Cases in which lower British tenders have

			£ s. d.
Peptone powder, 72 lbs., etc.	N. 324/526/20-5-32 ..	Hopkin & Williams ..	50 2 0 (French).

ER FOR INDIA.

DEPARTMENT.

rnment, other than the lowest complying with the technical description of the superior trustworthiness of the firm tendering, greater facility of delivery, etc.

30TH JUNE, 1932.

Lowest Tender not accepted.	Reason for acceptance.
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made goods, have been set aside wholly or partially in favour of British tenders.

Ni.

between British firms only.

£ s. d.	
313 7 1 (British).	The indent stated that the levels were required in India as early as possible before 31st March, 1932. The lowest tenderer offered delivery in 16 weeks. The order was therefore placed with the next lowest tenderer who undertook to deliver in 8 weeks.
471 7 6 (British).	The order was placed with the second lowest tenderer in order to obtain the delivery required.

tion is between Foreign firms only.

Ni.

been set aside in favour of foreign tenders.

£ s. d.	
44 2 6 (British).	Accepted on account of the superior quality of the chemicals offered which represented more than the difference in price between the two quotations.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : I lay on the table a statement containing the further information promised in reply to question No. 599 asked by Mr. Nabakumar Sing Dudhoria on the 2nd March, 1932.

592. INDIANS SENT ABROAD ON DEPUTATION FOR THE STUDY OF SUGAR CULTIVATION AND MANUFACTURE.

(1) Names of Indians deputed by different Local Governments.	(2) Qualifications.	(3) Country to which deputed.	(4) Amount spent.	(5) Manner in which those already returned are now employed.	(6) Manner in which those who have not yet returned are proposed to be employed.	(7) Names of Sugar Mills or Companies that have employed such experts from abroad.
Mr. A. R. Yathiraja	B.Sc. Underwent two years' course in General and Applied Chemistry.	United Kingdom Hawaii and Java.	MADRAS. Scholarship of value of £200 per annum for period of 16 months plus £220 on deputation to Hawaii and Java.	Now conducting research in sugar manufacture in the Bellary District.	..	..
Rao Bahadur P. C. Patil.	L. Ag. M.Sc. (Wis)	Java	BOMBAY. On study leave .. Amount not known	Professor of Agricultural Economics at the Poona Agricultural College.	..	..
Mr. R. G. Padhye	B. Ag. ..	U. S. A., Cuba, Porto Rico, Barbadoes, Jamaica, Hawaii and Java.	Scholarship of \$100 p.m. for two years plus tuition fees, travelling expenses and return passage.	Chief Chemist in the Bellary Company's Sugar Factory at Harigeon in the Ahmednagar District.	..	..

Mr. R. G. Pradhan	B.Sc. ..	U. S. A. and Cuba ..	Scholarship of £300 per annum inclusive of fees, etc., p.a. for 2 years plus return passage.	Chemist in the New Savan Gur and Sugar Factory in Bundelkhand and Oudh.	The Cawnpore Sugar Works. The Pachrakhi Sugar Mills, Gorakhpur. Empire Engineering Company, Cawnpore.
Mr. R. C. Srivastava	B.Sc. ..	United Kingdom in 1911.	UNITED PROVINCES. £300 plus passage money.	Sugar Technologist Imperial Council of Agricultural Research.	
Mr. A. R. Khan	Matriculate ..	United Kingdom and West Indies.	£450 plus passage money.	Lecturer at the Harcourt Butler Technological Institute, Cawnpore.	
Mr. Krishna Lal	Do. ..	United Kingdom ..	£300 plus passage money.	Not known ..	
Mr. P. D. Kepur	Studied up to B.Sc. standard.	United Kingdom and British Guinee.	£450 plus single passage.	Not known ..	
Mr. Raza Hussain	B.Sc. Diploma in Applied Chemical Research.	United Kingdom ..	£480 plus passage money.	Sole representative to Messrs. Duncan Stewart & Co., Ltd.	
Mr. Khwaja Mohd. Ishaq.	B.A. ..	Do. ..	Ra. 2,500 ..	Believed to be in the service of Raja of Nandgaon, C. P.	
Mr. K. K. Bhargava	B.Sc. Diploma in General Chemistry.	Do. ..	£480 plus passage money.	Chief Chemist and Sugar Manufacturer at the Somepat Factory of the Punjab Sugar Corporation, Limited.	Noori Sugar Works Bhatni, Gorakhpur.

Names of Indians deputed by different Local Governments.	(1)	(2)	Country to which deputed.	Amount spent.	Manner in which those already returned are now employed.	Manner in which those who have not yet returned are proposed to be employed.	(7)
Mr. H. L. Bhagat..	M.Sc. (Chemistry)	U. S. A. and Europe	<p>PUNJAB.</p> <p>Total amount not yet known.</p>	Not yet returned ..	Under the terms of the Security bond executed the scholar will devote himself exclusively to the sugar industry.	..	
Mr. S. C. Jain ..	B.Sc. (Sugar Technology).	University of Hawaii Honolulu.	<p>BHAR AND ORISSA.</p> <p>Scholarship and fees £370. Passage money and railway fare Rs. 1,712. T. A. to San Francisco, \$300.</p>	Messrs. L. H. Brothers, Sugar Factories, Pilibhit, United Provinces.	Originally employed with Messrs. Noori Sugar Works Bhatnair, United Provinces.		

NOTE.—Other Local Governments have not made any such deputations.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Legislative Business. Further consideration of the following motion moved by the Honourable Mr. H. G. Haig on the 21st September, 1932 :

“ That the Bill to supplement the Criminal Law be referred to a Select Committee consisting of Mr. Muhammad Yamin Khan, Mr. S. C. Sen, Mr. Gaya Prasad Singh, Mr. S. G. Jog, Mr. B. E. Puri, Mr. S. C. Mitra, Mr. Muhammad Azhar Ali, Mr. B. V. Jadhav, Sir Leslie Hudson, Sir Muhammad Yakub, Mr. N. N. Anklesaria, Captain Rao Bahadur Chaudhri Lal Chand, Mr. C. W. Gwynne, and the Mover, with instructions to report on or before the 7th November, 1932, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I move :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st November, 1932.”

Sir, my motion is not a dilatory motion as I shall show presently and I would ask the Honourable the Home Member to do me the honour of believing that my intention in moving this amendment is not to defeat or delay this Bill, but to advance it.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Please do not apologise.

Mr. N. N. Anklesaria : Sir, I move this amendment with the greatest reluctance possible.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Naturally. (Laughter.)

Mr. N. N. Anklesaria : But I believe that, in moving this amendment, I am performing a duty to my constituency. Sir, ever since I have had the honour of being a Member of this House, I have consistently followed one policy, at least as regards questions of law and order, the policy of helping the Government (Hear, hear) whenever I can, and of opposing the Government whenever I must. I have never run with the hare and hunted with hound, and I regret very much the un-accommodating attitude which the Honourable the Home Member has taken up in connection with this amendment, an attitude, Sir, all the more regrettable, because it is not justified by a single solid reason of which I can think of. Sir, I take it that, for some reason or other, the Government are anxious to see that the Bill is passed by the end of the November Session. I believe, that the November Session will begin sometime about the 7th November. I have, therefore, fixed the date in my amendment by which opinions are to be elicited as the 1st November.

An Honourable Member : By wireless.

Mr. N. N. Anklesaria : An Honourable Member exclaims, if the opinions are to be elicited by 1st November by wireless. Sir, no wireless is required. One month and ten days are quite sufficient as I will show, later on, for people and bodies, to send in their opinions to the authorities and for the authorities to consider them. Sir, I have fixed the date as 1st November with this view that on 7th November or, soon after the 7th November, a Select Committee may be appointed and the

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opinions received by that time may be considered by the Select Committee and that they may be able to make their report by such a date as would enable the Government to take the Bill through all its stages before the end of the Session. Sir, I can quite realise the view point, as I take it, of the Honourable the Home Member also. The Bill seeks to embody certain existing laws, in our permanent Statute-book, laws some of which have been before the public for the last 23 years, and Ordinances which have been before the public for at least the last 10½ months. And it may be asked, when the matter has been before the public for so very long a time, why do you want to circulate further and what is it that you want to circulate? This, no doubt, is a valid question to ask, but, I am afraid, it takes no account of the professional agitator who never misses a chance of misrepresenting the action of the Government and of creating misunderstandings.

Sir, when the Ordinances expired some four months and a half ago, few, even of the Government's supporters, believed that Government would think fit to promulgate a consolidated Ordinance. On the publication of that consolidated Ordinance, Sir, there were very few important towns in my constituency in which meetings were not held condemning the promulgation of the Ordinance and calling upon the elected representatives of the people in the local and Central Legislature to move for their immediate repeal. I may assure the Honourable the Home Member that the promulgation of the Ordinance has created a very deep feeling of discontent among the politically-minded classes of all shades of opinion, at least so far as my constituency is concerned. Men felt that the executive has been usurping the functions of the Legislature and the promises, made at the time of the reforms, have been flagrantly violated, and that what the British Government gave with one hand, they have been taking away with the other, by the promulgation of this Ordinance. Let it not be said, Sir, that Government have been resorting to methods which are not justified by the constitution which has been given to this country. And let it not be said that any individual or body of persons was denied an opportunity of giving his or their views on the present Bill and making suggestions and criticisms with regard to it. Sir, personally I believe and I feel convinced that no valid criticisms can be levelled against the provisions of the present Bill, as I propose to show later on; but, as I said, the object of my amendment is to prevent the professional agitator from exploiting the situation which has been created by the Ordinances. Why not put Government on the right side with the people and the agitator on the wrong side? I said, Sir, that I myself feel personally convinced that no valid criticism could be offered to the provisions of this Bill. But I have not the monopoly of political wisdom and I hope Government will agree with me that they also have not that monopoly on their side. Again, Sir, the maxim "*audi alteram partem*" is a maxim which holds in the field of law as well as in the field of politics. (*An Honourable Member*: "What does this mean?") For the edification of my Honourable friend, Mr. Joshi, who asks me what the maxim means, I may say that it means, "hear the other side". Sir, the course which I have suggested will not involve any undue delay and Government will be able to get their Bill passed by the time they desire to see it passed. That being the case, I fail to understand why the Honourable the Home Member should not accede to any

request. Is it possible that the Honourable the Home Member, in taking up the attitude which he has taken up, is counting on the support of his Government block and on the thinness of the Opposition ranks? It is quite possible, I should say, it is more than probable, that my amendment will be defeated, but the victory of Government will be worse than a barren victory, and I feel it will invite more trouble for the Honourable the Home Member in the next Session than he has any idea of. Sir, I have not been in the habit of speaking in this strain, but I feel that public interest requires that I should speak out what I sincerely feel on the present question. I warn the Honourable the Home Member against alienating moderate opinion, for on moderate opinion the British Empire stands. Antagonise that opinion and the Empire will have very little to rest upon. The Treasury Benches have never been tired of appealing to this House for co-operation, and, I believe, I can say this, with the greatest possible reason, that so far as I myself am concerned, that appeal has never been made in vain. Shall I then, in my turn, make the same kind of appeal to the Treasury Benches on the present occasion in vain?

Sir, there are some eight different amendments to this motion of the Honourable the Home Member, differing as regards the dates by which opinion is to be elicited. Of those dates the date mentioned in my amendment is the shortest, and I have fixed that short date with a view, as I said, to enabling Government to get their Bill through by the end of the next Session, for, I believe, that the Bill is in the interests of our country and should be passed into law at the earliest date possible.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Is that also liberal and moderate opinion?

Mr. N. N. Anklesaria : I shall now proceed, as shortly as I may, to give my reasons for the view which I have just mentioned as well as the reasons why my amendment, which seeks to advance the purpose of this Bill, should be preferred to the dilatory amendments which possibly seek either to defeat or delay the Bill. Last January Session, we met in a somewhat tense atmosphere. The Governor General had been promulgating Ordinances, one after another, in quick succession and Honourable Members of this House, as well as a large majority of the politically-minded people outside this House, came to believe that the executive was usurping the functions of the Legislature and what the feelings of several Members of this Honourable House were on the question will be seen from a few extracts which I propose to read from the debates in this House on the Resolution moved by my Honourable and esteemed friend, Sir Hari Singh Gour, on the 1st of February last. At page 314 of the Debates is found a speech by my Honourable and venerable friend, Diwan Bahadur Harbilas Sarda ; he says :

“ The first point to which I draw the attention of this House is the perfect non-chalance with which Government have ignored every legitimate interest and the utter contempt with which Government have treated the most authoritative body established by law in this country, the Legislative Assembly. Eleven years ago with a flourish of trumpets and the fanfare of bugles, the British Government declared that in gratitude for the invaluable help given by India to England in her hour of need, England had changed its angle of vision and was going to divest itself of all legislative authority with regard to the administration of the country, and that it had established a Legislative Assembly with an elected majority for making the laws of the country. But what is the fact now? Ordinance after Ordinance, the succeeding one going further than the preceding one, has been promulgated, and though the

[Mr. N. N. Anklesaria.]

Legislative Assembly has been summoned, the Government have refused to place before the Legislative Assembly the subject matter of these Ordinances for legislation. Does this not show the people the unreality of the whole thing ?”

I will read one more extract and that is from the speech of my Honourable friend, Diwan Bahadur Mudaliar, on the present topic. At page 244 of the Reports he says :

“ I ask this House, unless it wants to commit political suicide, unless it wants to be the ridicule of the whole country and of foreign countries as well, unless this Parliament of India, as it is proudly called, is to go down to history as a sort of absolutely innocuous and absolutely invertebrate House that will not assert its own dignity—not for the sake of the Congress, not for the sake of the civil disobedience movement, but rather against the Congress and in fighting the civil disobedience movement,—then I exhort this House to ask for those powers which you must legitimately exercise so that this movement in the country may be fought by your own countrymen and not by the alien gentlemen sitting there, acting as they please.”

That extract very well reflects the feelings of the non-official Members of this House.

An Honourable Member : Speak for yourself.

Mr. N. N. Anklesaria : So far as I remember, not a single Member of this House doubted that the Congress activities must be dealt with and law and order vindicated. But we all felt that the method of dealing with the Congress activities by Ordinances was the wrong method of doing the right thing and also involved the usurpation of our own proper functions ; and the non-officials agreed together to bring this view of theirs to the notice of the Government and the result of their joint deliberations was the Resolution moved by my Honourable friend, the Leader of the Nationalist Party, on behalf of, I believe, almost all non-official Members on the first of February last. The gravamen of the complaint of non-official Members was, as I said, that the Government were usurping the functions of this Honourable House in legislating over our heads by Ordinances and the Resolution recommended :

“ To the Governor General in Council that he should place before the Assembly for its consideration such emergency Bills in substitution of the Ordinances as he may consider reasonable and necessary in order to enable this House to function effectively as intended by the Government of India Act.”

All my Honourable friends who have tabled amendments to the present motion supported and voted for that Resolution. I myself did not vote for the Resolution, but I wholeheartedly supported the protest of my Honourable colleagues on the non-official Benches and their recommendation to Government to bring in a Bill to replace the Ordinances. In accordance with our invitation and, in accordance, I would say strict accordance, with our wishes, the Government have brought forward the present Bill, and would it lie in the mouth of any Honourable Member, who supported that protest and that recommendation, to disapprove of the Bill now ?.....

Mr. Gaya Prasad Singh : Is that your logic ?

Mr. N. N. Anklesaria : I say, Sir, ordinary decency of Parliamentary debate and bare regard for principle of consistency would prevent one from taking such a somersault, and I trust none of my colleagues on this side of the House will attempt it.

Mr. Gaya Prasad Singh : Which side ? Government side ?
(Laughter.)

Mr. N. N. Anklesaria : That is my first reason for the view I have expressed. My second reason is based on the merits of the Bill and, here, with your permission, Sir, I shall take leave to congratulate the Honourable the Home Member on the great speech which he made the other day in support of the Bill. I do say, Sir, it was a great speech, perhaps it will be classed as the greatest speech of the present Session.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : Still it left you unconvinced ?

Mr. N. N. Anklesaria : To me it was a happy augury that an Honourable Member on the Treasury Bench was reading Carlyle's French Revolution and benefiting by that reading. Sir, as many Honourable Members will take opportunity for congratulating the Honourable the Home Member, I shall not pursue that topic any further.

Now, coming to the Bill itself, it seeks to make certain permanent additions and changes in the substantive as well as the procedural law of the country, the object of which is to control and defeat the civil disobedience movement. With that view, firstly it adds five offences to the Penal Code and one offence to the Police Act of 1922, making certain activities specially connected with the civil disobedience movement penal. Secondly, it seeks to amend the Criminal Procedure Code so as to give or enable the Executive to give powers of arrest and detention to the police and to the public by making new offences and certain other offences existing in the Penal Code both cognisable as well as non-bailable. Thirdly, the Bill contains provisions which strike at unlawful associations, and, fourthly, there are provisions which impose vicarious liability on parents and guardians for the offences of young persons. Lastly, Sir, the Bill makes additions and changes in the Press Act of 1931. Sir, it is noteworthy that in no case does the punishment provided exceed one year, and in all cases alternative punishment of fine is provided. It is also noteworthy that there is no clause of indemnity in favour of executive officers except in the case of the seizure and forfeiture of property of unlawful associations.

Now, Sir, if you recall the history of the civil disobedience movement during the last as well as the present year, you will realise that the provisions of the Bill seek to provide for circumstances which have actually arisen either in furtherance of the civil disobedience movement or as integral parts of it. The provisions seek to meet methods and measures which the Congress has actually adopted to create disorder and paralyse Government. Sir, I am sure that every Member of
1 P.M. this House has either personal knowledge or has learnt how the Congress has been tyrannising over petty Government servants, terrorising witnesses.....

Mr. B. Das : Have you got any definite proof for that ? You are slandering the Congress, and the Congress is not here.

Mr. N. N. Anklesaria : Please speak a little louder so that I may answer you.

Mr. B. Das : Don't slander.

Mr. N. N. Anklesaria : I have got statistics here to show that everything which I am stating in this House is supported by facts, and I make a present of those statistics to my Honourable friend, Mr. B. Das, if he wants them.

Mr. B. Das : Speak out here.

Mr. N. N. Anklesaria : Sir, who does not know the misdeeds of the *Vanara Senas*, the armies of monkeys as they are called? They were troops of school children organised by the Congress to tyrannise over shopkeepers and other law-abiding citizens.

Mr. B. Das : How much did you pay to the Congress funds when the *Vanara Senas* came to your place?

Mr. N. N. Anklesaria : Please speak up.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Order, order. If the Honourable Member wishes to accept the interruption, he should resume his seat. If he does not wish to give way, he may go on with his observations.

Mr. N. N. Anklesaria : Now, Sir, a law, which is designed to give the much needed protection to our public servants and protect the law-abiding citizens from the Congress tyranny, must meet with all support from all right thinking men, and I think that the Government would be failing in their primary duty if they did not seek powers, such as the present Bill seeks to confer on them, at the earliest possible opportunity.

But then, it is said, that the primary rights of personal liberty and freedom of speech are assailed. Now, Sir, I say that personal liberty is good, and freedom of speech is good, but public safety, the safety of the State, under which alone society can exist and progress, must be the supreme consideration of all patriotic citizens. In times of danger, national danger, such as we see in India to-day, legislation like the present Bill becomes an imperative necessity, and, Sir, I would challenge any opponent of this Bill to point out one single civilised country in which conditions of stress and strain, such as obtain in India, have not been met by legislation like the present Bill—in many cases, as I am in a position to show, far more stringent, far more summary, than the present Bill.

Sir, not to go back in history to the French Revolution and the Napoleonic periods, I would just ask the House to consider how a situation like the present one in India was dealt with last year and is being dealt with to-day under the free and democratic constitution of Spain and in the Irish Free State—an example which my Honourable friends on the other side have never been tired of citing. Only last year, the Irish Free State passed the 17th Amendment to the Irish Constitution. Under that Amendment, the executive, without the least consultation with the Legislature, can set up a special tribunal, not of civil judges, but of five military men. And the tribunal so set up is subject to no interference, no restraint, from any ordinary Courts, including the High Court. The tribunal can sentence a man to death for the common misdemeanour of preaching a no-rent campaign or instigating boycott of public servants. That Amendment provides for every offence, which the executive can certify as being an act which is done with the object of imperilling or impeding the machinery of Government or impeding the administration of justice, to be punished with death.

Mr. B. B. Puri (West Punjab : Non-Muhammadan) : By whom was that tribunal constituted—the one you are referring to ?

Mr. K. C. Neogy : There the executive is responsible to the Legislature ; it is not a foreign Government.

Mr. Gaya Prasad Singh : That makes all the difference. You must understand that.

Mr. N. N. Anklesaria : If the executive so judges, a man can be sentenced to be hanged for preaching boycott or non-payment of taxes. Associations can be declared unlawful and public meetings prohibited at the sweet will of the executive. And, as regards the evidence on which the tribunal can act, the bare word of a policeman is enough to send a man to the gallows, and the right of cross-examination and the production of rebutting evidence is denied to the accused.

Mr. N. M. Joshi (Nominated Non-Official) : You want to create an Ireland in India ?

Mr. N. N. Anklesaria : I was looking at my Honourable and esteemed friend, Sir Hari Singh Gour, to see if he was gasping for breath, an operation which he said he performed last Delhi Session, as he said, when he read the provisions about the vicarious liability of parents and guardians in respect of offences of young persons which are provided for in the Ordinance, on which he was then thundering, and the provisions of which are reproduced in clause 8 of the present Bill. My Honourable and esteemed friend, Sir Hari Singh Gour, when he was addressing this House on the 1st of February last, said that this doctrine of vicarious punishment, as embodied in the Ordinance, was a most extraordinary law that he had ever seen and, with a triumphant flourish of his hand, he asked the Government Benches whether such a law could be found in any civilised country. My Honourable friend need not have gone in search of such a law beyond his own home. Long before he was indulging in such empty rhetorics, the Central Provinces Government had actually passed the Central Provinces Children's Act, which contains provisions absolutely similar to those contained in clause 8 of the Bill.

(Interruptions from some Honourable Members.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I should like to draw the attention of Honourable Members to the fact that this appears to be an occasion for long speeches and interruptions will serve to make those speeches longer.

Mr. N. N. Anklesaria : It is said against the Bill that the executive will abuse their powers. I have statistics on this question. From the reports which we have been hearing of wholesale and indiscriminate arrests by the police, one would think that there must have been hundreds of thousands arrested. So far as the Bombay Presidency is concerned, out of a population of 22 millions, there have been, since the beginning of the movement up till the 1st of March last, only 5,165 arrests in connection with the civil disobedience movement and, of this, only 1,500 have been under the Ordinance. I will give another example of "the abuse" charged against the executive. The Newspaper Incitement Act of 1908 was passed to meet the exigencies of the situation created by the Bengal Partition agitation. That Act was repealed in 1921 and, during the 14 years of its existence, it was availed of only nine times. If that is an

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abuse of the powers by the executive, I would make a present of that instance to my Honourable friend on the other side. Sir, I believe there are about a thousand District Magistrates and District Superintendents of Police who have to administer law and order and, if a few mistakes are made out of over-zeal or error of judgment, is there anything to wonder at? Lastly, Sir, it is said that this policy of repression will do no good. It has never succeeded in history and will never succeed here. As regards the teaching of history I quite agree with the view expressed, but I ask what is repression? Is protecting law-abiding citizens, is protecting public servants in the discharge of their duties, is that repression? If that is repression, Sir, I would welcome such a repressive policy wholeheartedly and without the slightest possible hesitation. I do believe that, of all the civilised countries in the world, this country is a country where there is the least possible reason for inordinate agitation and it will be easy for me to support myself with the dicta of men greater than any who are now adorning those Benches there. Sir, at the discussion on the Press Bill last Simla Session, I believe my Honourable and esteemed friend, Sir Hari Singh Gour, claimed to have seen the handwriting on the wall. I also see the handwriting on the wall. Sir, the moral disintegration which continued contempt and disregard of law and order always brings in its wake can be followed by chaos only and remedied by despotism alone. Such is the teaching of history and for an example you need not go further than the Ireland of to-day. Under its very democratic constitution, Ireland has not attained the millenium. Far from it. And, in our own country, I would ask the House to consider the history of the City of Bombay during the last few months. I say the incidents that have taken place in that city are a disgrace to any civilized community. But I know that Government cannot be held responsible for that; it is the moral disintegration brought about by the Congress propaganda which has removed all fear and all restraint from the minds of the ordinary people in the matter of law and order which has been responsible for the happenings in Bombay. (Loud Applause from some Benches.) Sir, before concluding, I would ask my Honourable friends on that side to eschew all sentiment and to judge whether the Bill does meet and cope with the necessities which have caused it to be brought on the floor of the House.

Mr. Gaya Prasad Singh : Then why do you want circulation ?

Mr. N. N. Anklesaria : If you think that this Bill meets those necessities, then by all means support it and show to the world that this is a House of practical legislators (Hear, hear) who, while being strict adherents of all constitutional methods of political advancement, are no friends of sedition and anarchy. Sir, before resuming my seat I would like to make one more appeal to the Honourable the Home Member to accept my amendment, and not to flout public opinion as his attitude would seem to do. Sir, I would appeal to him to co-operate with this side of the House and to remember that, so far as I am concerned at least, appeals from his side for co-operation have never been made in vain. (Hear, hear.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st November, 1932.”

The Assembly then adjourned for Lunch Till Thirty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Ibrahim Rahimtoola) in the Chair.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Mr. President, like the previous speaker, I too have got a duty to discharge on behalf of my constituency. I have got another duty also and that is the duty on behalf of the country. In the discharge of that duty, a higher duty, I have no hesitation in opposing this Bill. Sir, I have asked for the circulation of this Bill to elicit public opinion, because I want to take the opinion of the country with me in opposing the introduction of this Bill. My Honourable friend, Mr. Anklesaria, has congratulated the Honourable the Home Member on the main speech he made. I join him heartily in congratulating the Honourable the Home Member for the brilliant speech which he has made. It was brilliant from the point of view of diction, from the point of view of erudition and from the point of view of delivery. In fact, it was the best speech of the Session. But, Sir, when you come to the reasons which he has unfolded for justifying this Bill, I have to differ from him. When I was listening the other day to the speech of the Honourable the Home Member, I remembered a fable which I read in my boyhood and, I am sure, every Honourable Member of this House knows it. But I had never perceived the moral of that fable with as much perspicacity as I did the other day when the Honourable the Home Member made his speech. Sir, it is the fable of a wolf and a lamb. The wolf wanted to devour the lamb and wanted some reason for doing so. He said to the lamb : " You have polluted the water that I have been drinking ". The lamb said : " Sir, I am drinking at the lower end of the stream and it is impossible for me to pollute the water, because you have been drinking at the higher point in the stream ". Then the wolf said : " No, no ; it is one and a half years when you did pollute it, not to-day ". Then the lamb said : " I was born only a year ago and so I could not possibly have polluted the water one and a half years ago ". Then the wolf said : " No, no ; it is your mother that polluted the water when you were in her womb ". And he devoured the lamb. Sir, the same reasoning applies to the speech of the Honourable the Home Member. The Honourable Member says : " I am introducing this Bill to put down the civil disobedience movement ". But we say that the civil disobedience movement has already been put down in the words of His Excellency the Viceroy. He then says : " No, no ; it is the recrudescence of it that we are aiming at ". Then we say : " If the Government remove the root cause, namely, if the Government fulfil their pledge of giving us responsibility as early as possible, then the civil disobedience movement will be removed once and for all. There will be absolutely no recrudescence ". Then he says : " There is some truth in what you say, but don't you see the history of Russian and French Revolutions ? Immediately before handing over the Government from one hand to the other, we find that the revolutionary principles and ideas do come up, and other, we want to guard ourselves against those contingencies. That is the reason why we want this Bill to be placed on the Statute-book ". Sir, I will deal with the arguments *in seriatim* subsequently. All I wish to say now is that the Honourable the Home Member had to go back to the Russian and French Revolutions to justify the introduction of this Bill in this House. He wants to apply the moral of that fable to the

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present-day situation. Thus, I maintain, Sir, that the mentality of the proverbial wolf must be at the back of the Government when they introduced this Bill.

Now, what is this Bill? What is the nature of this Bill? Sir, it is the quintessence of the various Ordinances that were promulgated from the beginning of this year to put down the civil disobedience movement. The Honourable the Home Member said that there was the no-tax campaign in the United Provinces and revolution in the North-West Frontier Province and Mahatma Gandhi, as soon as he returned to India, revived the civil disobedience movement and so they had to put down the movement. Sir, at this time and, on this occasion, I do not want to enter into the vexed and moot question whether if Mahatma Gandhi had been allowed an interview with His Excellency the Viceroy and had discussed the whole situation with him and if he had been allowed to go into the country and study the situation, then there might not have been any necessity for the revival of the civil disobedience movement or for the promulgation of these Ordinances. For, as soon as Mahatma Gandhi arrived on the shores of India, he stated that he was willing to tender co-operation to the Government. This is what he said as soon as he landed in India :

“ I landed in the hope that I shall find out ways and means of tendering co-operation, but when I find that there is at every step a huge boulder, what am I to do? I am dying to find those ways and means.”

Again, Sir, in the letter, which he wrote to His Excellency the Viceroy, he said :

“ I would ask His Excellency to reconsider his decision and see me as a friend without imposing any conditions whatsoever as to the scope or subject of discussion and I, on my part, can promise that I would study with an open mind all the facts that he might put before me. I would unhesitatingly and willingly go to the respective provinces and, with the aid of the authorities, study both sides of the question and, if I came to the conclusion after such a study, that the people were in the wrong and that the Working Committee, including myself, were misled as to the correct position and that the Government was right, I should have no hesitation whatsoever in making that open confession and guiding the Congress accordingly.”

Those who know Mahatma Gandhi, and how he holds truth above everything else, can have absolutely no illusion regarding the sincerity of the statement he made. But Government thought otherwise and he had to revive the civil disobedience movement. No one will contend that the Government should remain with folded hands and see that the civil disobedience movement spread throughout the country. The Government have enough powers in their armoury and have already used those powers in suppressing this movement. What has been the result of using those Ordinances? In reply to this, I will quote the very words of His Excellency the Viceroy, because my friend, Mr. Anklesaria, who preceded me, said that the civil disobedience movement still exists in the country and, therefore, the Bill is quite necessary and essential. Sir, this is what His Excellency said :

“ It is a policy that has met with a remarkable degree of success. The no-rent campaign in the United Provinces has died away and the red-shirt movement in the North-West Frontier Province was rapidly brought under control. Over the greater part of India, the mass of the population is no longer concerned with civil disobedience, and so far as they reflect on the matter at all, there is a feeling of relief that measures have been taken which have restored a sense of security and peace.”

Thus, Sir, I submit the whole movement has been brought under control.

The Honourable Mr. H. G. Haig (Home Member) : But still it is the policy of the Congress.

Mr. T. N. Ramakrishna Reddi : I will come to that point presently. Even the speech of the Honourable the Home Member has not disclosed that this movement still exists in the country. What he says is that the germs of that movement are dormant and they may raise their heads at any moment. It is only to provide against that contingency that the Bill is introduced. I submit that emergent powers have been used against the movement and it has been brought under control. As soon as this emergency has ceased, these emergent Ordinances and the emergent legislation ought to be withdrawn ; on the other hand, the Bill which embodies all the Ordinances, according to the Honourable the Home Member, is not to put down the civil disobedience movement that is existing in the country, but it is only to put down the Congress movement itself. By putting down this Congress movement, the only influential political organisation in the country, the Government want to put down nationalism in the country. Every one would admit that the Congress is the one important political organisation in the country. Started by freedom-loving Englishmen, like the late Sir William Wedderburn and Mr. A. O. Hume and Sir Henry Cotton and nurtured by the greatest sons of India, the Congress has assumed the position of an all-India organisation to-day. His Excellency's predecessor, Lord Irwin, described the Congress as the great organisation. His Excellency the Viceroy himself, when he addressed this House in the beginning of the Session, referred to the Congress as an extensive organisation which commands, even outside its own ranks, a certain degree of sympathy among many of the educated classes. What is the secret of this Congress which commands so much respect even from others ? It is the love of freedom of individuals for themselves and for the country, and the Congress is composed only of individuals. The object of the Congress is the attainment of self-government by all legitimate and constitutional means. My Honourable friend, the Home Member, may raise the objection when I say that it is by legitimate and constitutional means. No doubt methods have changed now and then, but the pledges given by Government have also changed. Whatever it is, the duty of the Government is that, if this organisation does not go beyond its legitimate bounds, this should not interfere with it ; but if this organisation goes beyond its limits, then the Government may take such steps as to suppress any abnormal activity, but they should not suppress the organisation itself, because the objects of the Congress are good and legitimate. If the object is unlawful, we would not have found a gentleman of the eminence of the Honourable the Leader of the House as the Secretary of this same organisation which the Government has now declared unlawful. Sir, it is the legitimate right of every individual or a nation to attain self-government and to attain freedom by all legitimate means, and they can do so by the channel of this organisation. Such organisations are bound to exist in every dependent country. In such cases, it is the duty of the Government to see that these organisations do not transgress beyond the legitimate objects. They should not suppress these organisations as a whole. In countries which have got full freedom, in countries like Great Britain or France, such organisations do not exist, but they have got their own party organisations. Take for instance, England ; there they have three parties. the

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Conservatives, the Liberals and the Labour. Supposing the Conservative party is in power in England, the Labour party, which may be in opposition, will always try to decry the principles and the policy of the party in power and they will try to oust them from office and get into power. Can the Conservative party, which is in power, declare the Labour party in opposition as an unlawful organisation, because it is trying to usurp the power of the Government and get into office? So, it will be as reasonable to declare the Labour party as unlawful as it is reasonable to declare the Congress organisation unlawful, because of some of its abnormal activities.

I will now answer the point which the Honourable the Home Member made, when he interrupted me. The civil disobedience movement and the no-rent campaign are not the normal activities of the Congress. These are abnormal phenomena planned and designed for the speedy attainment of the object they have in view. As I have already said, the Government have every right to put down these abnormal manifestations of this movement. As soon as abnormal manifestations cease, the Government must also withdraw the abnormal measures which necessarily they have to use to put down these abnormal activities. If these measures are allowed to remain for ever on the Statute-book, then they will corrupt the entire administration of the country and suppress nationalism. Because, if this Bill is passed into law, it will not merely suppress the abnormal activities, but it will also suppress the Congress movement itself. There is another way of looking into this question. Instead of suppressing this movement by passing this Bill, there is another way of suppressing this movement once for all, because if you strike at the root cause of this movement, then the movement will die a natural death. The root cause is the aspiration of the people of this country for self-government and it is also the declared policy of Government to give self-government at the earliest possible date. If you strike at the root cause, if you give self-government, the movement will automatically die itself. Then, you need not have recourse to all this extraordinary legislation to put down this movement. It is because you are merely tinkering with the symptoms of the disease, it is because you have not given what you promised, namely, self-government, it is because of that this movement has got lease of life now. The duty of the Government is to tackle the root cause of this disease. What is the declared policy of the Government? I will again state it in the words of His Excellency the Viceroy in his speech on the opening of the Session :

“The introduction of constitutional reform in India on the basis of an all-India Federation, coupled with the widest practicable measure of responsible Government at the Centre and in the Provinces, could no longer be described even by its critics as a party decision. It is now the approved policy of the British Government, of the British Parliament and of the British people.”

Sir, that is the declared policy of Government. That is exactly what Mahatma Gandhi also has accepted, because if he had not accepted this policy, he would not have gone to the Round Table Conference. He went to the Round Table Conference and there he went so far as to say that certain safeguards are necessary at this stage. So they had only to discuss the measure and the extent of the safeguards that are necessary to inaugurate this new constitution. Such being the case, the prudent course would be not to pass this legislation just at the time when we are to get

the new constitution, but to adopt a policy of reconciliation and to call in the co-operation of the leaders of the Congress. Sir, I am not talking very lightly on this point, because what is necessary at this juncture is goodwill and mutual confidence. I will again take my text from the speech of His Excellency the Viceroy who said :

“ Speaking on behalf of my colleagues and myself I tell Honourable Members frankly that the conclusion we have reached is that all that is now required is goodwill and mutual confidence to carry us to the end of our journey, so that we may see rising before us the fruition of our hopes and labours.”

Sir, at this time it is not the repressive policy, but goodwill and mutual confidence that are necessary, and will this measure enhance and bring about that mutual confidence and goodwill that His Excellency sought for ? For this goodwill and mutual confidence it is the withdrawal of the repressive measures which is necessary in order to restore the confidence of the people which has been so rudely shaken by the working of these repressive Ordinances for the last nine months, and that will ensure the successful inauguration and working of the new constitution in India. Sir, I know that His Excellency is very sympathetic and desires an early inauguration of these reforms. I am sure that no one will be more anxious than he to see the early fulfilment of the pledges which His Majesty's Government have given. Even when he was Governor of Bombay, at the time of the Montford reforms, he advocated the cause of provincial autonomy which the present Secretary of State wants to thrust upon us at this moment after so many years. Alone, of all the Governors in this country, he pleaded for full provincial autonomy. This is what we find in Mr. Montagu's “ An Indian Diary ” :

“ So far as I can gather the policy which he (*i.e.*, Lord Willingdon) is going to put forward is this ; Complete autonomy for the provinces ; he would even favour their direct control by the Government of India ; complete control in all matters of Legislative Council, with an enormous elected majority, something like sixty to ten...”

Years ago, he pleaded for this provincial autonomy which the
 3 P.M. Secretary of State wants to thrust upon our devoted heads now. And, then, subsequently, when he was Governor of Madras, it was under his stewardship that the Montagu-Chelmsford reforms were worked with the greatest success in that Presidency. Then, as soon as he landed in India to take up the Viceroyalty of India, he also said that he would like his position to approximate as early as possible to that of the constitutional Governor General of Canada. These were not mere sentiments, but were sincerely uttered. Then, Sir, how can we explain that such a sympathetic Viceroy would be responsible for instituting these measures which the Government want to pass at this juncture ? The answer is very simple. The veriest tyro in politics knows that at present we have got a most conservative and reactionary Secretary of State at the helm of affairs in England. He tried his best to defeat the policy of the Labour Government of granting full dominion status to India. We all know how successful the first Round Table Conference was and, by the time the second Round Table Conference came, the whole atmosphere changed. A large Conservative majority came into power in England with a strong Conservative, Sir Samuel Hoare, as the Secretary of State for India. Then we know how the good results of the first Round Table

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Conference were dashed to the ground at the second Round Table Conference by the Conservative Government egging on the communal differences that already existed in the country. Then, Sir, we also know how difficult it was for the Prime Minister to get the policy of the Labour Government accepted by the present Parliament. It was only through his personality that he was able to get that policy accepted by the present Government. We know, again, that the Secretary of State tried his best to impose provincial autonomy with large reservations of power to the Governors, so that they might rule most autocratically, without giving any central responsibility. Thanks to the representations which the Viceroy made at that time that responsibility at the provinces alone will not be acceptable and that nothing short of responsibility at the Centre, as well as in the provinces, will be acceptable to the people, the Secretary of State had again to change his views. Again, Sir, we also know that the Secretary of State wanted to do away with the Round Table method of discussing the reforms and he wanted to rush his ready-made Government of India Bill through before the Joint Parliamentary Committee and thus see that his Bill is passed. Again, there was a hue and cry throughout the country, and, on a fresh representation from the Viceroy, the Secretary of State had to revise his ideas. These things go to show that it is not this Government, but the Conservative Secretary of State who was responsible for initiating this piece of legislation at this time. When goodwill and mutual confidence was so necessary, certainly this Government could not have taken the responsibility for this Bill at this juncture. When the civil disobedience movement is almost dead and when the last stage of the reforms has been reached and, when, in the words of His Excellency the Viceroy, we have arrived at a stage when practical decisions have to be taken, Government want to put on the Statute-book a repressive legislation like the one that has been introduced. This gives rise to the suspicion that the Secretary of State, even at this last stage, is trying his best not to give full provincial and central responsibility for some time to come and is prompting the Government to arm themselves with coercive measures to stifle any expression of adverse opinion if any unsatisfactory constitution is thrust upon the people. That is the suspicion. In this connection, I should like to read the warning given by Mr. Edward Thomson in his book entitled "A letter from India". He says :

"It is folly to imagine that we can keep the real opposition in jail until we have done our arguing and exploration and that then they can be released and trusted or expected to work a scheme (however wise) formed while they were incarcerated. If we do not negotiate, we may as well prepare for a system of police and military rule, sitting over alleged self-government, which can have no period except that which will be set to it by admitted failure in the end."

It is said that the Bill aims only at law-breakers and that peaceful citizens will have nothing to complain of. But we have had bitter experience of the way in which the Ordinances have been worked in the country for these nine months, because this Bill is nothing but the essence of those Ordinances. I am not going to weary the House with quoting a large volume of opinion against the way in which the Ordinances are worked, but I will quote two most representative opinions of my province. One is signed by influential people consisting of an *ex-Law Member*, an *ex-High Court Judge* and an *ex-Minister*, and many

others. After narrating various acts of highhandedness by the police, they say :

“ We feel bound, in the existing circumstances, to express in clear and definite terms, our conviction that the Government are alienating public opinion and themselves creating an atmosphere unfavourable to any political settlement.”

That is the opinion of an *ex*-Law Member and many others. I shall quote only one other opinion and that is the opinion of the United Nationalist Party, led by an *ex*-Chief Minister of the Government of Madras. The statement says :

“ The party warns the Government that the only effect of the policy of ruthless repression they are following will be to strengthen the feeling against the Government and the British with the result that it will be difficult to secure that confidence and amity between the British and the Indians which are necessary for the framing and working of the new constitution and for the improvement of relations between the two countries.”

This is the essence of the opinion that has been expressed in my own province. In the face of these opinions, it is very dangerous to have a Bill enacted like this on the Statute-book. Government do not want that this Bill should be enacted as an independent measure, so that it may be repealed at any time. But they want that the provisions should be incorporated into the permanent laws of the land. The provisions of this Bill are a serious menace to the exercise of the fundamental rights of citizenship. Under these provisions, the freedom of lawful associations has been banned ; the freedom of expressing one's opinions has been gagged, and the freedom of movement has been restricted. It is one thing to frame or fashion laws for putting down law-breakers, but it is another thing to put restrictions on the exercise of the rights of citizenship. Under this law, the Government are abdicating their right to protect the rights and privileges of citizens and handing them over to the police and petty officials. It is nothing short of humiliating a whole nation. I do not want, at this stage, to enter into the details of the various clauses of this Bill, but I cannot, at this moment, forbear the temptation of quoting only one or two provisions of the Bill. Proposed new section 164-B says :

“ Whoever, with intent to prejudice any public servant in the discharge of his duties, or to cause him to terminate or withhold his services in the discharge of his duties, or to commit a breach of discipline, refuses to deal or do business with, or to supply goods to, or to let a house or land to, or to render any customary service to such public servant or any person in whom such public servant is interested, or refuses to do so on the terms on which such things would be done in the ordinary course, or abstains from such professional or business relations as he would ordinarily maintain with such person, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.”

This provision not only wants to protect public servants—I know it is intended to protect them against boycott,—but it also wants to protect those in whom he is interested. There is absolutely no necessity for such a provision at the present time. Who are the persons in whom a public servant is interested ? There is absolutely no definition of such persons. That public servant might be interested in his own concubine. (Laughter.) (*An Honourable Member* : “ Shame.”) I am only pointing out that this interpretation can come within this section. Are we to do service to any person in whom that public servant is interested ? There should be at least some definition. I hear a friend calling ‘ shame ’. I do not know to whom he refers ; does he refer to

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the Government who have introduced this Bill with this provision, or to the remark I made, I want to know. (*An Honourable Member* : "For the remark.") (*Several Honourable Members* : "Go on, don't heed the remarks.") I do not want to go into details, because this is not the stage for it. His Excellency the Viceroy further stated in his speech :

"The fundamental idea of His Majesty's Government, as explained by the Prime Minister at the end of the Round Table Conference, is that the greatest degree of possible responsibility should be placed on the Legislatures : in other words, the Government should be based on argument and reason and on the wishes of the people as constitutionally expressed."

I ask, does this proposed legislation tend to organise free expression of opinion which the Prime Minister wants? Or do the Government want to prepare in advance the channels through which that public opinion should pass? It is better to leave to future Legislatures what restrictions they want to put on the liberty of individuals, because they will be more popular and representative of the people. The present Assembly, constituted as it is with officials and nominated non-officials, is not the Assembly which should pass legislation like this, putting so many restrictions on the freedom of the individual; it is as well that it should leave it to the future constitution. Now, I come to the three arguments advanced by my friend, the Honourable the Home Member, in introducing this Bill and which has been so ably supported by the previous speaker, Mr. Anklesaria. The Honourable the Home Member said that the Opposition invited the Government to bring in this Bill when they were discussing the Resolution last Session, and that the Government have accepted this invitation a little too late. They ought to have come a little earlier, but they accepted the invitation a little bit late. I wanted to know what that invitation was. I, therefore, went through the speeches made by the leaders at that time; but nowhere I found that such an invitation was made. All that the leaders of the Opposition said was that if the Government wanted to put down the civil disobedience movement which was then existing, then the Opposition wanted that the Government should come before the Legislature and ask for such measures as were necessary to put down that movement; and not to pass Ordinances behind the back of this Legislature, thus treating them with scant courtesy. That is all what they said.

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Are they not doing the same thing now?

Mr. T. N. Ramakrishna Reddi : I will come to it. The opposition never said that they would be parties to legislation to put this penal law permanently on the Statute-book even though there was no necessity existing in the country at the present time. Further, they wanted to bring an independent Bill. If there was any necessity, they wanted to bring forward a separate Bill altogether. In order to illustrate what I say, I will merely refer to one sentence in the speech made by the Leader of the Independent Party. This is what he said :

"Why not ask the Law Member, ask the Law Secretary, ask the other legal luminaries that are in Government service, ask them to frame a proper Bill and place it before us."

Then an Honourable Member interrupted by saying :

“ You will reject it.”

Then Sir Abdur Rahim said :

“ That depends on the necessities of the case. If the Bill goes beyond the necessities of the situation, we shall reject it or we shall modify it.”

That is all what the invitation meant.

Then the Honourable the Home Member said that this Bill was necessary as a security against the recrudescence of the civil disobedience movement. I submit, Sir, that the Government want to adopt evidently one policy for India and another policy for Great Britain. There was the Great War. Now they are trying to provide against the recrudescence of any future wars. What are they doing ? Are they increasing the armaments to provide against future wars ? No. On the other hand, they are seriously engaged in Disarmament Conferences.

Mr. N. M. Joshi : It is not true that they are engaged in Disarmament Conferences.

Mr. T. N. Ramakrishna Reddi : They are making, at any rate, serious attempts by means of these Disarmament Conferences to prevent future wars. They want further to substitute arbitration for armaments through the League of Nations. These are the methods they are adopting to put down any recrudescence of wars in future. But in India what are they doing to put an end to the recrudescence of the civil disobedience movement ? The Government are introducing this repressive legislation. They cannot achieve their object by the methods they are now pursuing. If they are really serious to put down the civil disobedience movement, it is not by means of introducing Ordinances and Bills that they can achieve their object, but by fulfilling the pledges they have made, time and again, as early as possible and by taking the people into their confidence and by asking them to willingly co-operate with the Government to bring about peace and tranquillity in the country.

Then, the Honourable the Home Member asked us, look at the history of French and Russian Revolutions. I submit, Sir, he could not have chosen a more unhappy illustration to prove his case. In France and Russia, Revolution was preceded by most repressive forms of oppressive Governments. At that time, there existed in those countries most despotic forms of Government, hence the whole people rose in rebellion, overthrew the Houses of Bourbons and Romanoffs and established democracy in their countries. Does my Honourable friend, the Home Member, say that there exists in this country at the present time a most despotic form of Government, for argument's sake at least ? I am sure, he will not admit it. Of course, if this Bill is passed, you will create such a situation in the country ; but it will be admitted on all hands that despotic form of Government does not exist in this country at the present moment. I, at any rate, am prepared to concede that a despotic form of Government does not exist in this country at present.

Then, Sir, in those countries the whole nation rose against that form of despotism. Is that the case in India ? Has the whole nation risen against the despotic form of Government ? In the first place, as I said, does a despotic form of Government exist at all in the country to-day ? Therefore, I submit, there is not going to be any revolution ; we are being given reforms by dribblets. We were first given the Morley-Minto Reforms ;

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ten years later, after judging the capacity of the people, a further instalment of reforms was given, called the Montague-Chelmsford Reforms, and now, Conferences after Conferences are taking place, Committees and Commissions are appointed to find out as to what extent and, in what manner, a further instalment of reforms can be granted to the people of this country. Now, after taking so many precautions, should there be any apprehension in the mind of anybody that there will be an outbreak of any kind of revolution in the country or there will be such a big commotion as the Honourable the Home Member pictured before us the other day? I submit, that there need be no such apprehension in the mind of anybody here.

Sir, I find I have taken a long time.....

Several Honourable Members : Please go on ; please go on.

Mr. T. N. Ramakrishna Reddi : My learned friend, Mr. Anklesaria, said that India does not stand alone in having these repressive legislations. He asked us to consider that Spain and Ireland have recently passed similar legislations. My friend forgets one important thing, and that is, those countries are absolutely independent. There the executive is responsible to the legislature ; the legislature is the representative of the whole people ; and as soon as the executive encroaches upon the functions of the legislature, the legislature can immediately overthrow the executive, and so it is with the willing co-operation of the people alone that such repressive legislation can be put on their Statute-book. But what is the position in India ? India is not a self-governing country as yet. It is not the people who are passing these repressive laws. Therefore, my friend must bear in mind all these vast distinctions when trying to compare India with other countries.

Then, I submit, Sir, that this is a very important measure, and as such it should not be rushed through in such post-haste. Many eminent persons and Judges of High Courts and numerous other political organisations in the country have to express their opinion either in favour or against this measure. The other day, the Home Member also guessed what the nature of public opinion would be on this Bill. That is why he fought shy of sending this Bill for eliciting public opinion. We want that public opinion should be elicited on this very important Bill.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair does not wish to interrupt the Honourable Member, but wishes to point out that he has been addressing the House for nearly fifty minutes, during which the Chair has not heard one single word in favour of the amendment which he has risen to move.

Mr. T. N. Ramakrishna Reddi : Sir, as I prefaced my speech, I am opposed to the introduction of this Bill in this House, but I wanted to move for circulation, because I want the public opinion to be on my side. On that ground and that ground alone, I move this amendment. With these words, I resume my seat.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th November, 1932.”

Shaikh Sadiq Hasan : I beg to move the amendment which stands in my name :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st January, 1933.”

Sir, I have never taken part in the civil disobedience movement, neither I am a person with communistic tendencies, nor do I belong to the terrorist group. I may say that I am opposed to all these movements and would like to see them eradicated as the Government do. But, on the other hand, I differ fundamentally from the way in which the Government are going to do it. Sir, this Bill, which is before the House, I consider much worse and blacker than the Criminal Law Emergency Powers Bill which, when passed in 1919, has been popularly known as the Rowlatt Act, and which created such a strong agitation in the country. Sir, this Bill, I consider, is against the fundamental principles of law and justice ; it is a serious encroachment on the liberties of the people ; and, in its desire to curtail the liberties of the people, it will harm more innocent men than the wicked. If this Bill is passed into an Act, I am afraid nobody will be safe from the clutches of the minions of Government, and the result would be that it would destroy legitimate movements while it would not harm the terrorists and communists, but rather, by injuring innocent people, it would increase the number of terrorists and communists. I am afraid that a Bill like this is bound to give a great impetus to the civil disobedience movement.

Sir, I am a believer in the maintenance of law and order, and I would like to see peace restored in the country. Of course, there are morbid men in the country who require to be dealt with by law, but what about the genuine grievances of the millions of people who are starving at the present moment ? (*Sir Muhammad Yakub* : “ How does this Bill affect them ?”) It does affect them. What I meant to say was this, that all these terrorist troubles, and all these communist troubles come out of the unemployment which is rampant in the country. We find hundreds and thousands of people who are starving at the present moment, who have nothing to eat. What have the Government done for them ? On a similar occasion, the American Government, the English Government came to the rescue of the people. They called conferences of industrialists, commercial men, labour leaders, just to find out ways and means of lessening the trouble. But our Government have been busy otherwise. They have been sending thousands and thousands of persons to prison without giving the least regard to the fundamental causes which underlie these movements. Sir, I may say a word about the peasantry. The British Government always boast that they are the custodians of the interests of the poor people, that they are the custodians of the interests of the peasants. (*Mr. N. M. Joshi* : “ Not now-a-days.”) Do they know that in the days of the great Moghuls, if I am not wrong, the Government used to take $\frac{1}{4}$ th part of the produce of the land ? Now, on account of the land revenue and water rates, I am positive that Government take $\frac{1}{3}$ ths of the produce of the land. (*Sir Muhammad Yakub* : “ Are these reasons for circulation ?”) I say that these are the causes of the communist and terrorist activities. I say that Bills like this can never bring peace and harmony in the country. It is only when the Government work in the interests of

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the people and adopt conciliatory methods that there will be an end to these activities. Sir, let me quote proposed new section 164-A :

“Whoever induces or attempts to induce any public servant to disregard or fail in his duty as such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.”

A public servant here means any servant of the Government, may be a railway employee. It comes to this. If the peon of a station master is in enmity against a certain person and is a friend of a constable, convicting as the magistrates are, he can easily get imprisonment for anybody with the help of concocted evidence. Proposed new section 164-B says :

“Whoever, with intent to prejudice any public servant in the discharge of his duties, or to cause him to terminate or withhold his services in the discharge of his duties, or to commit a breach of discipline, refuses to deal or do business with, or to supply goods to, or to let a house or land to, or to render any customary service to such public servant or any person in whom such public servant is interested..... shall be punished with imprisonment.....”

I want to lay emphasis on the expression “customary service”. Now, Sir, it is usually the custom for petty officials when they go to villages to get, free of charge, fowls, butter, fuel, etc. I hope that the Honourable the Mover of the motion does not mean by customary service that he desires that this kind of bribery should continue. Let me take proposed new section 383-A. That clause is :

“*Andher nagri bedaḍ raja.*”

“Land of darkness and unjust Government”. When a son of a person has committed an offence against the Government, the father is to be imprisoned for that. I have got facts to show that even though some of the boys are under 12 they are incorrigible and defy their fathers, and I think it is very unjust to punish the fathers for the sins of their sons. The position used to be that the sins of fathers were visited on the sons, but now it is reversed.

Now, the law is going to be made so stiff that it is bound to give trouble to any one and every one. 17E says :

“Where the Local Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.”

Again, under proposed new section 17F :

“No proceeding purporting to be taken under this Act shall be called in question by any Court and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Act.”

It is perfectly true that all these orders will be passed by the Local Government, but we have to see who would make the inquiries. His Excellency the Governor or the Chief Secretary are not going to make

the inquiries. They have not the time to devote in each case. After all, the Inspector of Police would go. He will report in the usual course and it will go to the District Magistrate, and so on. What I am saying is, that under these clauses no property is safe. Any one who is politically inclined, his property can be forfeited. I find that the Government are going to let loose the forces of Hell and they are going to set apart public servants as a class apart from the public which was exactly what happened during the Czar's regime. I know it for certain and every one knows it for certain that the Honourable the Mover of this Bill will not take advantage of these clauses himself, but what about the minions of the Government? Is it not possible, nay, I would rather say, it is certain that having got these wide powers, they would exercise them for their own benefit. I do not say that all of them will do it, but quite a number of them are capable of doing it. Human nature being what it is, they will utilise it for their own monetary gain or, if not, they may wreak personal vengeance. I think the Government, in the interests of the country, should not put such measures on the Statute-book which may create great agitation and trouble in the country. You know, Sir, and I am ashamed to own it that in our country it is not difficult to concoct evidence. I do not want to mince matters. It is not an unusual thing in the Courts. It is not an unusual thing to collect false evidence against a man, and, when there are so many powers given, naturally the petty officials would use them harshly and innocent people will suffer. As a result of this, I am afraid, there will be a very strong agitation and, I am sure, the civil disobedience movement will not end till this legislation is wiped off, if it ever comes on the Statute-book. I cannot understand why the Government are so keen to leave this legacy of hate to their successors. The Honourable the Mover said that it was on account of lack of firmness during the transitional period that the French and Russian Revolutions took place. At least, he said, that was the chief cause. The Honourable Member is a great expert and he cannot be unaware of the fact that all these Revolutions took place on account of the unmitigated tyranny which existed at that time and also the acts of commission and omission of the past Governments.

Well, Sir, I will say a word about the Press. Certainly I am not in favour of license to the Press. I do not want that the Press should be allowed to advocate murders or some such actions which may destroy the peace of the country but, what I do say, is, that I am also against the strangling of the liberty of the Press, because if you choke the safety valve, the result will be that you will be exasperating the people. I am afraid, the civil disobedience movement will not come to an end by this Draconian law. I cannot understand when the Honourable Member himself acknowledges that everything has improved, why he should, on the eve of this great change, bring on the Statute-book this horrible Bill. I consider the Ordinances an evil, but I consider their permanent enactment still worse. Is it wise at this juncture to create discontent and to make the least offence punishable? I admit that in the Czar's regime punishments were very stern, but I do not think that even such small offences were made punishable during those days.

I would like now to say a few words why this Bill should be circulated. The Honourable the Mover said that the Government have brought forward this Bill before the House not only in the interest of Government, but also for the sake of public. If it is really in the

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interests of the country, then certainly there is no harm in circulating the Bill for the opinion of the stable societies. Nobody is asking the Government to circulate this Bill amongst revolutionaries or terrorists or any people of such type. This Bill will, as a rule, be circulated amongst municipalities, Provincial Governments, District Magistrates and Chambers of Commerce and also very distinguished Anjumans and Sabhas which exist in India. Where is the harm if you say that the Bill is in the interests of the country while circulating for the opinion of these bodies who certainly have got as much stake in the country as the Government and would certainly not like the terrorist activities to spread in the country. I do not think the Government or the country would be a loser in that way, because meanwhile the Government can always rule by Ordinances. If you have ruled by Ordinances for one year, you can certainly do so for six months more, but, before putting this measure on the Statute-book, you should give an opportunity to the public to express their opinion on it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Amendment proposed :

“ That the Bill be circulated for the purpose of eliciting opinion thereon before the 1st January, 1933.”

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Mr. President, the Leaders of all the Parties have had a consultation with me and the idea that I wish to put forward before you is not for the sake of curtailing discussion to the slightest extent. It is only this,— whether, as a matter of procedure, you, Mr. President, are going to call on every mover of an amendment tabled, or are going to call on such persons as catch your eye. Generally speaking this is a matter which I should not place before you, but the Leaders of various Parties have spoken to me, and I invite you now to give your ruling. My own idea, Sir, is that on previous occasions everyone has not necessarily been called on to speak.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : This is a matter of procedure, and the Chair has as usual called those Honourable Members who have given notice of amendments in the order in which their names appear on the Order Paper. If there is a general feeling in the House that the movers of the remaining amendments should not be called but that a general debate should take place, then the Chair will raise no objection if the House is unanimous, in favour of adopting that procedure. There is a special reason on this occasion why the Chair is inclined to accept the request of the Honourable the Leader of the House. Circulation has to be restricted in point of time, according to the rules. Three amendments have been moved which cover the whole ground. Honourable Members will observe that the three amendments which have now been put before them give them an opportunity to decide in favour of circulation before the November Session, or in time for the January Session. There does not appear to be any object in having further amendments moved which have the same effect, namely, circulation to be completed for the November Session or for the January Session. The Chair is however very reluctant to take away the right of Honourable Members who have given notice of amendments and will agree to do so only if it is the unanimous wish of the House to adopt the proce-

ture suggested. I would therefore ask whether the suggestion which the Honourable the Leader of the House has made is acceptable to the whole House.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I would suggest that it would be to the general convenience of the House if ample opportunity is given to all Honourable Members to express their views on, first, whether the Bill should be proceeded with at all, secondly, whether it should be circulated, and, thirdly, whether the Bill should be referred to a Select Committee, and Honourable Members should be at liberty to address the House on any of the three points. I would, therefore, suggest that it would be really in the interest of the debate if the three amendments, along with the other points which have already been mentioned, are thrown open for general discussion to the whole House.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, as I understand that it is not the desire of the Honourable the Leader of the House or of any one in this House that the discussion should be curtailed and it is only a question of procedure, I do not think there can be any objection to the suggestion made by the Honourable the Leader of the House.

Mr. G. Morgan (Bengal : European) : Sir, I have nothing more to add to what has been said by my Honourable friend, Sir Abdur Rahim. I have no objection to this procedure at all.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I have no objection to the procedure proposed.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Chair wishes to point out, in regard to what has fallen from the Honourable the Leader of the Independent Party, that curtailing the debate is a question for the discretion of the Chair, on whom the obligation has been imposed by the Rules and Standing Orders, that he shall not accept closure unless he is satisfied that there has been a fair debate. The procedure to which the Honourable the Leader of the Nationalist Party has drawn attention, is the procedure which the Chair has adopted all through. Three issues will be before the House. Honourable Members will be entitled to speak with a view to the total rejection of the measure, in regard to the motion for reference to a Select Committee, and for or against amendments for circulation. The debate will be unrestricted so far as all these points are concerned. The only question which the Leader of the House has raised is this,—should the other Honourable Members who have given notice of amendments for circulation be called in the order in which their names appear on the Order Paper, or whether, now that both classes of amendments have been put before the House, the discretion should remain with the Chair as to the order in which speakers should be called ? That is the only issue which the Leader of the House has raised, and the Chair wishes to know if there are any Honourable Members who are against the change in procedure suggested by him. If there are any, they will please rise in their seats

(Nobody rose.)

The procedure, therefore, is that the debate will now proceed on all the issues before the House.

Mr. B. R. Pari : Sir, there stands an amendment in my name and I wish to explain my position with reference to it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Please speak on the main motion. You cannot move the amendment.

Mr. B. R. Pari : Very well, Sir. Though it is not necessary for me to say anything in support of a very ceremonial amendment that I had put in, I do not wish to conceal the fact that I am opposed to this measure root and branch. My first attempt is to see that this measure is thrown out bodily and, if I should fail in that attempt, then I would elect the lesser of the two remaining evils. So much with regard to my amendment.

Coming now to the measure itself, as far as 60 years ago, Sir James Fitzjames Stephen, speaking of the penal laws of this country, remarked that "the Indian Penal Code and the Criminal Procedure Code were the two grim presents by one nation to another". Sir, the idea conveyed in that observation by that eminent authority was to emphasise the harsh, merciless and unrelenting character of the Indian penal laws. These laws have now been in operation for close on a century. They have stood the test of time; they have been found quite adequate to meet all sorts of exigencies and emergencies. Yet we are to-day asked to put on our Statute-book a set of laws unknown to any civilised form of jurisprudence, laws which are so revolting, so humiliating, so liable to abuse, so sinister that it is a question whether any self-respecting subject would not pause and ask himself the question: "Is this cursed land fit to live in?" Sir, one is reminded of the old maxim of the ancient Romans, which said: "Slaves should have no country". While the world outside has made long strides in making their laws more popular, more humane, we, in the year 1932, are asked to adopt for our normal laws, measures which are intolerable to the people and discreditable to the Government who are trying to enact them.

Sir, in the process of legislation, there is a well recognised stage when the legislation has to stop, when the legislation is helpless and futile. In the history of nations, there have occurred periods when the whole mass of population think one way, when they revolt against the existing regime, when they grow sick of the prevailing conditions. When that stage is reached, the remedy is not legislation, for legislation can never reach it. When that stage is reached, the only course open is to alter the conditions out of which it springs. I will illustrate it. If all the people were with one mind to declare that 2 and 2 make 5 and our conception be that they make only 4, then, in order to force the people to your view, you cannot put the whole population into prisons. You will either have to lay down the law, that henceforth 2 and 2 will be 5 or, else, to so improve your system of education that such perverted arithmetic becomes impossible. That would be the only course for you. Now, Sir, we have been told in the most admirable speech by the Honourable the Home Member that the thing which has actually necessitated these laws is the civil disobedience. Sir, the Honourable the Home Member very conveniently selected to deal with this subject from the stage of the civil disobedience. Let me try and make my meaning more clear. I should have wished the Honourable Member to have examined this situation from a little earlier stage. I should have expected, that in order to do full justice to the subject, he might have enlightened the House with his views as to

what brought about the civil disobedience itself. If he had gone into the subject on those lines, probably we should have had brought before the House facts and circumstances which forced the people to adopt the only weapon which is the weapon of the weak and the helpless. Goaded and oppressed by foreign exploitation, under a system of government in which the people have got no voice whatsoever for all practical purposes, do you blame them if they have resorted to the only possible remedy that they could think of? Would you have preferred that they should resort to violence and terrorism, a method which you and we jointly condemn? Sir, recently we heard some British statesmen say: "We should either govern India or get out". (*An Honourable Member*: "Who said that?") I cannot give you the name, but if you look up your newspapers, you will find that this thing has been mentioned fairly often. (*Honourable Members*: "His name is Churchill.") "We should either govern India or get out." This is what that statesman said. Sir, my respectful and humble reply is: "You should get out". (Laughter.) If you have been reduced to such a pass that you cannot govern the country without resort to such legislation, my humble reply is: "You should get out".

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member should address the Chair.

Mr. B. E. Puri: My humble reply to that statesman is: "You should get out".

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair takes strong exception to what the Honourable Member says. The Chair takes it, it is not his intention to use discourteous language to the Chair. The Honourable Member must know that he should say: "They should get out" instead of using the word "you". The Honourable Member is using the word "you" in spite of the fact that the attention of the Honourable Member was drawn to the fact that he should address the Chair.

Mr. B. E. Puri: I apologise to the Chair if I conveyed any discourtesy to the Chair. I did not mean "you", but I meant the Government. I was referring to the Government that they should get out.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member should use the word "they" and there will be no difficulty.

Mr. B. E. Puri: It was never my intention and it could never have been meant to refer to you, Sir.

Now, Sir, the only alternative which I would ask the Government, under the circumstances, to follow is that they should retire. My reason is, that if they cannot govern this country without the aid of such laws, it would be both sporting and honourable if they retired. For, I really believe, Sir, that this is no kind of governing at all. The present measure, if at all it becomes law, would come to nothing less than this, that whoever does not love your policemen, whoever casts an unfriendly look on an official and whoever passes once or twice along the road where a third cousin of an official lives, to take only a few instances, shall be liable to imprisonment, etc. And the Government, Sir, do not stop there. The Government make these offences as cognisable and non-bailable offences on par with a dacoity

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or murder. Sir, is this legislation ? I call it the prostitution of legislation. No law has been yet devised, nor could it be ever devised which can force a people to love a Government and its agents, if they do not choose to do so voluntarily. Sir, it would be sheer madness on the part of the Government to expect that we should develop in us a sort of statutory affection for the Government agents who go and subject our sisters and daughters to lathi charges and, if we are forbidden to break their heads in retaliation, surely you do not expect us to love them. You cannot change human nature, no matter how many Ordinances you may shoot out of the armoury of Government. And here, Sir, I would ask the Government to pause and reflect and ask themselves a very simple question, " why are we reduced to this ? " " Why are we driven to have recourse to such thoughtless, childish and unheard of laws ? Yes, why ? " And they would be able to see in this phenomenon unmistakable triumph of Gandhism, the triumph of non-violent non-co-operation. It is easy for the Government to put down force ; for that, they need no Acts nor Ordinances, but the great author of this cult of non-violent non-co-operation has baffled the Government and their statesmanship, they hardly know how to meet the situation. Such a case has probably never arisen in the experience of British Government. Their statesmanship is on trial and the present laws are obviously the result of the labours of the best British political brains. Sir, never was a bigger mountain in labour and never was a smaller mouse born. These laws, I venture to submit, are no antidote to Gandhism. My first point, therefore, is that the legislation which the Government propose to introduce under the conditions which are prevailing is singularly inapt and an inappropriate mode of accomplishing the object they have in view. The course of the Government is to abandon the coercive methods and to substitute palliative and conciliatory measures. But that, according to the Honourable the Home Member, is unthinkable. His argument is that that is exactly what the Congress demands, and we should be playing into the hands of the Congress if we concede these demands, he believes that the prestige of the Government will be very seriously affected if they conceded the demands of the Congress. Sir, it would be a singular piece of folly if the Government did not put water on their burning house simply because that course was suggested by an enemy. The great Welsh Prime Minister of England, who won the war for the British people, has once remarked, " it is not what a nation gains, but it is what a nation gives that makes it great ". Rather than cling to such false notions of prestige, I would beg of the Government to create an atmosphere of peace and confidence and thus to save the country already in flames by abstaining from making laws which are bound to accentuate the trouble.

The next point I propose to take up is, to use the legal phraseology, a preliminary objection. In this connection I would very much like to know from the Government why these laws have been brought into this House at this late stage of the day. I am aware of the explanation which the Honourable the Home Member has given for it and I will examine it a little later on. Let me, first of all, recall the main incidents connected with the issuing of these Ordinances. We will then be in a better position to appreciate the answer and the explanation which has emanated from the Honourable the Home Member. During the space of close on a year, Sir, the country has been ruled by Ordinances, most of them were issued during last December and a few possibly in the month of January this year. But

they were issued one after the other in such quick succession that they created a sort of suspicion in one's mind that it was intended to get them all in, before something else happened. What that something else could have happened was the coming Session of the Legislative Assembly which was to meet soon after the middle of January, 1932 ; and some uncharitable people would perhaps go the length of saying that these Ordinances were all issued in hot haste lest the Assembly Session might begin and, in order to avoid the odium of issuing these Ordinances while the House was in Session, the matter was hurried through and the whole lot of them were issued before we came on the scene. Then, Sir, when we met, the Session went on for close on three months. There was not a whisper about any Ordinance whatsoever. We were not taken into confidence ; we were not told that in our absence certain measures, on account of certain emergencies, had to be promulgated ; we were not asked to give our opinions on their merits. Then, when the Session came to an end, within two months, i.e., in the month of June, we found the second instalment of these Ordinances. The period of the previous Ordinances having already expired, in the month of June they were all promulgated again, and this time in a consolidated form. The position, therefore, between the Assembly and the Ordinances had been such as if somebody had been playing a game of "hide and seek" with us. When we were in, the Ordinances were out, and when we were out, the Ordinances were in. That, Sir, has been the position so far. And now we find that, all of a sudden, Government have done us the honour of asking our views as to what we think of these laws.

The Honourable Mr. H. G. Haig : Do you complain ?

Mr. B. R. Puri : You will presently know whether I am happy or otherwise.

Sir, we are asked to look into these Ordinances, give our valuable opinion to the Government and also our votes, and in fact we are asked to validate these invalid laws, so that, henceforth, they may be issued in our name and under our seal. That seems to be the programme of Government ; and may I respectfully ask, why this sudden solicitude for us ? Why is so much consideration all at once being shown to us ? The explanation which has emanated from my Honourable friend was contained in what he said while quoting the speech of the Honourable the Leader of the Opposition wherein he had complained that the House had been left severely alone by the Government *re* these Ordinances and that, therefore, it was in deference to our wishes and out of the delicate regard which the Home Member had for the Leader of the Opposition that he was now giving the Leader of the Opposition and, through him, us, an opportunity to look into these confidential laws. That, Sir, is the explanation. Let us for a moment examine the constitutional aspect of these Ordinances. Sir, the power given to the Governor General, in certain circumstances, to issue and promulgate Ordinances, is not intended to be a power which is to over-ride the functions of the Legislative Assembly which primarily has the right and privilege of laying down the laws for this country. The power given to the Governor General is an "occasional" power, an emergent power. It is subject to certain conditions, one of them being that there must be an emergency before an Ordinance can be issued, and the second condition, which is very significant, is, that the Ordinance so issued shall automatically cease to function after the period of six months. These conditions are extremely valuable and helpful in properly interpreting section 72 of the Government of India Act. The fact that an Ordinance is not allowed to go beyond

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six months itself shows that the Act anticipated that within that period at any rate there was bound to be at least some Session of the proper legislative body. It, therefore, follows, that if the Governor General can conveniently wait, if the circumstances of the occasion permit, he should ordinarily wait and leave the matter in the hands of the Assembly to deal with. It must of course be conceded that we cannot go behind the finding and the opinion of the Governor General. His opinion as to whether there did or did not exist an emergency and whether that emergency was adequate or not, is final and he is the sole judge of it. Both common courtesy, as well as the spirit of section 72, demand that if any emergency measure is promulgated by the Governor General in our absence, we should be apprised of that fact and the matter forthwith placed before the Assembly and our opinion obtained. That this is not an extravagant interpretation of this very important provision would be apparent from the course followed by the previous Governor General (Lord Irwin) under precisely identical circumstances. I am referring to the attitude which Lord Irwin took with regard to the Press Ordinance which he was compelled to issue according to an emergency which had been created about a month or so before the Assembly met in January, 1931. The passage to which I am going to refer occurs on page 46 of the Assembly Debates, 1931, Volume I, and I am reading from the speech of His Excellency the Viceroy which he delivered in this House at Delhi.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) vacated the Chair, which was taken by Sir Hari Singh Gour.]

His Excellency said :

"A little less than a month ago I felt it my duty to have recourse again to the special powers which I took last year for the better control of the press and of unauthorised news sheets and newspapers and for dealing with persons who may instigate others to refuse the fulfilment of certain lawful obligations. In doing so, I expressed my regret"—(*I would ask the House to mark these words*)—"that the urgent nature of the emergency which necessitated the promulgation of this Ordinance did not allow me to wait till the meeting of the Central Legislature; but I indicated the intention of my Government to bring these matters before the House at the earliest opportunity. That intention we now propose to carry into effect by introducing legislation on those two subjects forthwith."

Therefore, it is clear that these powers have been given for a very limited purpose on very special occasions and on considerations of convenience only. When we are not in Session and when the Assembly cannot conveniently or expeditiously be summoned in order to deal with a particular emergency, the Governor General's powers come in. That being the case, it appears to me that the real situation which has been created now is something like as follows. Some days ago, in answer to a starred question put by Sardar Sant Singh, we got a very valuable answer from the Honourable the Home Member. The question related to this :

"Did the Government of India obtain any legal opinion with regard to the power of the Governor General regarding his issuing for a second time the Ordinances which had just expired after their statutory period?"

The answer vouchsafed to us was that the Government of India did obtain such opinion. Asked if they were willing to place it before the House, the answer given was that the Government did not think it safe or expedient to do so.

The Honourable Mr. H. G. Haig : No ; may I explain ? The opinion of the Law Officers of the Crown is always regarded as confidential and is never published.

Mr. B. B. Puri : I apologise. The fact remains that that opinion was not disclosed to the House : whether, on the ground of there being any privilege or sanctity attaching to it, does not matter. But it is a sealed book so far as we are concerned. But that does not prevent us from arguing that had that opinion been in favour of the Government, it would have been broadcasted all over the country. The fact, that you are clinging to that opinion and that you cannot afford to disclose that opinion, speaks for itself. Therefore, you cannot blame us if, in the circumstances, we assume that that opinion and every inch of it must have been against you.

The Honourable Mr. H. G. Haig : I do not want to interrupt the Honourable Member ; but the conclusion is entirely contrary to the point that I have just made, that the opinion of the Law Officers of the Crown is always confidential and that, therefore, he is entirely unjustified in drawing the conclusion that he has done.

Mr. B. B. Puri : It may be confidential, but I am not aware of any rule which would make it imperative for the Government, under any circumstances, not to disclose that opinion. I do not think that they would be doing anything sinful if they disclosed it.

The Honourable Mr. H. G. Haig : If I may make the point quite clear, the opinion in fact was in favour of the course that was taken.

Mr. B. B. Puri : Well, I have no help but to accept this explanation, belated as it is. We put supplementary questions, but in spite of our efforts we could not succeed in extracting anything regarding this confidential opinion, and now, for the first time, we are told that although it is an invariable rule not to disclose such opinions, yet, for the purpose of the present debate, the Government tell us that that opinion was in their favour.

The Honourable Sir Brojendra Mitter (Law Member) : If the Honourable Member's contention be that the Government action was not in accordance with the law, was it not open to him or any other lawyer to challenge the validity of Government's action in a court of law ?

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : How ?

The Honourable Sir Brojendra Mitter : How ? In any prosecution under the Ordinances the point could be taken that the Ordinance was *ultra vires* and, therefore, no conviction could be made.

Mr. S. C. Sen : The judgment of the Privy Council will stand against that.

The Honourable Sir Brojendra Mitter : That is not the point. Mr. Sen has entirely missed the point. The point made by Mr. Puri is this : that the promulgation of the second Ordinance was illegal, because the period of six months being over the Governor General's powers were exhausted. If the second Ordinance was illegal, that could be challenged in any trial under that second Ordinance.

Mr. B. B. Puri : I think the matter does not admit of any elaborate discussion. The class of people, who have been convicted under these Ordinances, are people who have throughout non-co-operated with the Courts : they have lost all confidence in your system of administration of justice and, therefore, they are not resorting to their ordinary remedies,

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that is, of raising those points either in the original Court or in the appeal Court or carrying the matter to still higher Courts. Again, the Privy Council, in Bhagat Singh's case, have ruled that so far as the question of emergency is concerned, the Governor General is the sole authority and his opinion is final and conclusive. At the same time, it is quite possible that the question may be raised at any time ; but having regard to the fact that most of these people are non-co-operators who are affected by these Ordinances, it seems to me a natural explanation that the legality has not been tested. . . .

The Honourable Sir Brojendra Mitter : Certainly my Honourable friend is aware of volunteer lawyers in political cases.

Mr. K. C. Neogy : If Mr. Puri is arrested under the Ordinance, it might enable him to test its validity !

Mr. B. R. Puri : Even now it is not too late in the day ; the validity of these Ordinances might still be challenged and might still be tested. Therefore, you cannot possibly build up any argument upon that.

The Honourable Sir Brojendra Mitter : We are not building up any argument.

Mr. B. R. Puri : The point that I was urging before the House, when I was interrupted, was.

The Honourable Sir Brojendra Mitter : I am sorry.

Mr. B. R. Puri : What is then the position of this House with reference to these Ordinances, the second lot of Ordinances in particular. It appears that while in the past we have been totally ignored by the Government, we have now for the first time been asked to co-operate with them and to assist the Government in legislating on the lines on which the Ordinances proceeded. I submit that that is nothing short of adding insult to injury. I maintain that having been contemptuously left alone, we will ask the Government that the course which they were advised to follow on previous occasions should be continued as it is a speedier and an easier method of legislating.

The Honourable Mr. H. G. Haig : Does the Honourable Member prefer a third Ordinance ?

Mr. B. R. Puri : I do.

The Honourable Sir Brojendra Mitter : Is it not shirking responsibility ?

Mr. B. R. Puri : No.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaun Divisions : Non-Muhammadian Rural) : Why should we take your responsibility ?

Mr. S. C. Mitra : (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : For Round Table Conferences you choose your own men, but for legislation of this sort you want our assistance ?

Mr. B. R. Puri : Therefore, in view of the Government's past conduct, in view of the treatment which was meted out to us, it can hardly lie in the mouth of the Government now to turn round and ask for our help. As a matter of fact, to avoid inconsistency out of the two courses, namely, either to present a Bill before this House or to issue an Ordinance, the Government should straightaway elect the latter course. After all, the former is a far more cumbersome one. The Government have to put

up with uncharitable criticism, hear very many unpleasant things, from this side of the House. Why give these people an opportunity to make noisy speeches, why take the risk of getting a measure defeated when with one stroke of the pen you can issue any number of Ordinances which would be good for six months, but, if necessary, they could be renewed as often as required according to your view of the law. Why, then, Sir, do you come to us ? It seems that some good has come out of this evil. At any rate, we have now been able to discover a remedy to get rid of this Legislature.

[At this stage Mr. President (The Honourable Sir Ibrahim Rahimtoola) resumed the Chair.]

Henceforward no Government measure need ever be brought into this House. This House will only be reserved for discussing measures like the Sarda Act or the Hindu Marriage Bill. The Government have now got a clear cut course. They say the opinion is in their favour, that is, in favour of the course which they have followed. If this is so, then the matter is simplified—the Governor General can issue and keep on re-issuing Ordinances every six months.

The Honourable Sir Brojendra Mitter : No, Sir ; that is not the position.

Mr. B. B. Puri : Then I take it that the opinion with regard to the second point is against the Government.

The Honourable Sir Brojendra Mitter : The point which my friend formulates was never placed before anybody for opinion. The point that was placed before the Law Officers was quite different.

Several Honourable Members : There was no opinion in favour or against it.

Mr. B. B. Puri : Sir, by the time we have finished, I do not know what would become of this "opinion", as I find there are changes and changes and changes made in the statements. We are now told that that opinion was with regard to certain other matter. (Laughter.) In any case, there is no doubt that, whether that opinion related to this particular matter or to some other allied matter, the fact remains that we were not consulted. The truth appears to be this that the Government have now realised that they have committed a constitutional blunder, and, having reconsidered their position, they do not again want to take the odium of issuing and re-issuing these Ordinances time and again. They have come down, having realised their folly, to ask us to convert those Ordinances into an Act. Otherwise, if they were confident that what they did was correct and constitutional, then where is the point in coming before this House and to ask for its help ? Sir, to say, that it was in deference to the wishes of any Honourable Member that this Bill has been brought forward, is an idle explanation. It would not carry any conviction with any of us. The real explanation seems to be as I have ventured to outline. The Government, it would seem, are now on the horns of a dilemma. They bring this measure before us, but, at the same time, they are not prepared to acknowledge that the previous procedure followed by them was constitutionally wrong. If they admit it, then it would automatically follow that they should from tomorrow open their prison gates and release all those people who are now undergoing sentences, illegal sentences, under the Ordinances they have promulgated. It is in order to save themselves

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from that situation, that they cannot now afford, like honest people, to admit that their previous course was not constitutionally right. In order to put a cloak over it, in order to get their previous acts validated, they come to us as a last resort. Sir, they should know what the reply can be under the circumstances.

It may possibly be urged that the reason, why they have come to us now, is, because the Government want to have this measure passed for an unlimited period. Even that, I submit, is not a very sound explanation, because, as I have endeavoured to point out, according to the interpretation which they have put upon the powers of the Governor General under section 72, they are not confined to any time limit.

Again, Sir, as has been pointed out by one of my Honourable colleagues, where is the necessity of passing these laws at this juncture ? If we refer to the Statement of Objects and Reasons of this Bill, we are assured that the civil disobedience movement has been considerably controlled. Whatever may have been the situation at the beginning, it has vastly improved ; in fact, if there is any truth in the repeated assurances which the Secretary of State has given to the British people at home, the movement has completely broken up, the Congress has gone to pieces, and the clouds have all disappeared,—if that is a true statement of facts, and the Government ought to know the extent of the accuracy of these assertions, may I submit that that would be a justification not only not to perpetuate these laws, but, on the other hand, to repeal the existing Ordinances. If and when the movement revives, Government could easily issue an Ordinance. Why ask us to put on the Statute-book measures of such radical character for all time to come, when the situation is far easier ?

Now, Sir, with regard to certain clauses of the Bill.....

The Honourable Sir Brojendra Mitter : Before my Honourable friend proceeds to the next topic, may I ask him—I have been waiting all this time to know—what his preliminary objection is. It would help us very much to deal with the matter if my Honourable friend could formulate his preliminary objection to the measure.

Mr. B. R. Puri : My preliminary objection was this. As I pointed out at the very outset, I was very curious to find out what had led Government to bring these Ordinances into this House at this time, and I have urged that the Government should continue the procedure they had themselves adopted, why worry us. I submitted that the introduction of these Ordinances into this House was not intelligible to us.

Now, Sir, coming to the actual merits of these laws, before I deal with them, I would like to ask you to consider one or two main points that occurred to me with regard to the general policy of this Bill. The first point which I would like to ask you to consider is the one relating to clause 3, you will find the language.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Is it too much to expect the Honourable Member to give up the use of the word "you" ?

Mr. B. R. Puri : With due apologies I trust the Chair will accept my assurance.....

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I have accepted it.

Mr. B. R. Puri : I have unfortunately got into such a habit ; I am trying to improve. Proposed new section 164A under clause 3 reads :

“ Whoever induces or attempts to induce any public servant to disregard or fail in his duty as such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.”

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : On a point of order, Sir. So much talking is going on in this corner of the House that we cannot listen to the Honourable Member's speech.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Whenever the noise has reached the Chair, the Chair has called to order. The Chair trusts that Honourable Members in talking to their neighbours will speak so low as not to disturb their colleagues.

Mr. B. R. Puri : Now, the two provisions, which I particularly wish to deal with in order to make out the point I have in my mind, are those contained in clause 2 and clause 13. (*An Honourable Member* : “ You said clause 3.”) By mistake I referred to clause 3, I meant clause 2 and clause 13. You will find that these clauses are supplementary to each other. Clause 2 says :

“ Whoever dissuades or attempts to dissuade the public or any person from entering the Military, Naval or Air service of His Majesty shall be punished.....”

There is an exception to it :

“ This provision does not extend to the case in which advice is given in good faith for the benefit of the individual to whom it is given.”

This is, Sir, clause 2, and if we turn to clause 13, we will find corresponding provision regarding police service. The object of these two provisions is identical. One refers to the police service exclusively and the other refers to the military, naval and air service. The essence of the offence lies in the fact that if anybody dissuades the public or any person from entering these services, he is guilty of the offence created under this proposed law. Now, the point that I wish the House to take into consideration is this. It is obvious, according to the wording of these sections, that the moment it is proved that anyone has advised or dissuaded any individual from entering the police service or even attempted to do so, he has committed this offence and he is guilty under this section. I maintain, Sir, that this violates the elementary principle of law, namely, that in this case the burden of proving his innocence has been placed upon the accused person. All that the prosecution need prove is that I have dissuaded a person from entering a service and I can only escape if I prove my good faith. Otherwise, in the absence of my taking any steps to bring my case within the exception, I am guilty under this section. Now, Sir, I will ask you to consider whether every advice or persuasion is *per se* actionable. Mere advising a person not to enter the police service should not be penal unless something else is proved, for example, if this advice is given with a sinister motive. An advice may be a perfectly *bona fide* one or it may be a mischievous advice. Why should the prosecution be given the advantage of having a presumption made in their favour that in the absence of the accused proving his good faith, it shall be assumed that the advice given was with a bad motive. This, I submit, is contrary to fundamental prin-

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ciple of law and places an accused person in a very disadvantageous position. There is no definition given in the explanation as to what good faith is. Now, the notions of Government and our notions with regard to good faith might differ considerably. I might honestly believe that it is not a laudable thing for a person to enter the police service in order to promote the working of a system of Government...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : How long is the Honourable Member likely to take ?

Mr. B. B. Puri : About an hour more.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : As the subject matter, which is now under the consideration of the House, is very important, the Chair proposes not to take up questions either to-morrow or the day after, so that one hour each day will be saved on that account. Honourable Members will not be put to any inconvenience, as it is not intended to prorogue the House but only to adjourn it. Notices of questions which are now outstanding will be answered later on.

Mr. N. M. Joshi : May I suggest that these starred questions may be treated as unstarred and replied by Government ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : That would prevent the putting of supplementary questions.
5 P.M. The Chair should like to know whether any Honourable Member objects. Those who object will please rise in their seats.

(Mr. S. C. Mitra and Dr. Ziauddin Ahmad rose in their places.)

Mr. S. C. Mitra : May I explain my position ? The right of putting questions is the only substantial right that we enjoy, which is more effective than these debates, because in interpellation we get some reply whereas all these Bills may be certified and the Resolutions are merely recommendatory. I suggest that we may be empowered to change our starred questions into unstarred ones, so that we may get some reply, rather than wait for another two months to get a reply to these questions.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhamandan Rural) : On a point of order. The questions that have accumulated are so many that it will not be possible to finish them this term even though we may have them every day and if we carry them to the November Session, I am afraid, there will be so much accumulation that we will not be able to finish them even in the November Session.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Honourable Members are aware that that will mean an extension of this Session.

Sir Hari Singh Gour : May I make a suggestion ? I suggest that Honourable Members who are anxious that their questions should be answered forthwith may immediately give notice to the effect that their starred questions may be treated as unstarred.

Mr. S. C. Mitra : It is only the President who can do it. Otherwise Government will require fresh notice for ten days.

Mr. Gaya Prasad Singh : Some Honourable Members are anxious to go away and I strongly deprecate anything done by some gentlemen in order to facilitate their own personal point of view.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : This is a matter of public interest. If Honourable Members have given notice of questions and replies are due, I think they are entitled to claim that such replies should be given. It is a matter of the convenience of the whole House. The Chair is willing to accept the suggestion of the Leader of the Nationalist Party. If Honourable Members write to Government giving the numbers of those questions which they wish answered immediately the Chair feels confident Government will furnish replies treating them as unstarred questions. I think that ought to satisfy the House.

Mr. S. C. Mitra : We are satisfied.

Mr. President : The House will now adjourn till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 27th September, 1932.