

Thursday, 8th September, 1932

THE *As*
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

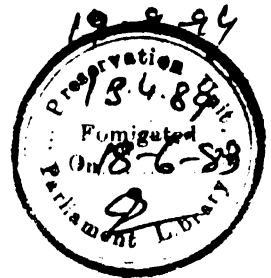
Volume IV, 1932

(5th September to 19th September, 1932)

FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY, 1932



NEW DELHI
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1932

Legislative Assembly.

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THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E.

Deputy President :

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MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

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

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LEGISLATIVE ASSEMBLY.

Thursday, 8th September, 1932.

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

QUESTIONS AND ANSWERS.

STATEMENT BY MISS SLADE REGARDING MALTREATMENT OF WOMEN POLITICAL PRISONERS IN JAILS.

110. *Mr. Lalchand Navalrai : (a) Has the attention of Government been drawn to a statement issued by Miss Slade to papers in May last regarding her jail experiences ?

(b) Have Government ascertained whether the allegations therein mentioned of inhuman, cruel and insulting treatment towards women political prisoners of ' C ' class are true ?

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

(b) Government have ascertained that the allegations referred to are not true.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say through what agency the inquiries were made ?

The Honourable Mr. H. G. Haig : Enquiries were made from the Government of Bombay and the Inspector General of Jails.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if all the allegations were found to be untrue or there was some difference between the statements made by Miss Slade and those found to be true.

The Honourable Mr. H. G. Haig : The statement made by Miss Slade was a very long and general one. For the most part, it carefully avoided specific allegations. The Honourable Member's question was whether the allegations of inhuman, cruel and insulting treatment towards women political prisoners in " C " class were true. My answer is that they are not true.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to lay on the table the conclusions of the Bombay Government in order to see whether it is really inhuman or it is only a question of interpretation one way or other.

The Honourable Mr. H. G. Haig : I think it is unnecessary.

ARTICLE IN THE " BOMBAY CHRONICLE " BY MR. HORNIMAN REGARDING BOMBAY RIOTS.

111. *Mr. Lalchand Navalrai : (a) Has the attention of Government been drawn to an article by Mr. Horniman in the *Bombay Chronicle*

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alleging unreadiness, indifference and neglect on the part of the authorities in dealing with the Bombay riots during the first two or three days ?

(b) Are Government aware that the Bombay Government have demanded a security of Rs. 6,000 from the *Bombay Chronicle* for the said article ?

(c) Has Mr. Horniman made a vigorous protest to the Viceroy ?

(d) Are the Government of India prepared to interfere in the matter of the security ? If not, why not ?

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

(c) Mr. Horniman made a representation.

(d) The answer is in the negative. The matter is within the discretion of the Local Government.

Mr. Lalchand Navalrai : Does the Honourable Member know that Mr. Horniman was on the spot in those days and that he was in a position to know the facts.

The Honourable Mr. H. G. Haig : I have no doubt that Mr. Horniman was in Bombay. Whether he was in a position to form a sound judgment on the subject, I cannot say.

Mr. N. M. Joshi : May I ask whether the action was taken under the Ordinances or under the ordinary law.

The Honourable Mr. H. G. Haig : The action was taken under a provision of the Ordinance.

Mr. N. M. Joshi : May I ask whether the Ordinances were intended for these ordinary occurrences ?

The Honourable Mr. H. G. Haig : I hope my Honourable friend does not regard these very serious riots in Bombay as ordinary occurrences.

Mr. N. M. Joshi : Were the Ordinances enacted for the Bombay riots ?

The Honourable Mr. H. G. Haig : No, Sir, but powers under the Ordinance can be applied in any emergency.

Mr. C. S. Ranga Iyer : Is it not a fact that in the present case the gentleman advocated the preservation of order and, if so, why was action taken against his paper ?

The Honourable Mr. H. G. Haig : If there is any complaint as to the justification for the action taken, that complaint can be laid before the High Court.

EUROPEAN ASSOCIATION PROPAGANDA AGAINST THE CIVIL DISOBEDIENCE MOVEMENT.

112. **Mr. Lalchand Navalrai :** (a) Are Government aware that there is a central administration of the European Association with circles and branches in all the Provinces of India ?

(a) Are Government aware that that Association is engaged in a propaganda against the civil disobedience movement ? Did that Association, through its Bombay branch or otherwise, suggest that immediately civil

disobedience was declared the Congress itself should be declared an illegal body, its property confiscated and its members treated as enemy subjects interned during the war ?

(c) Did that Association through their Bombay branch ask that the Government of India be requested to issue a statement to all Provincial Governments to inform them what is lawful and what is unlawful under the Delhi Pact, so that the general public may know their rights both under the law and the Pact ?

(d) Did that Association make a request to Government that persons in the employ of Government may be sent in the guise of ordinary buyers to picketed shops to demand goods of mills banned by Congress with police in readiness to arrest the picketers if any coercion or intimidation was used ?

(e) Did that Association further give a threat that unless some such help was given merchants will be compelled to take the law into their own hands as they were not prepared to stand by indifferently and see their trade ruined ?

(f) Did that Association wait in a deputation on the Honourable Mr. G. A. Thomas, Home Member, Bombay Government ? Did they send a despatch in consequence of the deputation asking for strong measures being taken against the Congress ? If so, will Government be pleased to lay that representation on the table and to state what action have Government taken at the request of the said European Association ?

The Honourable Mr. H. G. Haig : (a) The Association has, I understand, a central organisation with branches in most of the provinces.

(b) to (f). I have nothing to add to my reply to Mr. Gaya Prasad Singh's question No. 19 on the same subject.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to answer specifically clause (e) where it is said that the Association gave a threat that the merchants will be compelled to take the law into their own hands ? This is not covered by the answer to Mr. Gaya Prasad Singh.

The Honourable Mr. H. G. Haig : The letter of which the Government only received an extract was a confidential letter and I do not propose to give specific replies in the form of question and answer.

Mr. N. M. Joshi : May I ask whether the Government of India is aware that there are branches of the European Association at Delhi and Simla called the Government of India ?

The Honourable Mr. H. G. Haig : I did not hear the complete list of places enumerated by the Honourable Member and I certainly have not in my possession a complete list of the branches.

Mr. N. M. Joshi : Does not the Honourable Member think that part (e) is not covered by the answer he gave to Mr. Gaya Prasad Singh and therefore answer should be given to this.

The Honourable Mr. H. G. Haig : I have already explained that the question refers to a confidential letter and I am not prepared in the form of question and answer to disclose the contents of that letter.

MR. HASSAN'S REPORT ON RAILWAY WORKSHOPS.

113. *Dr. Ziauddin Ahmad : Do Government propose to circulate the Fourth Volume of K. M. Hasan's Report on Railway Workshops among the Members of the Assembly ?

Mr. P. R. Rau : Copies have been circulated already.

FREE SUPPLY OF POSTAL STAMPS TO INDIAN STATES.

114. *Dr. Ziauddin Ahmad : (a) Will Government be pleased to give a list of the Indian States to whom the Postal Department gives postal stamps without payment ? Why are these stamps given free ?

(b) How are the accounts adjusted ? What is the value of the stamps given to each State ?

The Honourable Sir Frank Noyce : (a) A list of Indian States which receive a grant of postage stamps without payment, with the face value of the stamps given annually to each, is laid on the table. The stamps are given in pursuance of the agreement or undertaking relating to the working of the Indian Posts and Telegraphs Department in the several States.

(b) As the stamps are given free, the question of adjustment of accounts does not arise. The value of the stamps given to each State is noted in the list referred to in the reply to part (a).

List of Indian States receiving free grant of service Postage Stamps.

<i>Name of State.</i>	<i>Amount.</i>
	Rs.
Bahawalpur	4,000
Bhopal	8,380
Alwar	30,000
Bikaner	35,000
Bushahr	600
Datia	5,000
Faridkot	1,000
Indore	35,000
Jubbal	250
Kashmir	20,000
Malerkotla	900
Mandi	700
Panna	900
Sirmoor	1,275
Suket	700
Baroda	85,000
Rharatpur	12,000
Cooch Behar	9,000
Dhar	3,000
Edar	550
Jhallawar	2,400
Kalsia	450
Kotah	15,000
Loharu	300
Marwar (Jodhpur)	39,000
Sikkim	1,500
Gwalior	480
Total	8,12,385

Dr. Ziauddin Ahmad : What is the total value of the stamps which are distributed free ?

The Honourable Sir Frank Noyce : The Honourable Member will find it in the statement I have laid on the table.

FREE SUPPLY OF POSTAL STAMPS TO INDIAN STATES.

115. ***Dr. Ziauddin Ahmad :** (a) Are Government aware that Lord Eustace Percy's Committee contemplated that in the future Federal Government ; Post Office will be a self-supporting department and that it will not contribute to the finances of the Federal Government ?

(b) What was the opinion of the Committee about free gift of stamps to the Indian States ?

(c) Is it contemplated to give stamps free of costs to British Provinces and the Federal Assembly under the Federal Government ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The Committee did not express any opinion on the subject.

(c) No.

Dr. Ziauddin Ahmad : In view of the fact that the post office is not earning a profit and there is a dead loss, is it not desirable that the practice of giving stamps free to the Indian States may be discontinued.

The Honourable Sir Frank Noyce : I would refer the Honourable Member to the recommendations of the Indian States Inquiry Committee on this subject. I think he had that Report in mind when he put this question. He will find the whole subject dealt with at length in that Report, the recommendations of which will doubtless be considered in due course.

Dr. Ziauddin Ahmad : Will the Honourable gentleman recommend to the new Round Table Conference to discuss this question.

The Honourable Sir Frank Noyce : It is hardly the business of my Department to suggest matters for discussion by the new Round Table Conference.

Dr. Ziauddin Ahmad : On behalf of the Assembly, I mean.

The Honourable Sir Frank Noyce : I am not convinced that the Assembly has any definite wishes on this subject.

Dr. Ziauddin Ahmad : Does the Honourable gentleman think it just to give so many stamps free to the Indian States.

The Honourable Sir Frank Noyce : I would again refer the Honourable Member to the Report of the Committee in which he will find the whole subject most exhaustively discussed.

Sir Cowasji Jehangir : Is it not a fact that many of these States have got agreements with regard to the supply of these stamps ?

The Honourable Sir Frank Noyce : That is so.

Dr. Ziauddin Ahmad : Was not the agreement made on the supposition that the post office is a profitable concern ?

The Honourable Sir Frank Noyce : No, Sir.

LOAN POLICY OF THE GOVERNMENT OF INDIA.

116. ***Dr. Ziauddin Ahmad** : (a) Will Government be pleased to mention the amount of loan the Government of India raised in England and in India and at what rate of interest since the 21st September, 1931 ?

(b) Will Government be pleased to mention the amount of Treasury Bills they sold since 1st January, 1932 ?

(c) Will Government be pleased to mention the amount of currency notes printed and the silver rupees and smaller coins coined since 21st September, 1931 ?

(d) How did they spend money collected under (a), (b) and (c) ?

(e) Do Government propose to give an opportunity to the Assembly or the Standing Finance Committee to discuss the loan policy of the Government of India ?

The Honourable Sir Alan Parsons : (a) *England*—5 per cent. loan 1942-47 for £10,000,000 issued at 95.

India—(1) 6½ per cent. Treasury Bonds 1935 issued at par. Total subscriptions Rs. 16.95 lakhs.

(2) 5½ per cent. loan 1938-40 issued at 98. Total subscriptions Rs. 19.14 lakhs.

(3) The recent 5 per cent. loan 1940-43 issued at 98. Total subscriptions approximately Rs. 25.40 lakhs.

(b) From the 1st January 1932, up to the end of August, 1932, there was a net discharge of Treasury Bills amounting to approximately Rs. 33.96 lakhs.

(c) I presume that the Honourable Member wants to know the amount of expansion of currency. A statement showing the expansions and contractions up to the end of March, 1932, is given on page 17 of the Report to the Controller of the Currency for the year 1931-32. Between 1st April and 31st August there was a net contraction of currency to the extent of Rs. 5,15,00,000, representing the repayment of seasonal advances by the Imperial Bank.

(d) Statements showing how the various amounts raised by the Government of India in India and England in 1931-32 were utilised are given on pages 15, 16 and 56 of the Report of the Controller of the Currency for the year 1931-32. As regards the current year it is not yet possible to say before the accounts of the year are made up how the total amount raised has actually been utilised.

(e) The Legislative Assembly has opportunities of discussing the loan policy of the Government of India either during the general budget discussion or by a specific motion on the Demands for Grants for the Finance Department, for Interest on Ordinary Debt or Interest on Miscellaneous Obligations.

Mr. N. M. Joshi : May I ask why, when the Government can easily get money in India, they float loans in England ?

The Honourable Sir Alan Parsons : Sir, as I have explained, possibly when the Honourable Member was not in the House, we are at present able to borrow more cheaply in England than in India ; and it is also desirable that we should strengthen our sterling resources.

Dr. Ziauddin Ahmad : May I ask if it is not the case that in the Currency Report to which the Honourable Member referred the Government have given figures up to March, 1931, and not up to March, 1932 ? I imagine these will be published some time later ?

The Honourable Sir Alan Parsons : I think the Honourable Member is incorrect. I am fairly sure that the Currency Report for the year ending March, 1932, has been published.

Dr. Ziauddin Ahmad : I wish the Honourable Member would please give me a copy.

The Honourable Sir Alan Parsons : I will certainly let the Honourable Member have a copy of the latest Report.

Dr. Ziauddin Ahmad : As regards part (d) of my question, I understood from the Honourable gentleman that this question how the loan funds would be spent would be considered later on. I thought that at the time of floating the loan the question of expenditure had been considered in order to find out whether the loan was or was not needed ?

The Honourable Sir Alan Parsons : Certainly, Sir. We do not raise a loan until we want money. But it is impossible to say exactly how the various amounts raised by Treasury Bills and loans will actually be spent over the whole field of Government expenditure until the year is over.

Mr. N. M. Joshi : Have Government ever considered and weighed the financial advantage of loans taken in England with the political disadvantage of loans taken in England ?

The Honourable Sir Alan Parsons : The question has often been considered whether and to what extent it is desirable to borrow in England.

Mr. N. M. Joshi : Are the Government of India aware that the financial interests in England make it an argument that they have investments in India and therefore there should be financial safeguards against the powers of the Indian Legislature ?

The Honourable Sir Alan Parsons : I have occasionally seen arguments of that character.

Mr. N. M. Joshi : Has that argument any weight with the Government of India ?

Dr. Ziauddin Ahmad : Is it not a fact that the Finance Member, before he left this country, made a statement that he had floated this loan not because he wanted money but because he wanted to test the credit of this country and that he could get the money cheap ? If so, I should like to know how the money borrowed to test the credit of this country was actually spent ?

The Honourable Sir Alan Parsons : I do not think Sir George Schuster ever made a statement of that kind, Sir. The Honourable Member like myself, I expect, does not always believe everything that he sees in a newspaper ?

Dr. Ziauddin Ahmad : Then I shall give a reference to the issue of the papers where this was published—the *Times of India* and also the *Statesman*.

HAYMAN-MOHENDRA PUNCHING MACHINE.

117. ***Dr. Ziauddin Ahmad** : (a) Will Government be pleased to exhibit a model of the Hayman-Mohendra Punch, popularly known as the " Hayman Pistol " in the Library ?

(b) Can this punch be put in the pocket of the coat supplied by Government to T. T. Es. ? What is its weight ?

(c) Is it not a fact that this punch must always be carried in the hand ?

(d) Is it not a fact that T. T. Es. get into the carriage and get down while the train is in motion for the efficient discharge of the duties ?

(e) Are Government aware that T. T. Es. incur great risk in getting in and getting out of a moving train carrying a heavy punch in one hand ?

Mr. P. B. Rau : (a) If you, Sir, consider it a suitable exhibit for the Library, I shall be quite prepared to send a specimen ; otherwise any Honourable Member who is interested can view it at closer quarters in the office of the Railway Board.

(b) The converted punch at present in use is 1½ lb. in weight and can, I understand, be carried in the pocket of the coat.

(c) Not necessarily.

(d) Yes, but only when the train has practically come to a standstill or when it is just starting.

(e) The risk cannot be very great seeing that a guard with a hand signal lamp with the container half filled with oil, weighing nearly two to three times the weight of this punch, can and does board moving trains without incurring any risk.

Mr. K. C. Neogy : Will Mr. Hayman and Mr. Mohendra be asked to patent a type of coat which will have pockets sufficiently capacious to carry this instrument ?

Mr. P. B. Rau : They were not asked to make a patent of the punch either, Sir.

Dr. Ziauddin Ahmad : Is it not a fact that the coat supplied by the Government cannot carry this punch ?

Mr. P. B. Rau : As a matter of fact when I was at Howrah station recently I saw a ticket inspector carrying a punch like this in his pocket.

Mr. Lalchand Navalrai : Did the Honourable Member see the ticket inspector come down from the train with the punch in his hand ?

Mr. P. B. Rau : I am afraid he was on the platform.

Dr. Ziauddin Ahmad : In view of the fact that the Honourable gentleman always travels in a saloon, hence I, who travel in ordinary carriages, can more authoritatively say that T. T. Es. cannot carry it in their pockets ?

Mr. P. B. Rau : The East Indian Railway Administration are providing satchels for carrying this punch.

HAYMAN-MOHENDRA PUNCHING MACHINE.

118. ***Dr. Ziauddin Ahmad** : (a) What is the price of the Hayman-Mohendra punch ?

(b) Are the T. T. Es. asked to pay for it, if they drop or lose it ?

Mr. P. R. Rau : (a) About Rs. 98 with refill tubes and date box.

(b) All staff are responsible for the equipment issued to them.

HAYMAN-MOHENDRA PUNCHING MACHINE.

119. ***Dr. Ziauddin Ahmad** : (a) Why is the name of Mr. Hayman associated with this punching machine ?

(b) Has he got any interest in it ?

(c) If so, is it permissible under service rules ?

Mr. P. R. Rau : (a) and (b). Mr. Hayman is one of the inventors and patentees of this machine.

(c) Yes.

Mr. K. C. Neogy : Is this Mr. Hayman a mechanical engineer ?

Mr. P. R. Rau : Not that I am aware of.

Mr. K. C. Neogy : Did Government make any inquiries, before they allowed this patent to be taken out in the names of these two gentlemen, as to whether Mr. Hayman had made any material contribution towards the invention of this mechanical device ?

Mr. P. R. Rau : I suppose the Controller of Patents must have satisfied himself.

Dr. Ziauddin Ahmad : Who is this Mr. Hayman—the Member of the Railway Board or some other Hayman ?

Mr. P. R. Rau : He is a Member of the Railway Board at present.

Mr. K. C. Neogy : What is the Government's policy in allowing their officers to share patents of this kind which may be used in the Departments in which they themselves are employed and are thus in a position to exercise a good deal of patronage ?

Dr. Ziauddin Ahmad : Particularly when they themselves are not engineers ?

Mr. K. C. Neogy : May I know from the Honourable the Home Member, what the general policy is on this particular point ?

Mr. P. R. Rau : May I state that Government have a definite policy in regard to the grant of bonuses to Government servants for inventions in this matter and the policy was laid down as long ago as 1922.

Mr. K. C. Neogy : Was any bonus granted to Mr. Hayman in this particular instance, or is he part proprietor of the patent ?

Mr. P. R. Rau : No bonus was I believe granted but he was permitted by the Government to have his share of the royalty.

Mr. K. C. Neogy : What inquiries if any were made by Government, before they permitted him to have a share of the royalty, as regards the share that he had in the invention itself ?

Mr. P. R. Rau : The share of the royalty, Sir, must have depended on the terms of the contract between the two patentees. As far as Government is concerned, if Mr. Hayman had not been permitted to have his share, the only result would have been that the other patentee would have got the whole royalty.

Mr. K. C. Neogy : Did not Government realize that such a system might easily lend itself to corruption and bribery ?

Mr. P. R. Rau : I should add that Mr. Hayman has offered not to take the royalty but to devote it to charitable purposes.

Mr. K. C. Neogy : Have Government satisfied themselves that he is actually doing that ?

Mr. P. R. Rau : As I have already informed the House, Mr. Hayman had made the offer of his own accord.

Mr. K. C. Neogy : Arising out of the general question of policy which this point raises, may I know if the Honourable the Home Member is prepared to share with me a patent of a type of *lathi* made of sugarcane which, when used in making "light *lathi* charges", is likely to leave a sweet taste in the mouth of the people against whom it may be used ? (Laughter.)

The Honourable Mr. H. G. Haig : I should not like to deprive my Honourable friend of any of the profits of any such invention.

Dr. Ziauddin Ahmad : Are stakes in card bridges included in "charitable purposes" ?

PROMOTION EXAMINATION OF GUARDS OF ROHILKUND AND KUMAON RAILWAY.

120. ***Dr. Ziauddin Ahmad :** (a) Is it a fact that Rohilkund and Kumaon Railway Administration holds a promotion examination for selecting candidates from the post of the second guard to the first guard ?

(b) Was the promotion examination used for retrenching the second grade guards ?

(c) Who conducted the examination ? Were the papers moderated and scrutinised by any superior officer ?

(d) Is it a fact that persons who were retrenched were further penalised by asking them to pay the price of their uniforms which are supplied free ?

Mr. P. R. Rau : (a) I understand that guards are recruited by promotion of second guards who must pass an examination in guard's duties within a reasonable time after appointment.

(b) No.

(c) Examinations are held under the supervision of an officer who sets the papers and marks the written answers. If a candidate qualifies in his written test, he is then examined orally by a committee consisting of an officer, a Traffic Inspector and a junction Station Master.

(d) I am informed that the standing orders of the Railway provide for recoveries to be made in respect of a uniform which has not been in use for prescribed periods.

Dr. Ziauddin Ahmad : If the Honourable Member will make a confidential inquiry, he will find that the facts are quite different from what he has stated.

RAILWAY SCHOOL AT CHANDAUSI.

121. ***Dr. Ziauddin Ahmad** : (a) What is the cost of the maintenance of the Railway School at Chandausi ?

(b) Is the school intended for instruction or is it intended to select men for retrenchment ?

Mr. P. R. Rau : (a) About a lakh of rupees per annum.

(b) For instruction.

Dr. Ziauddin Ahmad : Is it not a very expensive luxury in these hard days to incur so much expenditure ? Is it not desirable to close the school ?

Mr. P. R. Rau : I cannot accept the statement that the training of subordinates is an expensive luxury at any time.

Dr. Ziauddin Ahmad : Does the Honourable Member agree that it serves any useful purpose having regard to the amount of money that is spent on it ?

Mr. P. R. Rau : Otherwise it would not be retained.

REPORT OF MR. A. C. BADENOCH, DIRECTOR OF RAILWAY AUDIT.

122. ***Dr. Ziauddin Ahmad** : (a) Has the Railway Board seen the Report of Mr. A. C. Badenoch, Director of Railway Audit ?

(b) What action, if any, has the Railway Board taken on it, or propose to take to remove the irregularities mentioned in the report ?

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

(b) I am afraid it is impossible for me to state in the short time allowed to a reply to a question on the floor of this House the action that it is proposed to take on a report which extends over a hundred pages, but I can assure the Honourable Member that steps have been taken to investigate all the cases mentioned in the report and to take necessary action. The usual procedure is, as the Honourable Member is no doubt aware, for the report to be examined by the Committee on Public Accounts of this House to whom the action taken by the Railway Board in individual cases will be explained in detail. The Committee, I understand, intend to examine this report at the end of this session.

DEATH OF MR. AZIZUL HASAN IN THE DELHI CIVIL COURT LOCK-UP.

†123. ***Dr. Ziauddin Ahmad** : (a) Are Government aware of the fact that the corpse of one Mr. Azizul Hasan who was put into the lock-up of the Civil Court of Delhi on the evening of 8th March, 1932, was found in the morning with a pistol wound in the head ?

(b) Are Government aware that the deceased Mr. Azizul Hasan belonged to a very respectable family of Budaun and had held responsible posts under the British Government as well as in Maler Kotla and Jawra States ?

†For answer to this question, see answer to question No. 124.

(c) Is it a fact that at 5-30 P.M. on 8th March, 1932, the Civil Court Nazir went with his peons to the residence of the judgment-debtor and seeing the signboard that it was a zenana house stayed outside the house and sent Chatta Ram and Kishan Chand with several badmashes inside the house ?

(d) Is it a fact that the ladies inside protested against the entry without any knock or call at the door but no notice was taken by the intruding party ?

(e) Is it a fact that this party abused and mercilessly beat Mr. Azizul Hasan with kicks, fists and canes and dragged him down the stairs from the upper storey, where he happened to be seated in shirt and *pyjama*, and put him into a car waiting outside ?

(f) Is it a fact that the arrest was made at a time when the presiding officer of the Court had left his Court and for that reason the deceased Azizul Hasan had to be put in the lock-up for the night and there was no chance for him to deposit the decree money ?

(g) What arrangements were made for his safety in the lock-up of the Civil Court during the night ?

(h) Is it a fact that the deceased was allowed by the Chaukidar of the lock-up to sleep in the verandah ?

(i) Is it a fact that in the morning when his corpse was first seen it was found inside the lock-up cell wrapped up in the blanket with a pistol in the hand ?

DEATH OF MR. AZIZUL HASAN IN THE DELHI CIVIL COURT LOCK-UP.

124. *Dr. Ziauddin Ahmad : (a) Is it a fact that a note in pencil handwriting was found by the Delhi police on the person of the late Mr. Azizul Hasan which ran as follows ?

“ Messrs. Lila Ram’s nephew Chatta Ram has beaten me with a cane and abused me in presence of many persons. I have bruises in the middle finger of my right hand which is badly paining at the joint. I have also a mark of the cane on the right side of my stomach. I have been extremely insulted having been beaten and abused in the presence of many people in the zenana when my old mother-in-law was badly crying. Under no law a decree-holder is authorised to beat and abuse. I am in the agony of these thoughts. I am feeling so much insulted so that I prefer death at the moment for which Chatta Ram is wholly responsible.”

(b) Is it a fact that some of the relations and friends of the deceased complained to the Superintendent of Police of Delhi that the case was being burked by his subordinates ?

(c) Is it a fact that actually the local police burked it ?

(d) Is it a fact that the Police Surgeon who conducted the *post-mortem* examination did not mention any marks of injuries on the body of the deceased which were mentioned by the latter in the note referred to in part (a) ?

(e) Is it a fact that the heirs of the deceased requested the Civil Surgeon of Delhi to go and himself examine the injuries but the said officer simply wrote to the Police Surgeon to go and have the corpse re-examined in the presence of the heirs of the deceased ?

(f) Is it a fact that the Police Surgeon did not follow the suggestion of the Civil Surgeon ?

(g) Is it a fact that the relatives of the deceased got the corpse re-examined by another Doctor of the same qualifications as the Police Surgeon and he found that many injuries existed on the body of the deceased ?

(h) Are Government aware that Mr. Azizul Hasan had written a letter from the lock-up to his wife (who was not present at the house on that day) that among the persons who had beaten him was a *Punjabi* of Maler Kotla, who first struck the blow ?

(i) Have the police made any effort to find out who that *Punjabi* was ; and what was the cause of his coming from Maler Kotla to beat the deceased ?

The Honourable Mr. H. G. Haig : With your permission, Sir, I propose to answer questions Nos. 123 and 124 together. The facts in connection with the death of Mr. Azizul Hasan are the subject of a criminal case which is under trial in the court of the Additional District Magistrate of Delhi. I am, therefore, unable to make any statement.

RECRUITMENT OF INDIAN ARTISTS FOR THE BOMBAY STATION OF THE INDIAN STATE BROADCASTING SERVICE.

125. ***Nawab Naharsingji Ishwarsingji :** (a) Will Government be pleased to state the method of recruitment of Indian artists for the Bombay Station of the Indian State Broadcasting Service ?

(b) Are Government aware of the preference given at the aforesaid station to Maratha artists ?

(c) If so, what measures do Government propose to take in this regard ?

(d) Do Government propose to consider the question of the formation of an Honorary Board for the selection of artists ?

The Honourable Sir Frank Noyce : (a) All artists are engaged by the Station Director who is assisted by the advice of his staff and of interested outsiders. Interviews and auditions at the Studio are arranged in the case of new-comers. Artists of various races are engaged in this way.

(b) No. The Station Director, to whom I have referred in this connection, writes as follows :

“ No undue preference is given to any class but artists who become popular with listeners (as seen from several letters of appreciation which we receive from time to time) are given engagements oftener. At present we have on our list 34 Muhammadans, 10 Parsis and 96 Hindus (Marathi, Gujerathi, Madrassi, Punjabi and Bengali). Our standard of Indian Music is very high and we are unable to entertain the services of singers who have no efficient knowledge of Indian Music for which there is a demand in this Presidency.”

(c) Does not arise.

(d) It does not appear to be necessary formally to appoint a Board. but it is understood that the Station Director proposes to constitute an advisory committee comprising members of different communities.

ARRANGEMENT OF PROGRAMME BY THE BOMBAY STATION OF THE INDIAN STATE
BROADCASTING SERVICE.

126. ***Newab Naharsingji Ishwarsingji** : (a) Are Government aware that the arrangement of programmes at the Bombay Station of the Indian State Broadcasting Service on important Muslim holidays is very unsatisfactory inasmuch as no special programmes are being arranged on these days as in the case of important Hindu holidays ?

(b) If so, what steps do Government propose to take in this regard ?

The Honourable Sir Frank Noyce : No. Government have had no complaints. I may mention that special programmes were arranged for the three holidays "Ramzan-Id", "Moharram" and "Bakr-Id". On the first occasion however the artist failed to appear and other matter had to be substituted, and similar difficulties occurred on "Moharram" owing to disturbances in the city.

MUSLIM RAJPUT POPULATION IN PROVINCES.

127. ***Kunwar Hajee Ismail Ali Khan** : With reference to my unstarred question No. 71 of 23rd September, 1931, regarding the Muslim Rajput population of each Province, are Government now in a position to lay the information on the table ?

The Honourable Mr. H. G. Haig : The figures of Muslim Rajputs by provinces at the last census in so far as they are separate from the general Muslim population are given in a statement which is laid on the table.

Statement showing Muslim Rajput population.

Province.	Persons.	Males.	Females.
United Provinces	166,658	89,249	77,409
Punjab	1,721,334	919,175	802,159
Central Provinces	181	151	30
North-West Frontier Province	11,506	7,946	3,560
Delhi	5,786	3,622	2,114
Baluchistan	5,305	4,257	1,048

"ZAWIA-TUL-HANOOD" HOSTEL IN DAMASCUS.

128. ***Kunwar Hajee Ismail Ali Khan** : (a) Are Government aware that there is one Indian Hostel known as *Zawia-tul-Hanood* in Damascus (Syria) which was built by Moghal Emperors for the free use of Indian pilgrims ?

(b) If so, will Government kindly inform the House as to who is in charge of the building now and who is bearing the expenses of its maintenance ?

(c) Is it under the control of the Syrian (French) Government or the Government of India ?

(d) Will Government kindly inform the Assembly as to what is the present condition of its building ?

(e) Are the Indian pilgrims staying there free ?

Mr. H. A. F. Metcalfe : (a) There is an Indian Hostel of that name in Damascus.

(b) It is administered by the Syrian Director of Pious Foundations. Nothing is spent on maintenance of the building.

(c) It is under the control of the Syrian Government.

(d) The building is in fair condition.

(e) Indian pilgrims are in theory provided with free accommodation but arrangements are admitted to be at present unsatisfactory. His Majesty's Consul at Damascus has taken up the matter with the Syrian authorities.

Dr. Ziauddin Ahmad : Will the Honourable Member inform this Assembly as soon as the report has been received ?

Mr. H. A. F. Metcalfe : Does the Honourable Member ask whether any report has been received ?

Dr. Ziauddin Ahmad : I want to know if the Honourable Member will circulate the report among the Members of the Assembly when it is received ?

Mr. H. A. F. Metcalfe : The whole of the material contained in the report is reproduced in the answer to this question and it does not seem to me that any useful purpose will be served by circulating the report.

†129.*

†130.*

FEE FOR REGISTRATON OF ABBREVIATED TELEGRAPHIC ADDRESSES.

131. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the fee for registration of an abbreviated telegraphic address (i) in the past was only Rs. 10 per annum, (ii) till last year it was Rs. 15 per annum, and (iii) this year it has gone further up to Rs. 25 per annum ?

(b) If the answer to part (a), be in the affirmative, will Government be pleased to state, (i) the numbers of addresses registered, and (ii) the

†This question was withdrawn by the Honourable Member.

amounts collected each year, during the past several years at each of the various rates quoted above ranging from Rs. 10 to 25 ?

Mr. T. Ryan : (a) (i). Yes, up to the 30th November, 1923.

(ii) Yes, up to the midnight of the 18th October, 1931.

(iii) Yes, the fee was raised to Rs. 25 per annum from midnight of the 18th October, 1931.

(b) (i) and (ii). The number of telegraphic addresses are not recorded except since 1930-31, the figures for that and the following year being 88,000 and 30,000, respectively. The amounts collected each year at the various rates in force from time to time from 1922-23 to 1931-32 inclusive were, in thousands of rupees, 298, 373, 461, 455, 463, 479, 486, 485, 481 and 531, respectively.

FEE FOR REGISTRATION OF ABBREVIATED TELEGRAPHIC ADDRESSES.

132. ***Khan Bahadur Haji Wajihuddin :** (a) Are Government aware that owing to abnormal increase in the rate of fee for telegraphic address great discontent and uneasiness is prevailing among the Indian mercantile community ?

(b) Have Government received representations protesting against this abnormal increase in the rates at this critical juncture ?

(c) Are Government prepared to consider the advisability of having these rates reduced to pre-war level ; if not, why not ?

Mr. T. Ryan : (a) and (b). Government have received some complaints but they are not aware of the existence of such discontent and uneasiness as is implied in the Honourable Member's question.

(c) No, but they have reduced the rate of charge from Rs. 25 to Rs. 20 in each case, from the 10th August, 1932. Having regard to the charges made for the registration of telegraphic addresses in other countries, and the value of the concession to the public, Government are satisfied that a charge of Rs. 20 in India is moderate. It may be mentioned that the charge in the United Kingdom is higher than the recently existing charge of Rs. 25 in India.

DECREASE IN POSTAL INCOME.

133. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that since the increase of postal rates, postal income is on the decrease ? If so, do Government propose to bring down the rates to the old level forthwith ?

(b) If the answer to part (a) is in the negative, will Government be pleased to lay on the table a statement showing the figures of income before and after the increased rates respectively ?

The Honourable Sir Frank Noyce : (a) No.

(b) A statement furnishing the required information is laid on the table.

Statement showing month by month the total postage and message revenue of the Posts and Telegraphs Department from July 1930 to June 1932.

Postage and Message Revenue.

(Figures in thousands of rupees.)

	Before the increased rates.	After the increased rates.	Difference.
	1930.	1931.	
July	73·52	68·35	—5,17
August	66·74	67·50	+76
September	69·03	64·26	—4,77
October	70·99	74·94	+3,95
November	66·52	70·08	+3,56
December	76·37	73·40	—2,97
	1931.	1932.	
January	78·11	86·96	+8,85
February	70·20	71·70	+1,50
March	39·11	43·56	+4,45
April	66·17	70·15	+3,98
May	66·85	69·93	+3,08
June	69·06	67·30	—1,76
Total increase .. .. .	..	..	15,46

GOVERNMENT POLICY OF COAL PURCHASE.

134. *Dr. Ziauddin Ahmed (on behalf of Mr. A. Das) : (a) Has the attention of Government been drawn to the article (on page 4) headed "The policy of coal purchase" in the new commercial journal called *Business*, issued from Calcutta, on the 1st of July, 1932 ?

(b) If not, do Government propose to send for and consider the said article ?

(c) Will Government state whether they have purchased coal at a higher price when the same quality was being offered at a lower price as detailed in the 11 cases enumerated in the said article and printed at pages 5 and 6 of the said journal and if so, will Government explain the reasons about each case separately ?

(d) Are Government aware that their policy of coal purchase is involving a loss estimated to be about half a crore per year to the various railways in India and a total loss of over nine crores and if so, do they propose to consider the advisability of preventing this loss of revenue ? If so, how and when ?

The Honourable Sir C. P. Ramaswami Aiyar : As the Honourable Member is aware the question of the coal purchases for State Railways was discussed at length during the Budget debates this year and I would invite his attention to the speeches made by Sir George Rainy on various occasions

on the subject. Everyone will, I am sure, recognise that it is impossible for me to deal in detail with the individual instances quoted in replying to questions in this House and I propose therefore to confine myself to a very brief general explanation, at the same time laying on the table of the House a statement explaining in detail the reasons for the action taken in the individual instances mentioned in the publication referred to. In considering these coal tenders the Railway Board cannot pay exclusive attention to the price offered. They have to take into account their previous experience of the tenderers in question, *e.g.*, the quality of the coal supplied by them in the past and their capacity actually to deliver the quantity contracted for of the quality offered. In this connection there are various factors to be considered, *viz.*, the character of the coal, whether the seam is capable of providing, when worked in accordance with the average mining practice, coal of a good average quality, and the presence or absence of bands of shale, inferior carbonaceous matter and igneous intrusions. Another important factor is the preparation and handling of the coal before despatch and the equipment or otherwise of the colliery with mechanical screening plant. During the current year, the Railway Board had moreover to make special efforts to see that the contract should be fairly spread over a number of collieries to prevent a large number from having to close down.

I may also explain that as regards quality, the assumption that the Coal Grading Board classifications or certificates, can be used as an adequate basis for judging the quality of the coal offered is not correct.

I need not remind Honourable Members that the Coal Grading Board deals only with exports.

Under the Coal Grading Board procedure, when a coal seam is graded, the analysis and calorific value are taken as a basis for classification. Colliery owners desirous of obtaining a Grade Certificate state at the time the seam is sampled which section they intend to adhere to and which inferior bands they intend to reject either in underground working or when loading. The certificate is therefore based on a sample which obviously does not give a fair average analysis of the seam as worked in practice but gives the analysis of the best sections of the seam with all inferior matter eliminated. In the case of coal for export, however, the Grading Board Certificate, though based on analysis of the sample originally taken is supplemented by inspection at the time of despatch for shipment and again when the coal arrives at the Docks prior to shipment. This procedure ensures rejection of inferior consignments, whereas in the case of despatches to Railways it is impossible to inspect each wagon when loading or unloading at the many destinations. Moreover, in purchasing coal for railways the classification under the Indian Coal Grading Board cannot be strictly followed because coals used on railways for distinct separate services, *viz.*, Goods or Mail and Passenger are classified under one grade by the Grading Board.

As regards the last part of the question, Government do not consider that their policy has resulted in loss to Railways.

The following statement deals with the eleven points raised in the article printed at pages 5 and 6 of the first number of "*Business*", dated 1st July, 1932 :

(1) Victoria Colliery's Ramnagar Coal is considered the best quality of this particular class of coal. From practical running tests on Railways it is reported to

be an excellent steaming coal and is issued as a first class coal. Immediately on being raised from pits it is mechanically screened and picked on a modern plant and then delivered direct into wagons for despatch. The sizing is also to the requirement of the Railways.

The Bengal Iron Company's Ramnagar coal is raised from inclines and pits and hauled on a narrow gauge tram line over a distance of over one mile to the loading depot. Here it is dumped and loaded by hand as required. It is not mechanically screened. Reports from Railways complaining of excessive slack and dust in the supplies have been received. From practical running test it is classed as a good steaming coal though issued as second class coal.

The Board considered that the amount accepted during the current year was the maximum that could be taken with any reasonable hope of the quality being up to Railway requirements.

Karamchand Thapar's Begonia coal is not mined from the same seam as the Bengal Iron Company's Ramnagar or Balmer Lawrie and Company's Victoria Colliery coals. The Colliery has recently been taken over from Messrs. Gillanders Arbuthnot and Company, who were desirous of sub-leasing the property. The Coal is transported over a mile of aerial rope-way to the loading depot and is not mechanically screened. In working and loading there is a tendency to produce small coal. The workings are practically all on pillars and it is doubtful how much recovery can be made in working underground without interruption. Messrs. Gillanders Arbuthnot and Company who for many years worked the Colliery offered 12,000 tons in 1931-32 and this was accepted in full. The purchase of 15,000 tons out of 36,000 tons offered during 1932-33 is considered by the Railway Board as all that could, with safety, be accepted.

(2) At Messrs. H. V. Low and Company's New Sinidih Colliery No. 17 Seam is working only a 3'-6½" Section and in this Section two bands of inferior coal occur. The despatches therefore need careful picking. In underground working there is also a danger of the roof coal being mixed with the good section. The Railways state that the supplies are inferior and cannot be used for goods and passenger service. The loading is reported as unsatisfactory.

Similar remarks apply to Pularitand Colliery except that the section worked is 4'-3" in thickness. Two inferior coal bands are also present in the working section. No. 17 Seam in this locality is considered by the Railways as inferior.

At D. N. Barat's Dharmaband Colliery a section of 3'-9" is worked in No. 17 seam and in 18 seam a section of 4'-4" is worked. Here again there is a danger of inferior roof coal or inferior floor coal being mixed with the good coal. The supplies from this Colliery have many times been adversely reported on by the Railways and the loading is reported as unsatisfactory.

In the purchase of 42,000 tons from Dharmaband and Central Dharmaband 24,000 tons from No. 15 Seam is included the balance being purchased from Nos. 17 and 18 Seams No. 15 Seam is of very good quality and the sections worked in Nos. 17 and 18 Seams contain very clean coal. The supervision and loading are satisfactory.

3. (a) 15,000 tons of Kajora coal were taken from Messrs. Villiers, Limited, as the Railway Board considered to be the maximum quantity which could be taken without the inclusion of an excessive amount of slack coal.

(b) Complaints have been received on the loading of coal at Parascole Colliery both from the Railways and the Inspection Department. At the Managing Agents own request the order for Parascole coal was, for reasons of quality, transferred to their Madhabpore Colliery.

(c) The Railway Board considered that the acceptance of 12,000 tons out of the offer of 36,000 tons from Madhabpore Colliery is all that could be taken to ensure that the quality of the coal is in accordance with Railway requirements.

(d) The ownership of Madhujore Colliery is comparatively new and the Board preferred to give a comparatively small order as a trial order in order to test the supply.

(4) The class of Kenda coals purchased have proved more satisfactory than many of the Kajora quality coals.

(5) The Desherghur coal taken from Parbeta, Barnonda and Macailla Desherghur Collieries is mined in an area where the best Desherghur coal is found. The Seam in this locality is moreover of uniform quality. All these Collieries are equipped with Screening Plants and consequently there is no difficulty in obtaining coals of excellent quality and size.

The Desherghur Seam at Pure Desherghur and Sudi Collieries is inferior to that worked at the three Collieries previously mentioned. Both the Pure Desherghur and Sudi Collieries are riddled with igneous intrusions and in underground working and surface loading much trouble is encountered in separating the rock and burnt coal from the good coal. The coal is raised from pits dumped on the loading depot before loading into wagons and not mechanically screened.

The Railway Board considered that the quantities accepted from these two collieries are all that could be taken to ensure the coal being up to Railway requirements.

The Desherghur Seam worked at Monoharbahal Colliery is outside the area where the best Desherghur coal is found. The coal is raised from pits and transported over about a mile of narrow gauge tramway where it is dumped on the Railway Siding Depot and loaded as required. It is not mechanically screened. The Monoharbahal Seam when worked at this Colliery is also loaded at the same siding.

15,000 tons of this coal were bought last year and Railway reports state that supplies were not up to the average quality Mail coal and were of a third class nature.

(6) At Patmohna and Bharatchuck Collieries the section worked is only about 5'—5" in thickness so that in driving the main roads it is necessary to take up about 1'—0" of inferior floor coal. At Patmohna this inferior coal is loaded separately underground, brought to the surface and stacked in an isolated dump. Every care is taken that this inferior floor coal is not mixed with the good coal. The Colliery also gives good supervision in working and loading.

At Bharatchuck no satisfactory arrangements are in existence to keep the inferior floor or roof coal separate from the good coal when working underground or when dumped on the loading depot.

(7) At Poriapur Colliery the loading is well supervised and the management adhere strictly to the recognised section.

At Lows Sultanpur Colliery trouble is experienced in adhering to the recognised working section.

The Railways report, from practical tests, that the coal supplied is of inferior quality and are unable to use it for Mail, Passenger or Goods service.

(8) Gaslitan and Jogta coals are, from Railway observations, reported as superior to Lakurka coal.

The loading supervision at these Collieries is also satisfactory.

During the last contract with Lakurka the Railways reported adversely on the quality of the coal supplied, and the Inspecting Officers reported that the loading was unsatisfactory, but it was decided to give the Colliery another chance, and an order was placed for 18,000 tons during the current year. The Board considered this as being the limit to which satisfactory supplies could possibly be made in accordance with Railway requirements.

At Katras Colliery the coal is mechanically screened and picked and the supervision in loading is satisfactory.

(9) Angruputhra Colliery Company offered 12,000 tons against the 1932-33 requirements all of which was accepted.

(10) 12,000 tons of 12 and 13 Seams was considered by the Railway Board as the maximum quantity which could, with safety, be taken from Motiram's Kirkend Colliery. There is a danger at this Colliery of these coals being mixed with the inferior roof coal of No. 12 Seam and No. 11 Seam when worked.

At the time B. B. Sircar's Kirkend coal was offered Nos. 11 and 12 Seams were partially under water and No. 13 Seam workings were closed.

Difficulties of dewatering and the risk of underground collapse make supplies from this Colliery very unreliable.

(11) Bansdeopur coal is good coal and the loadings are satisfactory.

Mr. S. C. Sen : May I enquire whether the Honourable Member knows who is the proprietor of the paper *Business*, when it was started and where it is published ?

The Honourable Sir C. P. Ramaswami Aiyar : I have not made enquiries on the subject.

Mr. R. S. Sarma : Does the Honourable Member know that that was the first and last issue of the paper and all the news it contained was with reference to the coal matter only ?

The Honourable Sir C. P. Ramaswami Aiyar : I am told that that is not quite an accurate piece of information ; it is no doubt instructive.

Mr. B. Das : Coming as it does from that quarter.

STEPS AGAINST TERRORISM AND EXTREMISM.

135. ***Kunwar Raghbir Singh :** Do Government propose to take any steps against growing terrorism and extremism in the country ? If so, what ?

The Honourable Mr. H. G. Haig : The Government of India and the Local Governments are fully alive to the growing menace of terrorism in some provinces and have already taken measures against it. As the Honourable Member is no doubt aware, special legislation to strengthen the ordinary law has been found necessary to deal with this evil in Bengal, where its manifestations have become a serious menace to the law abiding population and to the lives of the officers of Government. The Government have also decided, with a view to encouraging the large body of well disposed citizens, to station at various centres in Bengal seven additional battalions of troops. Special legislation has also been found necessary, but in a smaller measure, in Burma and the Punjab. It may also be added that the Indian Press (Emergency Powers) Act was passed last year, so as to provide against the publication in newspapers of matter inciting to or encouraging murder or violence.

Mr. B. Das : With reference to the posting of new battalions of Army in Bengal, does the Honourable Member think that the presence of the military could suppress terrorism and terrorist activities ?

The Honourable Mr. H. G. Haig : Not directly ; but we think the general effect in reassuring the population will be good.

Mr. B. Das : Have Government considered the root cause of all these activities ? Is it not a fact that if *Swaraj* comes to India soon, there will be no terrorist activities ?

The Honourable Mr. H. G. Haig : I should be very glad to believe that when the new Government of India Bill is passed, terrorism will cease.

Mr. K. C. Neogy : Is the Honourable Member in a position to assure the House that the new Government of India Bill will give *Swaraj* to this country ?

The Honourable Mr. H. G. Haig : *Swaraj* is one of those terms which it is difficult to define.

Mr. K. C. Neogy : May we have a definition which the Honourable Member himself would apply in this particular case ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the statement made by the Prime Minister at the conclusion of the second Round Table Conference which gives the principles which His Majesty's Government intend to follow.

Mr. K. C. Neogy : In connection with the question of the prevalence of terrorism, have the Government taken into consideration the fact that their own repressive policy is as much the cause as the effect of terrorism ?

The Honourable Mr. H. G. Haig : No, Sir. I have never been able to understand the argument that when action is taken to deal with a movement of violence, it is suggested that that in its turn provokes violence.

Mr. K. C. Neogy : Is the Honourable Member aware that in several instances in which terrorist crimes have been committed in Bengal, the action can be traced to some act of high-handedness and oppression in which the official concerned indulged in ?

The Honourable Mr. H. G. Haig : No, Sir. I am not aware of any particular instance.

Mr. K. C. Neogy : Has the Government ever taken the trouble of making inquiries into these allegations of oppression that have been made from time to time in the Press ?

The Honourable Mr. H. G. Haig : We cannot undertake to enquire into all the allegations that are made in the Press.

Mr. K. C. Neogy : Have the Government made any inquiries at any time into any allegations of this character ?

The Honourable Mr. H. G. Haig : I have not made any inquiries.

Mr. K. C. Neogy : Is the Honourable Member aware of Government making any inquiries into allegations of this character, either in the past or in the present ?

The Honourable Mr. H. G. Haig : No, Sir ; I am not aware of any.

Mr. B. Das : In view of the fact that the Honourable Member agreed with this side of the House that as soon as *Swaraj* will come, there will be no more terrorist movement, will the Honourable Member please see his way to expedite the advent of *Swaraj* in India by passing the Government of India Act ?

The Honourable Mr. H. G. Haig : No one is more anxious than I am to see the new constitution introduced. But I must point out that I did not say that it was my view that with the advent of the new constitution, terrorism would automatically disappear. That was the view expressed by my Honourable friend.

Mr. S. C. Mitra : Is not the Honourable Member aware of the experience which the Imperial Government had at home when they tried similar terrorist measures in Ireland ?

The Honourable Mr. H. G. Haig : I think myself that it is one of the misfortunes of this terrorist movement in Bengal that it bases itself so closely on what it believes to be Irish analogy.

Mr. K. C. Neogy : Has the Honourable Member ever read a statement made by a girl who made a murderous attempt on the life of the then Governor of Bengal in which she gave the reasons as to why she had taken to that course ?

The Honourable Mr. H. G. Haig : I do not think I have read that statement.

Mr. K. C. Neogy : Will the Honourable Member please refer to the proceedings of this House where that statement finds a place ?

The Honourable Mr. H. G. Haig : I shall be very glad to look them up.

Mr. B. Das : Will the Honourable Member accept my assurance that with the advent of *Swaraj* there will be no terrorist movement in any part of India ?

The Honourable Mr. H. G. Haig : I am very glad to hear the Honourable Member's expression of opinion, but I very much doubt whether he is in a position to speak for the Bengal terrorists.

LACK OF WATER SUPPLY AT HATHRAS KILLAH STATION, EAST INDIAN RAILWAY.

136. ***Kunwar Raghbir Singh :** (a) Are Government aware that there is no arrangement for water supply at the Hathras Killah station of the East Indian Railway ?

(b) Have any watermen been reduced in connection with the present retrenchment campaign in State Railways ?

Mr. P. R. Rau : (a) The Agent, East Indian Railway, reports that arrangements exist at Hathras Killah for providing water to passengers.

(b) In the Eastern Bengal and East Indian Railways no waterman has been retrenched. On the North Western Railway during the hot weather in 1930 the number of watermen employed was 2,322, in 1931, 1,809 and in 1932, 1,835.

Information is at present not available as regards the Burma and Great Indian Peninsula Railways.

APPOINTMENT OF HINDUS IN SUPERIOR RAILWAY SERVICES.

137. ***Kunwar Raghbir Singh :** Are Government prepared to consider the advisability of appointing more Hindus in the superior Railway services ?

The Honourable Sir C. P. Ramaswami Aiyar : The policy of Government in respect of Indianisation of the superior services, in regard to the prevention of an undue preponderance of any community in the railway services, has been often explained on the floor of this House and I do not think there is anything for me to add on the subject.

Mr. K. C. Neogy : Is there an undue preponderance of the Hindus in the superior railway services ?

The Honourable Sir C. P. Ramaswami Aiyar : That is not admitted, Sir.

CONSULTATIVE COMMITTEE OF THE ROUND TABLE CONFERENCE.

138. ***Kunwar Raghubir Singh** : Are Government considering the advisability of dissolving the Consultative Committee in view of recent resignations by prominent members thereof ? What is the ratio of Hindu and Muslim representation thereon ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member is referred to the address delivered by His Excellency the Governor General to this House on the 5th September.

For the ratio of Hindu and Muslim representation on the Committee, I would refer the Honourable Member to the press communiqué issued on the 13th January, 1932. A copy will be supplied to the Honourable Member if he so desires.

THIRD CLASS BOOKING OFFICE AT GAYA, EAST INDIAN RAILWAY.

139. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Gaya Prasad Singh) : (a) Has the attention of Government been drawn to a letter published in the *Liberty*, of Calcutta, dated the 12th June, 1932 (page 12), in which there is a complaint that the third class booking office at Gaya station (East Indian Railway) is open only for a few minutes before the arrival of a train, although it is notified that " tickets will be issued to passengers one hour before the departure of any train ", with the result that there is a tremendous rush at the booking window, and many passengers are left behind ?

(b) Are Government aware that Gaya is an important place of Hindu pilgrimage, where passengers come in large numbers ; and that the very name of Gaya is held sacred by the Hindus ?

(c) Do Government propose to inquire into the complaint and take steps that the booking office is actually kept open long enough to allow all the passengers to take the tickets, and that the Station Master must personally see that the orders are carried out ?

Mr. P. B. Rau : (a), (b) and (c). Government have seen the letter referred to. They are aware of the importance of Gaya as a place of Hindu pilgrimage and have brought to the notice of the Agent, East Indian Railway, the Honourable Member's question for such action as he considers necessary.

GOVERNMENT QUARTERS IN SUMMER HILL, SIMLA.

140. ***Mr. S. C. Mitra** (on behalf of Mr. Gaya Prasad Singh) : Will Government kindly state :

- (i) the total number of Government quarters in Summer Hill ;
- (ii) the number of quarters rented out to Government servants (Europeans, Anglo-Indians, and Indians separately) during the last five years ; and
- (iii) the number of quarters given out to members of the Central Legislature during the last five years ; the figures in (ii) and (iii) to be shown separately for each year ?

The Honourable Sir Frank Noyce : (i) It is assumed that the Honourable Member refers to the married clerks' quarters at Summer Hill. There are 84 such quarters available for allotment excluding one set reserved for a school.

(ii) and (iii). I place on the table a statement giving the information asked for.

Statement showing the number of quarters allotted to Government officials and Members of the Central Legislature at Summer Hill, Simla, during the years 1928—32.

Year.	Government officials.		Members of the Central Legislature.	Total columns 2—4.
	Europeans and Anglo-Indians.	Indians.		
1	2	3	4	5
1928	55	..	17	72
1929	45	..	17	62
1930	43	..	18	61
1931	49	..	20	69
1932	58	19	7	84

Note 1.—Indian clerks were not eligible for these quarters prior to 1932.

Note 2.—Separate figures are not available for European and Anglo-Indian clerks.

RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE.

141. ***Mr. S. C. Mitra** (on behalf of Mr. A. Das) : Do Government propose to carry out the recommendations of the Indian Jails Committee (1919-20) ? If so, when ?

The Honourable Mr. H. G. Haig : Many of the recommendations of the Jails Committee, 1919-20, have been carried out, though some have not been found feasible owing to want of funds. I would remind the Honourable Member that jails is a provincial subject and that the carrying out in detail of most of the Committee's recommendations has thus rested with Local Governments.

PARENTS AND GUARDIANS REQUIRED TO PAY FINES IMPOSED ON THEIR CHILDREN UNDER THE ORDINANCES.

142. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to place on the table a list showing in how many instances in each Province in India, since the Ordinances rule has come into operation, parents or guardians have been required to pay fines imposed on their sons and daughters who refused to pay the same ?

(b) In how many cases did the parents or guardians pay the same ?

(c) In how many cases did they refuse to pay and were consequently sent to jail ?

(d) Is there any other country in the whole of the world where Government similarly sent parents and guardians to jail for non-payment of fines imposed on their sons or daughters ? If so, where and under what circumstances ?

(e) Do Government propose to put a stop to such a practice ? If not, what justification have they got for it ?

The Honourable Mr. H. G. Haig : (a) to (c). I am not in possession of full details but my information is that the provisions of section 28 of the Emergency Powers Ordinance, 1932, and section 29 of the Special Powers Ordinance, 1932, have been used with discretion and only to a limited extent.

(d) The several powers conferred by these sections are not without precedent and I would invite attention to the somewhat similar provisions in the Madras, Bombay, Bengal and Central Provinces Children Acts and in the Burma Prevention of Crime (Young Offenders) Act, 1930. There is also a similar provision in section 18 of the Irish Public Safety Act, 1927.

(e) No. These provisions have been found most useful and have had the effect of inducing parents to exercise more control over their children and to prevent them from taking part in the civil disobedience movement, and thereby rendering themselves liable to imprisonment.

Mr. Lalchand Navalrai : Is the Honourable Member not even prepared to give the approximate number and instances of such cases in each province ?

The Honourable Mr. H. G. Haig : It would cause considerable trouble to make these inquiries.

Mr. Lalchand Navalrai : Does the Honourable Member know that this punishment of innocent parents for the faults of their children is alienating the feelings of loyal people as well ?

The Honourable Mr. H. G. Haig : We want to enforce the principle, and I think it is a very sound principle, of parental responsibility.

Mr. Lalchand Navalrai : Do Government want to enforce that principle, even though it alienates the feelings of loyal people ?

The Honourable Mr. H. G. Haig : I think, Sir, it is far more likely to alienate feelings if large numbers of children are put into jail.

Mr. B. Das : Is the Honourable Member aware that in many cases the offenders were not children at all but boys and girls who had attained majority and their parents had to pay their fines ?

The Honourable Mr. H. G. Haig : There is an age limit, Sir.

Mr. B. Das : What is that limit ?

The Honourable Mr. H. G. Haig : Sixteen, I think.

Mr. B. Das : May I enquire if it is not in the knowledge of the Honourable Member that there have been instances where parents have been punished for the offences of grown-up children ?

The Honourable Mr. H. G. Haig : They cannot be punished in contravention of the provisions of the section.

Mr. Lalchand Navalrai : Are Government sure that it is only children below 16 whose parents were punished ?

The Honourable Mr. H. G. Haig : Yes, Sir. The limit is certainly not above 16.

TEN PER CENT. EMERGENCY CUT IN THE SALARIES OF GOVERNMENT EMPLOYEES.

143. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether it is a fact that the Honourable the Finance Member made a statement to the press just before his departure to Ottawa that the Government revenue is fairly coming up and that the condition of India was financially sound ;
- (b) whether the emergency cut of ten per cent. in the salaries of the non-gazetted Government employees was ordered purely as a measure due to financial stringency ;
- (c) whether it is a fact that the financial stringency is not so acute now as it was when the emergency cut was enforced ; and
- (d) whether Government would consider the advisability of cancelling the cut now ?

The Honourable Sir Alan Parsons : (a) Sir George Schuster is reported to have stated to a representative of the *Times of India* that conditions in India were difficult but that he believed that they were 50 per cent. better than in most countries, and that, though prices had dropped severely since the budget estimates were prepared, revenue was nevertheless coming in fairly well. He is also reported to have conveyed the warning that, while he was confident that India would emerge from the world crisis more easily than other countries, the time for relaxation of effort was not yet in sight.

(b) The cut in the salaries of Government employees generally was an emergency measure to meet the financial situation.

(c) and (d). The situation is certainly not such as to warrant the removal of the cut this year or any relaxation in our efforts to economise.

Mr. Lalchand Navalrai : May I take it that the Honourable Member will not bring out a deficit budget next year ?

The Honourable Sir Alan Parsons : I am afraid the Honourable Member must wait for the presentation of next year's budget for any information he may want.

TEN PER CENT. EMERGENCY CUT IN THE SALARIES OF GOVERNMENT EMPLOYEES.

144. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether they had given hopes to consider cancellation of the emergency cut even before the end of the year 1932-33, provided the financial condition improved ;
- (b) whether it is a fact that substantial decrease in expenditure has been obtained as a result of the adoption of the recommendations of the Retrenchment Advisory Committee ; and
- (c) whether Government propose to consider the question of the cancellation of the cut at an early date ?

The Honourable Sir Alan Parsons : (a) Last year Sir George Schuster stated that if economic conditions so required or permitted, the cut would be reconsidered before the 31st March, 1933.

(b) Yes.

(c) I would refer the Honourable Member to the reply I have just given to his previous question.

REDUCTION OF ESTABLISHMENT IN GOVERNMENT OFFICES.

145. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) the main departments under their control wherein a general ten per cent. reduction in the establishment cadre has recently been enforced ; and
- (b) whether the above percentage of reduction was based on the actual decrease of work in the department or was arrived at without any consideration ?

The Honourable Sir Alan Parsons : (a) None.

(b) The reductions which have been made have been determined after a careful consideration of the circumstances of each individual department or office and as a measure of retrenchment.

SCHEME OF PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

146. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether during the debate in the Council of State on the Resolution moved by the Honourable Mr. Khaparde on the subject, it was stated that a scheme of Provident Fund on the lines of that in England is under the consideration of Government ;
- (b) if so, whether they have come to any decision in the matter ;
- (c) if the reply to part (b) be in the affirmative, when the scheme is likely to be published for the opinion of service associations, etc. ; and
- (d) the probable date when Government expect to bring the scheme in force ?

The Honourable Sir Alan Parsons : (a) Yes

(b) No.

(c) The Government of India have recently consulted Provincial Governments on a scheme of this sort and told them that they had no objection to service associations being consulted if the Provincial Governments wished.

(d) I am afraid I cannot at this stage express any opinion whether the scheme will be adopted, or as to the date on which it might come into force.

Mr. S. C. Jog : Was it not on the assurance of Government that effect would be given soon to the proposals that the Honourable Member withdrew his Resolution ?

The Honourable Sir Alan Parsons : I should have to refer to the records of the debate before I can confirm my Honourable friend's statement as to why Mr. Khaparde withdrew his Resolution. But the actual position, I may explain, is this : the scheme as originally proposed was referred to service associations and, as far as I remember, was rejected by 90 out of 95 associations consulted.

Mr. S. G. Jog : Is it not a fact that the scheme is pending for a long time and is overdue now ?

The Honourable Sir Alan Parsons : The scheme has certainly been pending for a long time. Whether it can be described as overdue depends on whether it is considered likely that the scheme will be popular among those persons to whom it will be applied.

Mr. N. M. Joshi : May I ask what steps Government have taken to improve the scheme to make it more popular with the service associations ?

The Honourable Sir Alan Parsons : The only steps which Government can take to improve the scheme are those which would involve very considerable extra expenditure for which at the present moment Government have no funds.

Mr. Lalchand Navalrai : Does the Honourable Member realise that unless the scheme is put into force, it cannot be said whether it is going to be popular or not ?

The Honourable Sir Alan Parsons : The officers of Government are perfectly well able to judge before a scheme comes into force whether they would like the scheme to be brought into force or not.

Mr. Lalchand Navalrai : What is the impediment in the way of bringing it out at once ?

The Honourable Sir Alan Parsons : The first impediment is that we are by no means certain that the scheme will be popular among those persons to whom it will be applied and secondly, that if we made it more popular it will cost more money than the Government of India can at present afford.

MEMORIAL FOR INCREASE IN THE SCALE OF PENSIONS OF THE MENIAL STAFF OF VARIOUS CENTRAL OFFICES IN BOMBAY.

147. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether it is a fact that a memorial was addressed to His Excellency the Viceroy by the menial staff of various Central Offices in Bombay praying for an increase in the scale of pensions ;
- (b) if so, whether the relief prayed for was granted, and, if not, the reasons therefor ;
- (c) whether the Government of India are aware that the Bombay Government have increased the scale of pensions in the case of their menial staff ; and
- (d) if reply to part (c) be in the affirmative, what action Government propose to take in the case of their menial staff ?

The Honourable Sir Alan Parsons : (a) Yes.

(b) No ; the reason is indicated in the reply to part (d).

(c) Yes.

(d) The Government of India have had under consideration the general question of the revision of pensions of their inferior servants, but it has been decided that the matter must be postponed until the financial position improves.

Mr. Lalchand Navalrai : I hope it is not going to be postponed till doomsday ?

The Honourable Sir Alan Parsons : I hope the improvement in our financial position will not be postponed till doomsday.

Mr. Lalchand Navalrai : May I understand approximately when it will come into force ?

The Honourable Sir Alan Parsons : I am afraid I am entirely unable to prophesy.

NEW SCALES OF PAY IN THE OFFICES UNDER GOVERNMENT OF INDIA.

148. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether new scales of pay have been introduced in any of the offices under the Central Government ;
- (b) if the reply to part (a) be in the affirmative, in what offices and from what date have such scales been introduced ;
- (c) whether a new and lower scale has been introduced in the Currency Offices in India for the supervising staff in the Treasurer's Department from 1st March, 1932 ; and
- (d) if the reply to part (c) be in the affirmative, why the Currency Department alone has been selected for the first application of a lower scale ?

The Honourable Sir Alan Parsons : (a) and (b). No, as a general rule, but in certain cases, new appointments of outsiders on a temporary footing are being made at reduced rates which will be subject to reconsideration when the revised scales are finally approved.

(c) The procedure indicated above has been adopted in the case of appointments on the Treasurer's side in Currency Offices which are on the temporary basis.

(d) Does not arise.

SCALES OF SECURITY OF CERTAIN EMPLOYEES IN THE BOMBAY CURRENCY OFFICE.

149. ***Mr. Lalchand Navalrai :** Will Government be pleased to state the scales of security of Shroffs, Clerks of different grades, Assistant Treasurers and Treasurers of the Bombay Currency Office in the years 1912, 1922, 1927 and 1932 ?

The Honourable Sir Alan Parsons : A statement is laid on the table.

The Treasurer in 1912 paid Rs. 50,000 as security. There was no fixed scale then for the other officials. The Treasurer, however, used to deduct in most cases Rs. 5 from the salary of each clerk every month towards security and deposit the amounts in the Post Office Savings Bank. The following were the scales of security prescribed for the years 1922, 1927 and 1932 :—

1922.						Rs.
Treasurer	..	..	..	..	..	50,000
Deputy Treasurer	..	..	..	..	..	10,000
Assistant Treasurers	..	..	..	..	..	5,000
Clerks on Rs. 125	..	..	..	..	..	4,000
Other clerks drawing more than Rs. 80	..	..	..	..	..	3,000
Other clerks drawing Rs. 50 to Rs. 80	..	..	..	..	..	1,500
Head Shroff	..	..	..	..	..	1,000
Other shroffs	..	..	..	..	..	500
1927 and 1932.						
Treasurer	..	..	..	..	..	50,000
Deputy Treasurer	..	..	..	..	..	10,000
Assistant Treasurers	..	..	..	..	..	5,000
Clerks drawing Rs. 130 or more per month	..	..	..	..	..	4,000
Clerks drawing Rs. 111 to Rs. 129	..	..	..	..	..	3,000
Clerks drawing Rs. 81 to Rs. 110	..	..	..	..	..	2,500
Clerks drawing Rs. 40 to Rs. 80	..	..	..	..	..	1,500
Head Shroff	..	..	..	..	..	1,000
Other shroffs	..	..	..	..	..	500
Temporary clerks	..	..	..	..	..	500
Temporary shroffs	..	..	..	..	..	300

The permanent staff of the Treasurer's Department have the option of giving their securities in Government promissory notes or Fidelity bonds.

LOSS IN THE BOMBAY CURRENCY OFFICE BY WAY OF OVERPAYMENT, ETC.

150. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state whether the losses incurred in the Currency Offices by way of over-payments, forging of mis-matched and forged notes, Mint debits, etc., are made good by the staff direct or by the Treasurer in accordance with article 29 of the Currency Code ?

(b) Will Government be pleased to state the total amount of such loss incurred during the last six months (January to June, 1932) in the Bombay Currency Office ?

(c) Will Government be pleased to state :

(i) whether it is a fact that the staff of the Bombay Currency Office have started Debit Funds to make good such losses ;

(ii) if the reply to (i) be in the affirmative, whether the responsibility of the present Treasurer of the Currency Office has been considerably reduced on account of the direct payments made by the staff and of the increase in the rate of security of the subordinate staff ?

The Honourable Sir Alan Parsons : (a) All losses have to be made good by the member or members of the staff responsible for them. The Treasurer is however also responsible for making good any losses incurred in his department when called upon to do so.

(b) Rs. 1,462-2-0 of which Rs. 395 represented mismatched and forged notes and Rs. 1,067-2-0 Mint and other debits on account of coin.

(c) (i) It is understood that the clerks and shroffs have instituted amongst themselves two separate funds from which amounts debited against them on account of losses can be made good. These funds have no official basis and are purely voluntary.

(ii) The general responsibility of the Treasurer under his bond remains intact and it may be said that his responsibility has increased in recent years rather than the reverse owing to increases in the volume of transactions.

Mr. Lalchand Navalrai : Does the Honourable Member know whether the Treasurer is also a party to starting the deficit fund to make good such losses ?

The Honourable Sir Alan Parsons : No. I do not know.

REDUCTION IN THE PAY OF TREASURERS OF CURRENCY OFFICES.

151. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

(a) whether it is a fact that suggestions were made to the General Purposes Retrenchment Sub-Committee that the pay of the Treasurers of the Currency Offices should be reduced in view of the fact that the responsibility of the Treasurers has been considerably reduced on account of the increase in the security of their subordinates ;

(b) if so, what action have Government taken in that direction ?

The Honourable Sir Alan Parsons : (a) Not so far as the Government are aware.

(b) Does not arise.

GARHWALI MILITARY PRISONERS.

152. ***Sardar Sant Singh :** (a) Do Government intend to review the cases of the Garhwali military prisoners who were sentenced to long terms of imprisonment ? If so, when ?

(b) Is it a fact that certain allowances are given by the Military Department for their food and other requirements ? If so, what amount is paid for each prisoner and to what authority ?

(c) Is it a fact that they are given ordinary C class food which cost the Jail authorities an anna and a half a day ? If so, who takes the balance, if any, of the amount paid by the Military Department ?

(d) Is it a fact that an application was made by those prisoners to be transferred from Lahore Central Jail to some Jail where they would be able to associate with men knowing their language ? If so, what has been the result of their application ?

Mr. G. B. F. Tottenham : (a) The cases of four of the prisoners have already been reviewed and orders have been issued for the remission of the unexpired portions of their sentences.

The cases of the others, who were sentenced to longer periods of imprisonment, will be reviewed periodically in accordance with the usual practice.

(b) No, Sir. There is no authority under which any allowance may be paid from Army funds on account of military convicts undergoing imprisonment in civil jails.

(c) The convicts are treated as 'C' class prisoners. The second part of the question does not arise.

(d) Yes. Under the powers provided by the Prisoners Act which is administered by the Home Department, the Government of India have ordered the transfer of three of the prisoners to a jail in the United Provinces, and the question of transferring the remainder is, I believe, under consideration.

Mr. C. S. Ranga Iyer : Will the Government be pleased to consider the advisability of treating these Garhwali prisoners as 'B' class prisoners ?

Mr. G. B. F. Tottenham : That, I think, is a matter for the Local Government.

Mr. C. S. Ranga Iyer : Will the Government be pleased to advise the Local Government in this matter, especially in view of the circumstances under which these people were imprisoned ?

Mr. G. B. F. Tottenham : I do not know on what grounds the Honourable Member suggests that we should advise the Local Government ?

Mr. C. S. Ranga Iyer : On the very ground that some of them have been released and in the case of some their terms have been remitted.

Mr. G. B. F. Tottenham : The grounds on which the sentences have been remitted are entirely different from the grounds on which prisoners are classified into A, B or C.

Mr. C. S. Ranga Iyer : But these military prisoners were sentenced to imprisonment under certain circumstances which though delicate call for a different kind of treatment for them.

Mr. G. B. F. Tottenham : May I know if that is a question or a statement ?

Mr. C. S. Ranga Iyer : I ask, will the Government be pleased to consider the advisability of giving them 'B' class treatment in view of the circumstances under which these people were sentenced being of a character calling for some reconsideration ?

Mr. G. B. F. Tottenham : I will consider the suggestion. I cannot give any undertaking, but I will consider it.

†153.*

†This question was not asked by the Honourable Member.

DISMISSAL OR DISCHARGE OF PERSONS FROM STATE RAILWAYS.

154. *Sardar Sant Singh : Will Government kindly state separately the total number of Indians, Anglo-Indians and Europeans dismissed or discharged from services from the State Railways in India for the period from the 1st January, 1930 up to the middle of August, 1932 ?

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

DISMISSAL OR DISCHARGE OF PERSONS FROM THE GOVERNMENT OF INDIA DEPARTMENTS.

155. *Sardar Sant Singh : Will Government kindly furnish a statement showing separately the total number of Indians, Anglo-Indians and Europeans dismissed or discharged from all departments under the Government of India for the period from the 1st January, 1930 up to the middle of August, 1932 ?

The Honourable Mr. H. G. Haig : Information is being collected and when complete will be laid on the table.

NUMBER OF PERSONS ARRESTED, CONVICTED AND UNDERGOING IMPRISONMENT IN CONNECTION WITH CIVIL DISOBEDIENCE MOVEMENT.

156. *Sardar Sant Singh : Will Government be pleased to state the total number of arrests made in each province since the 1st January, 1932, in connection with the civil disobedience movement, the number convicted and the number at present undergoing sentence ?

The Honourable Mr. H. G. Haig : I lay on the table a statement giving the information in my possession. I regret I have no information as to the number of arrests.

Statement showing (a) number of persons convicted for offences connected with the civil disobedience movement up to the end of July, 1932 and (b) the number of persons undergoing imprisonment at the end of July, 1932.

Province.	Number of persons convicted for offences connected with the civil disobedience movement up to the end of July, 1932.	Number of convicted persons undergoing imprisonment at the end of July, 1932.
Madras	2,597	1,774
Bombay	10,409	6,447
Bengal	10,211	3,693
U. P.	10,766	4,953
Punjab	1,515	895
Burma		
B. & O.	8,911	2,542
C. P.	3,668	1,166
Assam	1,138	722
N. W. F. P.	5,158	1,988
Delhi	887	384
Coorg	204	67
Ajmer-Merwara	244	101
Total	55,708	24,732

REVOLUTIONARY CRIMES IN 1932.

157. *Sardar Sant Singh : (a) Will Government be pleased to state the number of anarchist crimes committed or attempted by the revolutionaries during the year 1932 ?

(b) Will Government be pleased to state the total number of arrests made in each province in the year 1932 of persons connected with the revolutionary crime, the number tried, the number detained without any trial, the number convicted by the trial court and the number acquitted by the appellate court, the number sentenced to death or transportation for life and the number actually executed ?

The Honourable Mr. H. G. Haig : The information is being collected and a statement will be laid on the table in due course.

USE OF FORCE BY THE POLICE AND MILITARY IN DISPERSAL OF UNLAWFUL ASSEMBLIES.

158. *Sardar Sant Singh : Will Government be pleased to state the number of times the police or military authorities had to use force in dispersing unlawful assemblies in each province during the year 1932 ? How many persons were injured in each Province ?

The Honourable Mr. H. G. Haig : I lay a statement on the table giving information showing the occasions on which unlawful assemblies were dispersed by firing, and the casualties involved.

Statement showing the number of occasions during 1932 up to 31st July on which firing was resorted to to disperse unlawful assemblies and casualties among public from firing.

Province.	Casualties among the public.		
	Killed.	Wounded.	
MADRAS.			
Berhampur (Ganjam District). 15-1-32 ..	1	2	
BENGAL.			
Kendua Beel, P. S. Fakirhat, District Khulna. 19-1-32.			
Latakhola, P. S. Dohar, District Dacca. 23-1-32.			
Hashnabad, P. S. Laksham, District Tippera. 13-2-32.	2	33	(one subsequently died.)
Daulatkhan, P. S. Daulatkhan, District Bakarganj. 12-3-32.		2	
Moradanga Beel, P. S. Rajbari, District Faridpur. 16-3-32.	2	1	
Takhalibazar, P. S. Nandigram, District Midnapore. 25-3-32.		1	
Chargobra, P. S. Mollahat, District Khulna. 29-3-32.	1		

Province.	Casualties among the public.		
	Killed.	Wounded.	
Dewanganj, P. S. Goghat, District Hoogly. 11-4-32.	3	5	(including one who subsequently died.)
Chandipur, P. S. Bhairamara, District Nadia. 14-4-32.	..	15	
Bara Kalicharanpur, P. S. Nandigram, District Midnapore. 6-5-32.	..	1	(subsequently died.)
Shanpur, P. S. Bantra, District Howrah. 9-5-32.	1	2	
Upper Circular Road, Calcutta. 17-5-32 ..	..	2	
Tehatta, P. S. Tehatta, District Nadia. 19-6-32.	1	3	
Aksa, P. S. Gangarampur, District Dinajpur. 1-7-32.	..	2	
Masuria, P. S. Bhagwanpur, District Midnapore. 4-7-32.	3	8	
Haibhar Uttar, P. S. Denton, District Midnapore. 12-7-32.	..	1	
Omarbad-Shasania, P. S. Homna, District Tippera. 30-7-32.	..	1	
UNITED PROVINCES.			
Benares City. 5-1-32	3	38	
Ramkola, District Gorakhpur. 13-1-32 ..	..	..
Jagannathpur, District Budaun. 16-1-32..	1	2	
Simaria, District Hardoi. 26-1-32 ..	3	31	
Meja, District Allahabad. 26-1-32 ..	..	4	
Allahabad. 8-4-32	2	33	
Umramau, District Rae Bareli. 5-7-32 ..	..	2	
BIHAR AND ORISSA.			
Motihari, District Champaran. 26-1-32 ..	2	8	
Tarapur, District Monghyr. 15-2-32 ..	13	24	
Sheohar, District Muzaffarpur. 28-2-32 ..	5	8	
<i>Bombay</i>	34	91	
<i>North-West Frontier Province</i> ..	2	..	

NOTE.—The above statement excludes Burma for which province information has not yet been received.

QUANTITY OF PETROL PRODUCED IN INDIA.

159. ***Sardar Sant Singh** : Will Government be pleased to state the quantity of petrol produced in India in the year 1930-1931 ? What is the known production for the whole world for that period ? What is the price per gallon in India and what is the price per gallon in England, France and the United States of America ? Is it a fact that companies dealing in petrol have entered into a combination to raise the price in India ? Do Government propose to take any steps to break this combination ? If so, what ?

The Honourable Sir C. P. Ramaswami Aiyar : The quantity of petrol produced in India during the year 1930-31 was 73,311,981 gallons.

Information regarding the world's production of petrol is not available. According to the Statistical Year Book of the League of Nations, 1931-32, however, the world's production of petroleum in 1930 was 195 million metric tons.

The prices of petrol in India, England and the United States of America were as follows on the dates indicated :

Calcutta, Bombay and Madras Rs. 1-5-6 per Imperial Gallon in bulk *ex-pump*. (From 13th August, 1932).

London .. 1s. 1½*d.* to 1s. 3½*d.* per gallon (month ending June 25, 1932).

New York .. 13.5 cents per American gallon and 16.5 cents per Imperial gallon. (9th July, 1932).

Information regarding the price of petrol in France is not available.

The Government of India have no information of any combination between companies dealing in petrol to raise the price in India and the question of their taking steps to break the combination does not arise.

Dr. Ziauddin Ahmad : Is it not a fact that the B. O. C. petrol is sold at a cheaper rate in London than at Calcutta ?

The Honourable Sir C. P. Ramaswami Aiyar : I want notice.

Dr. Ziauddin Ahmad : Is it not contained in the Honourable Member's reply ?

The Honourable Sir C. P. Ramaswami Aiyar : No ; we have collected materials in answer to the particular questions. Whether on a particular day or on a particular occasion petrol was sold cheaper there than here is a matter which, except to the extent appearing from the figures now supplied, must be investigated.

Mr. S. G. Jog : Will the Honourable Member state as to what is the reason for such a difference between Indian prices and prices in England ?

The Honourable Sir C. P. Ramaswami Aiyar : There are many reasons but to be accurate I want notice of that question.

Dr. Ziauddin Ahmad : Is it not a fact that the Honourable gentleman said that the price in India is Rs. 1-5-6 per gallon while the price in England is 1s. 1½d. per gallon and does it not follow that the price in England is much cheaper than it is in India ?

The Honourable Sir C. P. Ramaswami Aiyar : It is arithmetically perfectly accurate.

Sardar Sant Singh : Is it not a fact that petrol produced at Rawalpindi by the Attock Oil Company is sold in Rawalpindi dearer than it is in London ?

The Honourable Sir C. P. Ramaswami Aiyar : I am obliged to the Honourable Member for the information.

Dr. Ziauddin Ahmad : Is petrol produced in England ?

The Honourable Sir C. P. Ramaswami Aiyar : So far as I am aware it is not produced there.

Dr. Ziauddin Ahmad : Then the petrol has to be imported from Burma ?

The Honourable Sir C. P. Ramaswami Aiyar : There are other sources : America is a somewhat considerable source.

Dr. Ziauddin Ahmad : Do we not get petrol in India from the same source ?

The Honourable Sir C. P. Ramaswami Aiyar : That is so.

Dr. Ziauddin Ahmad : Then how is it that since we get petrol from the same source as England, it is more expensive here ?

The Honourable Sir C. P. Ramaswami Aiyar : That depends upon various considerations including freight, shipping and conditions with regard to the import and export of petrol.

Dr. Ziauddin Ahmad : The conditions regarding shipping and freight are in favour of India since we get it from Rangoon ?

The Honourable Sir C. P. Ramaswami Aiyar : From Burma, yes.

Sardar Sant Singh : Will Government kindly undertake to see whether there is a combination of these oil companies which are mulcting the people in India ?

The Honourable Sir C. P. Ramaswami Aiyar : So far as our information goes there is no such combination but as the Honourable Member has asserted that there is one, the matter will be investigated.

STATEMENTS LAID ON THE TABLE.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

- (i) the information promised in reply to starred question No. 911 asked by Mr. Lalchand Navalrai on the 23rd March, 1932 ;
- 12 noon.
- (ii) the information promised in reply to parts (b) and (h) of starred question No. 889 asked by Bhai Parma Nand on the 23rd March, 1932 ;
- (iii) the information promised in reply to unstarred question No. 247 asked by Jala Rameshwar Prasad Bagla on the 23rd March, 1932 ; and

- (iv) the information promised in reply to unstarred question No. 248 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932.

PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

911. (a) (i) The number of Guards in Grades IV, III and II on the North Western Railway in the year 1926-27 were:—

Grade IV.	Grade III.	Grade II.	Total
250	588	612	1,250

(ii) The numbers at present are:—

Grade IV.	Grade III.	Grade II.	Total
173	335	645	1,153

(b) This depends on the state of traffic and the extent of the total reduction which may become necessary cannot be forecasted.

(c) The decrease is due partly to the fall in traffic and partly to the fact that the duties of Luggage Guards are now generally carried out by Guards in Grade II; previously Guards in Grades III and IV were also employed on this work.

(d) The strength of the cadre of Guards and drivers more than the strength of any other category of staff fluctuates directly with the fluctuation of traffic offering. The percentages of decreases in the strength of the cadre of Guards in Grades III and IV on the Lahore Division as compared with that of drivers of the same grades on that Division are shown below:—

	Grade IV.	Grade III.
Guards	48 per cent.	25 per cent.
Drivers	48 per cent.	30 per cent.

(e) The numbers of European and Anglo-Indian Guards in Grades III and IV as compared with Indian Guards in these Grades are as shown below:—

	European and Anglo-Indian.	Indian.
Grade IV	130	43
Grade III	72	263

(f) Out of a total number of 780 Guards in Grade II, 17 men have been blocked on the maximum of the scale for periods varying from 6 to 8 years.

(g) The strength of Guards in the various grades is primarily fixed according to requirements of work. Government do not propose to require a revision of the cadre as they do not think a case for doing so exists.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS.

889. (b) A form of crew system was tried on the Lahore Division from the end of 1922 to February 1924. Travelling Ticket Examiners on this experiment were given average mileage allowance and Ticket Collectors daily allowance.

(h) No. Out of a total number of 135 of the staff previously employed as Travelling Ticket Examiners only 16 were recruited from the Guards' list.

HIGHER GRADES IN ESTABLISHMENT BRANCHES OF HEADQUARTERS AND DIVISIONAL SUPERINTENDENTS' OFFICES ON THE NORTH-WESTERN RAILWAY:

247. (a) Yes.

(b) Posts are allotted by grades according to the needs of the work in each branch and, in the view of the administration, the work in the Establishment Branch calls for a higher proportion of posts in higher grades than the work in other Branches. Government are not prepared to interfere with the discretion of the Administration in a matter of this nature.

(c) Does not arise.

PROMOTION OF CLERKS AT THE HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

248. Yes. This is due to the fact that in the past promotions to higher grades were ordinarily made on the basis of seniority by Branches. Cases of clerks blocked as a result of this procedure are being examined and the names of those considered suitable will be registered for transfer to appointments in higher grades in other Branches (including Establishment) on occurrence of vacancies.

The Honourable Sir Frank Noyce (Member of Industries and Labour) : Sir, I lay on the table the information promised in reply to starred question No. 714 asked by Sardar Sant Singh on the 9th March, 1932 ; also the information promised in reply to parts (a) (i) and (ii) of starred question No. 402 asked by Khan Bahadur Haji Wajihuddin on the 17th February, 1932 ; and also the information promised in reply to starred question No. 799, asked by Khan Bahadur H. M. Wilayatullah on the 14th March, 1932.

PAUCITY OF SIKHS EMPLOYED IN THE GOVERNMENT OF INDIA PRESS, SIMLA AND NEW DELHI.

714.

	Hindus.	Muslims.	Sikhs.	Others.	Totals.
Government of India Press, Simla—					
Officiating vacancies ..	229	278	9	17	533
Temporary vacancies ..	27	19	3	2	51
Permanent vacancies ..	27	20	2	8	57
Government of India Press, New Delhi—					
Officiating vacancies ..	169	138	2	32	341
Temporary vacancies ..	2	2	1	1	6
Permanent vacancies ..	2		1	..	3

NUMBER OF MUSLIM AND HINDU POSTMEN IN CERTAIN SUB-DIVISIONS.
402.

	(a) (i)		(a) (ii).			
	Postman.	Inferior servants.	Postman.		Inferior servants.	
			Muslims.	Hindus.	Muslims.	Hindus.
In Dehra Dun Sub-Division	51	63	2	49	1	62
In Saharanpur	61	23	22	39	12	11

INJUSTICE TO MUSLIMS IN THE POSTAL DEPARTMENT.

799. (a) If, as is presumed, the Honourable Member refers to an article dated the 29th February, 1932 and not the 29th February, 1931, as stated in the Honourable Member's question, the reply is in the affirmative.

(b) No. There was no permanent vacancy, but 16 (not 11, as stated by the Honourable Member) purely temporary vacancies. No applications were invited from candidates for filling up these temporary vacancies.

(c) No. Of the 16 temporary appointments, 6 were given to members of minority communities, 4 of whom were Muslims. Of these 4 Muslims, two were graduates, 1 a Matriculate and the other a non-matriculate.

(d) The Honourable Member is referred to the reply given to part (c).

(e) Yes, two of ten majority community candidates were non-matriculいたes.

(f) Yes.

(g) The two non-matriculate candidates referred to in the reply to part (e) above were wrongly given preference to candidates with better educational qualifications on the ground that they were related to postal officials. Such preference is not permitted by departmental rules and the mistake is being pointed out to the Head of the Circle concerned.

The Honourable Sir C. P. Ramaswami Aiyar (Member for Commerce and Railways) : Sir, I lay on the table the information promised in reply to starred question No. 537 asked by Lala Hari Raj Swarup on the 29th February, 1932.

537.

SUPERIOR STAFF OF THE
BOMBAY

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
Mr. W. R. S. Sharpe, M.Inst. T.	Chairman ..	3,000—100—3,500	3,100	18 0
<i>Secretary's Department.</i>				
Mr. N. M. Morris ..	Secretary ..	1,400—75—1,700	1,700	20 0
<i>Chief Accountants' Department.</i>				
Mr. W. E. McDonnell ..	Sr. Asst. Acott. ..	700—40—900	860	21 0
 <i>Chief Engineer's Department.</i>				
Mr. G. E. Bennett ..	Chief Engineer ..	2,750—125—3,000	3,000	6 0
.. A. Hale-White ..	Dy. Chief Engineer	1,800—100—2,300	2,000	12 0
.. F. P. G. Carron ..	Executive Engineer	1,000—75—1,600	1,600	11 0
.. G. E. Terry ..	Do. ..	1,000—75—1,600	1,450	12 0
.. J. A. Rolfe ..	Do. ..	1,000—75—1,600	1,225	8 0
.. E. L. Evera ..	Sr. Asst. Engineer	600—50—1,300	1,100	9 0
.. L. B. Andrew* ..	Chief Draftsman ..	850—30—1,000	880	2 0

*On agreement for five years.

VARIOUS PORT TRUSTS.
PORT TRUST.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Direction.</i>		Rs.	Rs.	Yrs. Mths.
<i>Secretary's Department.</i>				
Mr. A. S. Bakre ..	Deputy Secretary ..	700—50—900	900	8 0
<i>Chief Accountants' Department.</i>				
Mr. C. P. Gay ..	Chief Accountant ..	1,800—100—2,300	2,300	31 0
„ J. F. Pereira ..	Deputy Accountant	1,000—75—1,450	1,450	24 0
„ H. W. Scott (a) ..	Asst. Acctt. (Rev.)	650—40—850	830	18 0
„ R. O. Collyer ..	Asst. Acctt. (General).	600—40—800	800	17 0
„ A. N. Moos (a) ..	Asst. Acctt. (Loan)	550—25—700	550	16 0
„ M. J. Murzello (a)	Jr. Asstt. Acctt. (Outside Audit).	375—25—500	345	32 0
„ R. B. C. Cour-Palais (a)	Jr. Asstt. Acctt. (Railway).	375—25—500	400	9 0
„ V. D. Jog ..	Cashier	375—25—500	500	14 0
<i>Chief Engineer's Department.</i>				
Mr. P. E. Vazifdar ..	Sr. Assistant Engineer.	600—50—1,300	1,100	18 0
„ H. N. Baria ..	Do. ..	Do. ..	900	22 0
„ F. M. Surveyor (b)	Do. ..	600—50—900	800	3 0
„ J. N. Dubash ..	Jr. Assistant Engineer.	600—40—800	800	19 0
„ S. H. Mehta ..	Do. ..	Do. ..	720	16 0
„ S. C. Goiporia ..	Do. ..	Do. ..	760	17 0
„ D. V. Kohli (c) ..	Asstt. Mechl. Supdt.	700—40—780 with free quarters.	700	0 2

(a) Officiating.

(b) On five years' agreement.

(c) On three years' agreement.

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Chief Engineer's Department—contd.</i>				
Mr. Ralf McMurray ..	Mechl. Supdt. ..	1,450—75—1,750 + Special Pay Rs. 200 with free quarters.	1,750 + 200	18 0
„ R. B. McGregor ..	Sr. Asst. Mechl. Superintendent.	1,000—50—1,250 with free quarters.	1,250	11 0
„ B. C. Sharpe ..	Asst. Mechl. Supdt.	750—50—1,000 with free quarters.	1,000	9 0
„ S. J. Watt ..	Do. ..	Do. ..	1,000	9 0
„ W. O. A. Young ..	Do. ..	Do. ..	1,000	7 0
„ J. P. Shaw ..	Sr. Foreman Driver	750—30—900 with free quar- ters.	900	10 0
„ J. F. Mackenzie ..	Jr. do. ..	700—30—850 with free quar- ters.	850	9 0
„ P. Cassini ..	Quarry Supdt. ..	650—30—800 with free quar- ters.	800	24 0
„ A. C. Strolley ..	Chief Foreman ..	700—40—900 with free quar- ters.	900	23 0
„ B. Shaw ..	Foreman Machine .. shop.	550—25—650 with free quar- ters.	650	11 0
„ J. McCracken ..	Foreman Outside ..	550—25—650 with free quar- ters.	650	11 0
„ G. B. Laws ..	Foreman Boiler- maker Shop.	500—25—650 with free quar- ters.	600	5 0
„ J. C. R. Walsh ..	Foreman Shipwright and Carpenter Shop.	Do. ..	575	3 0

TRUST—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Chief Engineer's Department—contd.</i>				
Mr. Zafar Ahmed (a)	Jr. Asstt. Mechl. Supdt.	400—20—500	300	1 0
„ B. P. Secretary ..	Sub-Engineer ..	300—25—550	550	22 0
„ S. C. Pastakia ..	Do. ..	Do. ..	550	12 0
„ M.S. Autia ..	Do. ..	Do. ..	525	12 0
„ P. E. Golwalla ..	Do. ..	Do. ..	425	12 0
„ N. H. Seerwai ..	Do. ..	Do. ..	400	11 0
„ R. V. Pandurang	Do. ..	Do. ..	325	9 0
„ N. P. Sanjana ..	Do. ..	Do. ..	425	11 0
„ F. K. Chhappar	Do. ..	Do. ..	400	11 0
„ Moses Solomon	Do. ..	Do. ..	475	31 0
„ Shamsing Pall ..	Do. ..	Do. ..	550	11 0
„ V. H. Saraph ..	Do. ..	Do. ..	325	6 0
„ S. P. Sinor ..	Do. ..	Do. ..	550	11 0
„ R. N. Hilluwalla	Do. ..	Do. ..	425	11 0
„ C. S. Gomes (b) ..	Do. ..	Do. ..	270 10 S. P.	22 0
„ T. B. Hawkins ..	Personal Asst. to the Chief Engineer.	600—40—800	800	17 0
„ N. S. Deshmukh	Electrical Foreman	500—30—650	560	2 0
„ J. Andeen ..	Engr. Hydr. Estt., Princes' Dk.	500—30—650 with free quarters.	650	18 0
„ H. E. Peppin ..	Engr. Hydr. Estt., Victoria Dk.	Do. ..	560	12 0
„ S. Benjamin ..	Asstt. Engr. Hydr. Est.	400—20—500 with free quarters	460	3 0

(a) On agreement.

(b) Officiating.

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths
<i>Chief Engineer's Department—contd.</i>				
Mr. A. S. Benfold ..	Electrical Foreman	500—30—650	650	8 0
„ E. G. Prior ..	Sr. Shipwright and Carpenter Foreman.	700—40—900 with free quarters.	900	11 0
„ J. F. Latts ..	Jr. do. ..	600—25—650 with free quarters.	650	9 0
„ F. A. Walton ..	Loco. Foreman ..	400—25—500 with free quarters.	500	14 0
„ R. M. Stroger ..	Dredging Master ..	650—30—800 with free quarters.	800	21 0
„ J. Walker ..	Chief Engineer and Railway Dredging Master.	Do.	800	9 0
„ R. Mc Cracken ..	2nd Engineer ..	500—30—650	650	10 0
„ P. M. Lyons ..	Chief Engineer and Dredging Master.	650—30—800 with free quarters.	710	12 0
„ D. H. MacLachlan	Engineer and Dredging Master.	500—30—650	650	10 0
„ L. J. Bolcourt ..	Engineer, Hydraulic Establishment, Alexandra Dock.	700—40—900 with free quarters.	740	8 0
<i>Controller of Stores Department.</i>				
Mr. H. E. Lees ..	Controller of Stores	1,300—75—1,600	1,600	17 0
„ W. J. Wilson ..	1st Asst. do.	600—40—800	800	17 0
<i>Land and Bunders Department.</i>				
Mr. F. H. Taylor ..	Manager	1,800—100—2,800	1,900	12 0

TRUST—(continued.)

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Chief Engineer's Department—contd.</i>				
Mr. G. R. Mullen ..	Pumping Foreman, Hughes Dry Dk.	500—30—650 with free quarters.	650	11 0
„ J. X. D'Souza ..	2nd Engr. Dredging	500—30—650	560	9 0
„ N. S. W. Dyson	Engineer ..	400—20—500	500	6 0
„ A. Monteiro ..	Do. ..	Do. ..	500	6 0
„ E. S. Clarke ..	Do. ..	Do. ..	500	8 0
„ E. Chamarette ..	Do. ..	Do. ..	420	2 0
„ R. D. MacDonald	Do. ..	500—30—650	650	22 0
„ P. R. Sahashra- budhe.	Surveyor Prel. inves- tigation.	300—25—550	425	6 0
<i>Controller of Stores Department.</i>				
Mr. B. F. Davidson ..	2nd Asst. Controller	400—40—600	560	16 0
<i>Land and Bunders Department.</i>				
Mr. B. C. Durant ..	Dy. Manager ..	1,000—75—1,450	1,225	17 0
„ R. G. Deshmukh	Personal Asst. ..	350—30—500	470	4 0
„ F. E. Dubash ..	Land Valuer ..	400—40—800	800	11 0
„ H. G. Doshi ..	Surveyor ..	300—25—550	560	11 0

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Land and Bunders Department—contd.</i>				
Mr. W. H. Cunninghams ..	Asst. Manager, 2nd Grade.	375—25—500	500	9 0
<i>Railway Department.</i>				
Mr. D. G. M. Mearns ..	Manager	1,800—100—2,300	2,300	17 0
„ A. F. Walts ..	Dy. Manager ..	1,150—75—1,750	1,750	13 0
„ H. A. Gaydon ..	Do. ..	1,000—75—1,600	1,225	12 0
„ S. G. N. Shaw ..	Asstt. Manager ..	550—50—1,200	1,200	13 0
<i>Docks Department.</i>				
Mr. C. N. Rich ..	Manager	1,800—100—2,300	2,300	20 0
„ F. A. Borisson ..	Deputy Manager ..	1,000—75—1,450 + 100 Car Allowance.	1,450 + 100 C.A.	18 0
„ F. S. Williams ..	Do. ..	Do. + 100 Car Allowance.	1,375 + 100 C. A.	10 0
<i>Port Department.</i>				
Mr. A. G. Kinoh ..	Dy. Conservator ..	1,800—100—2,300	2,000	2 0
„ R. Walker ..	Harbour Master ..	1,400—50—1,500 + Free quarters.	1,500	25 0

TRUST—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Land and Bunders Department—contd.</i>				
Mr. S. J. Plunkett ..	Asstt. Manager, 1st Grade.	550—40—750 100 Motor Car Allowance.	750+100 for the upkeep of a motor car.	35 0
.. C. P. Watson ..	Asstt. Manager, 2nd Grade.	375—25—500	500	22 0
<i>Railway Department.</i>				
Mr. P. M. Boyce ..	Asstt. Manager ..	550—50—1,000	750	3 0
.. M. E. A. Kizilbash	Do. ..	Do. ..	600	1 0
.. W. H. Brady ..	Asstt. Traffic Supdt.	500—50—700	650	10 0
<i>Docks Department.</i>				
Mr. P. A. Davies ..	Dy. Manager (Office)	750—50—1,000 + 100 Spl. pay + 100 Per. pay.	1,000 + 100 Spl. pay + 100 Per. pay.	18 0
.. W. G. H. Templeton.	Dy. Manager ..	1,000—75—1,450 + 100 Car Allowance.	1,450 + 100 Car Allowance.	23 0
.. H. C. Jolley ..	Asstt. Manager, 1st Gr.	500—40—740	740	33 0
.. L. E. Walsh ..	Do. ..	Do. ..	740	25 0
.. F. J. Warder ..	Do. ..	Do. ..	740	29 0
.. E. J. Kail ..	Do. ..	Do. ..	620	21 0
.. A. Mattos ..	Do. ..	Do. ..	740	23 0
<i>Port Department.</i>				
Mr. R. H. Friedlander	Pilot	750—30—1,230	810	3 0
.. P. Soman ..	Engineer, S. T. "Rose."	400—20—500	500	9 0

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Port Department—contd.</i>				
Mr. C. H. Crole Rees..	Sr. Dock Master ..	1,400—50—1,500 + Free quarters.	1,450	26 0
„ A. J. Milnes ..	Do. ..	1,250—50—1,350 + Free quarters.	1,350	26 0
„ F. W. Lloyd ..	Do. ..	Do. ..	1,350	24 0
„ E. G. Worthington	Do. ..	Do. ..	1,350	22 0
„ J. W. Hart ..	Master Pilot ..	750—30—1,230	1,230	21 0
„ N. E. Davidson ..	Do. ..	Do. ..	1,230	20 0
„ G. Robson ..	Pilot ..	Do. ..	1,170	14 0
„ C. T. Willson ..	Do. ..	Do. ..	1,080	12 0
„ J. L. Williams ..	Do. ..	Do. ..	1,020	12 0
„ G. England ..	Do. ..	Do. ..	1,020	9 0
„ C. B. M. Thomas	Do. ..	Do. ..	990	9 0
„ J. S. Nicholson ..	Do. ..	Do. ..	960	8 0
„ R. C. Vint ..	Do. ..	Do. ..	900	5 0
„ A. M. Thomson ..	Do. ..	Do. ..	840	4 0
„ H. W. L. T. Davies	Do. ..	Do. ..	810	3 0
„ H. H. Church ..	Do. ..	Do. ..	810	3 0
„ W. E. Brown ..	Do. ..	Do. ..	810	3 0
„ W. L. Friend ..	Do. ..	Do. ..	810	3 0
„ W. Sutherland ..	Do. ..	Do. ..	750	1 0
„ H. Lloyd Jones ..	Do. ..	Do. ..	750	1 0
„ C. Haile. . .	Sr. Asstt. Dock Mas- ter.	600—25—700 + Free quarters.	700	18 0
„ W. P. Bigg (a) ..	Port Dept. Inspector	600—25—700 + Free quarters + 50 conveyance allowance.	625 + 50 C. A.	14 0

(a) Officiating.

TRUST—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Port Department—contd.</i>				

BOMBAY PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Port Department—contd.</i>				
Mr. W. J. Barter ..	Asstt. Dock Master	500—25—550 + Free quarters.	550	13 0
„ H. F. Eddows (a) ..	Do. ..	Do. ..	525	13 0
„ J. K. Folley ..	European Light Keeper.	350—15—500	500	24 0
„ W. D. Claxton ..	Do. ..	Do. ..	500	22 0
„ H. J. Powell ..	Do. ..	Do. ..	500	12 0

(a) Officiating.

TRUST (concluded):

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.

THE COMMISSIONERS FOR

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
Mr. T. H. Elderton ..	Chairman ..	4,000 Fixed Pay	4,000*	23 0
„ W. A. Burns ..	Deputy Chairman and Traffic Manager.	3,000 Fixed Pay	3,000	23 0
<i>Secretary's Department.</i>				
Mr. C. W. T. Hook ..	Secretary ..	1,800—100—2,000	2,000	13 0
„ M. D. N. Wyatt (a)	Deputy Secretary ..	1,000—50—1,600	1,050	6 0
„ F. D. C. Sumner (j)	Deputy Secretary (Offg.)	Do. ..	1,300	
<i>Accounts Department.</i>				
Mr. N. G. Park (b) ..	Chief Accountant ..	2,000—100—2,500	2,500 + 250 P. P.	20 0
„ J. Dand (k) ..	Dy. Chief Accountant.	1,500—60—1,800	2,000 (Offg. Pay) 1,800 (Subs. Pay)	17 0
„ J. G. Mair (l) ..	Assistant Accountant	1,000—50—1,250	1,150 (Subs. Pay).	4 0
„ J. Payne (b) ..	Asstt. Accountant	750—50—1,000	1,000	25 0

*With free house and free motor car.

(a) On leave from 24th February 1932 to 24th September 1932.

(b) On leave preparatory to retirement.

(j) See Dy. Dock Superintendent (Coal).

(k) Offg. Chief Accountant.

(l) Offg. Dy. Chief Accountant on Rs. 1,500.

THE PORT OF CALCUTTA.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
<i>Secretary's Department.</i>				
Mr. N. Ganguli (b) ..	Asstt. Secretary ..	600—50—1,000	1,000	40 0
„ S. L. Dass ..	Probationary Asstt. Secy.		300	3½ 0
<i>Accounts Department.</i>				
Mr. K. B. Roy ..	Asstt. Accountant	1,000—50—1,250	1,150	4 0
„ J. N. Ghosh ..	Do. ..	650—50—1,000	1,000 150 P. P.	} 32 0
„ A. J. Rose ..	Do. ..	650—50—1,000	800	
„ C. Dissent (b) ..	Do. ..	Do.	1,000	23 0
„ A. de Sanges (b)	Do. ..	650—50—1,000	1,000 150 S. P.	} 35 0

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Civil Engineering Department.</i>				
Mr. J. R. Rowley (c) ..	Chief Engineer ..	2,400—100—2,800	2,800	24 0
„ W. C. Ash (d) ..	Dy. Chief Engineer		2,100	22 0
„ A. M. Ward ..	Do. ..	2,100	2,100	12 0
„ W. T. Wheeler (e)	Executive Engineer	1,100—50—1,500	1,500	11 0
„ M. H. King ..	Do. ..	Do. ..	1,500	12 0
„ R. F. Meff ..	Do. ..	Do. ..	1,500	12 0
„ J. D. Pearson (b)	Do. ..	Do. ..	1,500	9 0
„ F. Fielding (f) ..	Asstt. Executive Engineer.	700—50—1,050	1,050	12 0
„ A. Webster ..	Executive Engineer	1,100—50—1,500	1,500	8 0
„ E. F. Johnson ..	Do. ..	Do. ..	1,500	9 0
„ N. R. Strafford (g)	Asstt. Executive Engineer.	700—50—1,050	1,050	12 0
„ M. Maggs (h) ..	Do. ..	Do. ..	1,050	9 0
„ E. Walton ..	Chief Draftsman ..	1,100—50—1,250	1,250	6 0
<i>Traffic Department.</i>				
Mr. W. A. Burns ..	Traffic Manager ..	See Deputy Chairman.		
„ H. H. Hudson (i)	Dy. Traffic Manager	1,600—10—1,800	1,800 200 S. P.	} 12 0
„ I. B. Wilson (b) ..	General Yard Supdt.	1,000—50—1,350	1,350	
„ C. J. Colman ..	Jetty. Supdt. ..	1,250—50—1,500	1,400	12 0

(b) On leave preparatory to retirement.

(c) On leave from 29th March 1932 to 17th November 1932.

(d) On leave to Vizagapatam.

(e) Offg. as Dy. Chief Engineer from 4th December 1931 to 5th March 1932 on Rs. 2,100.

(f) On leave, officiated as Executive Engineer on Rs. 1,300.

(g) Offg. as Executive Engineer from 4th December 1931 to 5th March 1932 on Rs. 1,200.

(h) On leave.

(i) On leave from 27th October 1931 to 28th February 1932.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Civil Engineering Department.</i>				
Mr. C. O. Le Feuvre	Asstt. Executive Engineer.	700—50—1,050	1,050	17 0
 <i>Traffic Department.</i>				
Mr. H. G. Jackson (b)	(n) Supdt., Claims and Establishment.	1,500 fixed 1,000—1,500.	1,900 200 S. P.	} 27 0
„ L. R. Yaokohee (o)	Personal Assistant to Traffic Manager.	650—50—1,000	1,000	

(n) Offg. Dy. Traffic Manager.

(o) Offg. Supdt., Claims and Establishment on Rs. 1,300.

THE COMMISSIONERS

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Traffic Department— contd.</i>				
Mr. H. Cohen (m) ..	Asstt. Tr. Manager	600—50—1,000	1,100 (Offg. Pay, 900) (Sub- stantive pay).	6 0
.. C. H. W. Clifford (b)	Supdt., Wharves and Ferries.	600—50—1,000	1,000	23 0
.. E. P. Walshe ..	Supdt., Tea Ware- house (Offg.).	600—50—1,000	1,000	18 0
.. H Haynes (b) ..	Asstt. Yard Supdt.	Do. ..	1,000	13 0
.. W. Stansbury (c) ..	Do. ..	Do. ..	700	3 0
.. D. C. Barkley (b)	Supdt., Kantapukur	Do. ..	1,000	25 0
.. W. Steer ..	Dock Supdt. ..	1,500 fixed	1,500	13 0
.. F. Blong ..	Dy. Dock Supdt. (Shipping).	1,000—50—1,350	1,250	34 0
.. F. D. C. Sumner, Offg. Dy. Secy. (d).	Dy. Dock Supdt. (Coal).	1,000—50—1,350	1,300 (Offg. pay) 1,250 (Subs. pay).	12 0
<i>Deputy Conservator's Department.</i>				
Mr. C. V. L. Norcock (e)	Dy. Conservator ..	2,100 fixed	2,100	13 0
.. F. J. B. Gibson (f)	1st Asstt. Conserva- tor.	1,500 fixed	2,100 (Offg. pay).	7 0
.. E. L. Pawsey ..	2nd Asstt. Conserva- tor.	1,000—50—1,250	1,000	0 1
.. W. O. Cullion (b)	Harbour Master ..	2,000 fixed	2,000	28 0

(b) On leave preparatory to retirement.

(c) Offg. General Yard Supdt. on Rs. 1,000.

(d) See H. Cohen.

(e) On leave.

(f) Offg. Dy. Conservator.

(m) Offg. Dy. Dock Supdt. Coal.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Traffic Department— contd.</i>				
Mr. A. E. Pyster (b)	Asstt. Traffic Manager.	600—50—1,000	1,000	39 0
<i>Deputy Conservator's Department.</i>				
Mr. R. S. O'Brien (e)	Officer-in-Charge, Port Approaches.	2,000 fixed	2,000	34 0
„ J. Nichols (b) ..	River Surveyor ..	1,500	1,500	31 0
„ J. Seaward ..	Asstt. River Surveyor	150—1,200	450	10 0
„ Ramdas Katari ..	Do. ..	100—1,200	125	2 0
„ P. Brann (e) ..	Do. ..	150—1,200	550	12 0

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
Mr. H. M. Crocker ..	Dy. Harbour Master	1,900	1,900	28 0
„ O. E. Watling ..	Asstt. Harbour Master.	650—50—1,400	1,400	24 0
„ H. Dunster ..	Do. ..	Do. ..	1,400	22 0
„ W. Jones ..	Do. ..	Do. ..	1,400	22 0
„ H. Compton (b) ..	Do. ..	Do. ..	1,400	20 0
„ L. Hatswell ..	Do. ..	Do. ..	1,400	20 0
„ J. Jones ..	Do. ..	Do. ..	1,400	19 0
„ D. Malcolm (e) ..	Do. ..	Do. ..	1,400	19 0
„ T. Harrison (e) ..	Do. ..	Do. ..	1,400	19 0
„ J. McGrievy ..	Do. ..	Do. ..	1,400	19 0
„ T. Hoare ..	Do. ..	Do. ..	1,400	19 0
„ H. Alkin ..	Do. ..	Do. ..	1,400	17 0
„ B. Hooken ..	Do. ..	Do. ..	1,400	16 0
„ W. Crisp ..	Do. ..	650—50—1,400	1,300	14 0
„ J. Kjalgarrrd ..	Do. ..	Do. ..	1,300	14 0
„ W. Scott ..	Do. ..	Do. ..	1,300	14 0
„ J. Nicoll ..	Do. ..	Do. ..	1,300	13 0
„ H. Butohart ..	Do. ..	Do. ..	1,250	13 0
„ W. Houston ..	Do. ..	Do. ..	1,250	13 0

(b) On leave preparatory to retirement.

(e) On leave.

(g) On leave from 15th March 1932.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
Mr. G. V. Hughes ..	Assistant River Surveyor.	150—1,200	550	12 0
„ F. W. Martin ..	Do. ..	Do. ..	500	11 0
„ G. D. O'Brien (g)	Do. ..	Do. ..	550	12 0
„ B. W. O'Brien (g)	Do. ..	Do. ..	550	12 0
„ F. H. P. Green ..	Do. ..	Do. ..	500	10 0
„ C. E. Kelly ..	Do. ..	Do. ..	800	15 0
„ G. F. Willoox ..	Do. ..	Do. ..	700	15 0
„ S. K. Roy ..	Do. ..	100—1,200	125	1 0
„ C. G. Connelly ..	Do. ..	150—1,200	600	13 0

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
Mr. H. Robinson (a) ..	Assistant Harbour Master	650—50—1,400	1,250	12 0
„ W. Roberts ..	Do. ..	Do. ..	1,200	12 0
„ A. Chalmers ..	Do. ..	Do. ..	1,050	8 0
„ P. Cosschalk ..	Do. ..	Do. ..	1,050	8 0
„ C. Houston ..	Do. ..	650—1,220 ..	740	3 0
„ M. H. Lawton ..	Do. ..	Do. ..	680	2 0
„ R. E. Kibble ..	Do. ..	Do. ..	680	2 0
„ E. H. Babey ..	Do. ..	Do. ..	710	2 0
„ A. C. Dorea ..	Do. ..	Do. ..	810	5 0
„ W. W. West ..	Do. ..	Do. ..	810	5 0
„ R. T. Ware ..	Do. ..	Do. ..	770	5 0
„ N. Gibbons ..	Do. ..	Do. ..	770	4 0
„ A. J. Tremeer ..	Do. ..	Do. ..	770	4 0
„ H. Harrison (c) ..	Do. ..	Do. ..	770	5 0
„ W. Parkinson ..	Do. ..	Do. ..	770	5 0
„ J. Norman (c) ..	Do. ..	Do. ..	770	5 0
„ R. McLean Brown (d)	Do. ..	Do. ..	740	4 0
„ W. E. Bell ..	Do. ..	Do. ..	770	5 0
„ W. B. Littlechild	Do. ..	Do. ..	680	1 0
„ C. Wood ..	Mooring Master ..	650—50—1,400	1,400	16 0
„ M. Kilford (e) ..	Asstt. River Surveyor.	150—1,200	1,500 (Offg. pay) 1,100 (Subs. pay).	} 18 0

(a) On leave from 1st March 1932.

(c) On leave.

(d) On leave prior to termination of service.

(e) Officiating River Surveyor.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				

THE COMMISSIONERS

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—concl'd.</i>				
Mr. T. Oag	Assistant River Surveyor.	150—1,200	1,050	17 0
„ J. H. Woolward (b)	Do. ..	Do. ..	1,200	28 0
„ E. Smeaton ..	Do. ..	Do. ..	1,200	27 0
„ J. A. C. King ..	Do. ..	Do. ..	400	9 0
„ E. E. Bibra ..	Do. ..	100—1,200	250	5 0
„ C. Adolphus ..	Do. ..	Do. ..	75	0 2
„ T. Ashton ..	Do. ..	150—1,200	600	13 0
„ H. B. M. Yeates (b)	Do. ..	Do. ..	800	18 0
„ G. Williams ..	Commander, Despatch and Dredger Service.	750—50—1,200	1,050	11 0
„ J. Fowler (b) ..	Do. ..	Do. ..	1,200	11 0
„ A. Dickson (b) ..	Do. ..	Do. ..	1,200	} 17 0
„ A. Hardy ..	Do. ..	Do. ..	+100 S. P. 1,200	
„ A. Gillespie ..	Do. ..	Do. ..	1,200	12 0
„ W. Mackenzie (a) ..	Chief Officer ..	450—800	..	10 0
„ W. Watt ..	Dock Master ..	1,800 ..	1,800	22 0
<i>Stores Department.</i>				
Mr. T. Shukham (b) ..	Controller of Stores	1,500—1,800	1,800	15 0
„ R. Wright ..	Asstt. Controller of Stores.	600—50—1,000	1,000	17 0
„ R. Delanhanty ..	Do.	Do.	1,000	12 0

(a) Offg. Commander on Rs. 900.

(b) On leave preparatory to retirement.

FOR THE PORT OF CALCUTTA—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
<i>Stores Department.</i>				

THE COMMISSIONERS

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Machinery Department.</i>				
Mr. A. Carnall (a)] ..	Chief Mechanical Engineer.	1,600—100—2,000	2,000	16 0
„ A. O. Day (a) ..	Dy. Chief Mechanical Engineer.	1,200—75—1,500	1,500	12 0
„ N. Irvine (b) ..	Asst. Chief Mechanical Engineer.	700—50—1,050	1,050	7 0
„ W. Moffat ..	Do. ..	Do. ..	1,050	7 0
„ J. M. Mearn ..	Do. ..	Do. ..	750	4 0
„ W. G. Simson ..	Do. ..	Do. ..	900	5 0
„ H. F. Bennett (a) ..	Chief Engineer, Class I Vessel.	600—40—1,000	920	35 0
„ R. W. C. Thurston ..	Do. ..	Do. ..	1,000	25 0
„ R. Ferguson ..	Do. ..	Do. ..	880	10 0
<i>Construction Department.</i>				
Mr. A. Orr-Ewing (c) ..	Asstt. Executive Engineer.	700—50—1,050	1,050	5 0
<i>Medical Department.</i>				
Lt.-Col. W. L. Harnett †	Medical Officer ...	1,000 (fixed)	1,000 (fixed)	

(a) On leave preparatory to retirement.

(b) Offg. Dy. Chief Mechanical Engineer.

(c) On leave prior to termination of Service.

FOR THE PORT OF CALCUTTA—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Machinery Department.</i>				
Mr. L. Desbruslais ..	Electrical Engineer	800—50—1,200	1,150	7 0
<i>Construction Department.</i>				
<i>Medical Department.</i>				

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
Commander E. M. Bayfield, R. I.M.(a)	Deputy Conservator and Secretary.	Combined Pay Rs. 960.	460	
Mr. F. J. Green (b) ..	Port Engineer ..	1,000—50—1,600	1,600	4 0
„ J. C. Cumming (c)	Harbour Master ..	1,100	1,100 P. A. 100	27 0
„ S. J. Lockhart (c)	Asstt. Harbour Master.	700—25—850—30—1,000.	1,000	16 0
„ H. Birley (c) ..	Do. ..	Do. ..	270	10 0
„ H. J. Garrett (c) ..	Do. ..	Do. ..	825	5 0
„ R. J. Rean (c) ..	Dredging Master, S. D. "Patunga".	660—30—900	840	20 0
„ W. J. Harper (c) ..	Asstt. Dredging Master, S.D. "Patunga"	450—25—600	525	3 0
„ J. W. Cullen (b) ..	Chief Engineer, S.D. "Patunga".	600—30—840	780	3 0
„ K. J. Dyson (c) ..	Second Engineer, S. D. "Patunga".	450—25—600	525	3 0
„ F. W. Slidel (b) ..	Workshop Foreman	500	500 P. A. 50	7 0

(a) Lent by Royal Indian Marine.

(b) On agreement.

(c) Confirmed.

THE PORT OF CHITTAGONG.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Direction.</i>				
Mr. G. G. Armstrong, O.B.E.	Chairman and Traffic Manager.	3,000	3,000	3 5 21
<i>Accounts Department.</i>				
<i>Traffic Department.</i>				
Mr. J. G. Lord ..	Deputy Traffic Manager.	1,200—50—1,600	1,600	19 0 0
„ F. W. Stooke ..	Asst. Traffic Manager.	600—50—900	900	22 1 0
„ J. Chance (a) ..	Do.*	400—25—600	575	18 1 21
<i>Engineering Department.</i>				
Mr. W. Fyffe, M. Inst. C.E., M.I. Struct., E.	Chief Engineer ..	1,800—100—2,200	2,100	8 9 19
„ G. P. Alexander, A.M. Inst. C. E.	Executive Engineer	1,250—50—1,650	1,350	1 8 19
Major E. G. Bowers, M. C., M. I. E. E. A. I. R. O.	Mechanical and Electrical Engineer.	1,025—50—1,425	1,225	4 1 0
Mr. S. W. White, M. I., Mar.E., A. M. I., N. A.	Assistant Mechanical Engineer.	650—33-1/3—950	883-5-4	4 5 20
„ J. E. Burke ..	1st Engineer and Dredging Master, Dredger "Madras".	600—25—750	725	5 1 0
„ H. Halsall ..	2nd Engr. Dredger, "Madras".	450—25—550	50)	2 7 29

N.B.—The present incumbents of the posts are all confirmed in the posts.

(a) On leave preparatory to retirement.

* Post supernumerary and to be abolished with effect from 4th April 1933.

PORT TRUST.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
<i>Direction.</i>		Ra.	Ra.	Y. M. D.
<i>Accounts Department.</i>				
M. R. Ry. Rao Bahadur S. Narayana Aiyar Avl., M.A.	Chief Accountant ..	600—40—920	920	27 2 0
Mr. V. Muthusami, B.A.	Deputy Chief Accountant (Engineering).	275—10—325—15—400	305	6 10 0
<i>Traffic Department.</i>				
Mr. M. S. Venkatraman, B.A.,	Asstt. Traffic Manager.	300—30—600	300	6 3 0
„ L. A. Abraham, B.A., F. C. I.	Do. ..	Do. ..	300	6 3 0
<i>Engineering Department.</i>				
M. R. Ry. Rao Bahadur K. Ganapathy Kudwa, Avl., B.A., B. C. E. (b).	Executive Engineer	400—50—900	900	28 6 12
M. R. Ry. V. Dayanada Kamath Avergal, B.A., B.E.	Assistant Engineer	350—25—500	500	9 9 24
M. R. Ry. S. Nagabushanam Ayyar, B.A., M.E., A.I.E.E.	Do. ..	Do. ..	475	6 10 0
M. R. Ry. K. Subramaniam, Avergal, M.E., Grad., I.E.E.	Assistant Electrical Engineer.	350—25—500	425	3 10 0

(b) On leave preparatory to retirement.

MADRAS PORT.

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Marine Department.</i>				
Lt.-Commander A. D. Berrington, R.N. R. (Retired).	Deputy Port Conservator.	1,350—50—1,650	1,400	1 4 28
Mr. G. Freeman ..	Harbour Master ..	775—25—1,275 (plus Rs. 100 extra pay).	1,100 (plus Rs. 100 extra pay)	13 7 4
„ A. Mackenzie ..	Assistant Harbour Master.	775—25—1,275	1,150	15 2 0
„ S. Prytherch ..	Do. ..	Do. ..	875	4 6 17
„ L. T. Lewis ..	Do. ..	Do. ..	825	2 2 27
„ L. T. Whitlock ..	Do. ..	Do. ..	800	1 9 13

N. B.—The present incumbents of the posts are all confirmed in the posts.

TRUST—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Marine Department.</i>				

KARACHI PORT

Europeans.

Name.	Designation.	Scale of pay.	Present	Total
			pay.	service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
Mr. E. M. Duggan, I.S.E.	Chairman ..	2,500—100—3,000	2,500	0 5
<i>Secretary's Department.</i>				
<i>Chief Accountant's Department.</i>				
Mr. B. A. Inglet ..	Chief Accountant ..	1,200—100—1,800	1,800	12 10
<i>Traffic Department.</i>				
Mr. A. A. L. Flynn ..	Traffic Manager ..	1,500—100—1,800	1,800	22 10
„ F. G. Gangley ..	Dy. Traffic Manager	1,000—50—1,400	1,400	12 8
„ W. S. Abbott ..	Asstt. Traffic Manager	850—50—1,000	1,000	4 9
<i>Medical Department, Manora.</i>				
<i>Deputy Conservator's Department.</i>				
Mr. J. A. Scarr ..	Dy. Conservator ..	1,250—50—1,600	1,500	27 8
„ J. W. Thomas ..	Dock Master ..	1,200	1,200	24 4
„ T. Slack ..	Asstt. Dock Master	300—25—500	500	12 1

TRUST.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Direction.</i>				
<i>Secretary's Department.</i>				
Mr. L. J. Mascarenhas	Secretary ..	750—50—1,200	1,100	31 8
„ Nenumal Teckchand.	Assistant Secretary	300—25—500	425	19 8
<i>Chief Accountant's Department.</i>				
Mr. P. C. Jaidka ..	1st Assistant Accountant.	300—25—500	450	0 4
„ Homandas Ghandumal.	Supervisor ..	Do. ..	450	31 1
<i>Traffic Department.</i>				
Mr. Jamnadas Dewanmal.	Personal Assistant to the Traffic Manager.	450—25—700	625	12 7
„ J. Noronha ..	Supdt., Imports and Jetties.	440—20—500	460	29 11
„ A. R. Gonsalves..	Asstt. Supdt., Imports and Jetties.	300—10—400	360	23 3
<i>Medical Department, Manora.</i>				
Capt. K. G. Mohile ..	Medical Officer ..	300	300	1 8
<i>Deputy Conservator's Department.</i>				
Mr. E. S. B. Bhombal	Probationary Pilot	500	500	0 3
„ R. C. Lobo ..	Asst. Dock Master	300—25—500	375	3 5

KARACHI PORT

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Deputy Conservator's Department—contd.</i>				
Mr. E. Lilley ..	Senior Pilot ..	700—25—1,100	1,100+100 allowance for carrying out the routine duties of Harbour Master in the absence of Dy. Conservator in Office.	19 0
„ E. T. W. Nicholas	Pilot ..	Do. ..	1,100	18 1
„ A. A. Goldie ..	Do. ..	Do. ..	900	9 0
„ F. S. Allen ..	Do. ..	Do. ..	875	7 10
„ J. J. Collier ..	Do. ..	Do. ..	800	4 8
„ A. G. Cuthbert ..	Do. ..	Do. ..	800	4 7
<i>Chief Storekeeper's Department.</i>				
<i>Chief Engineer's Department.</i>				
Mr. W. F. P. Shephard Barron.	Chief Engineer ..	2,250—100—2,550	2,550	5 2
„ H. A. L. French ..	Dy. Chief Engineer	1,650—50—1,850	1,850	22 7
„ J. M. S. Culberton	Executive Engineer	900—50—1,600	1,600	18 11
„ D. B. Brow ..	Do. ..	Do. ..	1,500	8 6
„ Stanley E. Naylor	Asstt. Supdt. of Machinery, Keamari.	600—50—900	900	7 7
„ R. L. Grieg ..	Chief Engineer, S. P. "Saras".	700—25—800	800	6 5
„ R. J. Raine ..	Supdt. of Machinery, Manora.	900—50—1,100	1,050	3 11

TRUST—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Chief Storekeeper's Department.</i>				
Mr. R. A. Donde ..	Chief Storekeeper ..	800—50—1,500	1,000	4 2
<i>Chief Engineer's Department.</i>				
Mr. Frank Viegas ..	Permanent Way Inspector.	400—25—500	500	7 3
„ P. R. Shivdasani	Apprentice Engineer	300	300	2 11

KARACHI PORT

Europeans.

Name.	Designation.	Scale of pay.	Present pay.	Total service.	
		Rs.	Rs.	Yrs. Mths.	
<i>Chief Engineer's Department—contd.</i>					
Mr. Andrew Eaglesham <i>Special Temporary Establishment.</i>	Asstt. Supdt. of Machinery, Manora.	550—25—600	600	4	0

TRUST—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Yrs. Mths.
<i>Special Temporary Establishment.</i>				
Mr. Charles Hawes ..	Mechanical Supervisor.	300—10—400	370	7 11
K. S. Faizmahomed Nathakhan.	Supervisor of Works	Do. ..	370	10 0

THE COMMISSIONERS FOR THE

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Direction.</i>				
Mr. J. A. Cherry, C.I.E., M.L.C., Bar.-at-Law.	Chairman* ..	3,000—500—5,000	5,000	11 3 14
„ D. H. James, A.C.A.	Acting Chairman ..	..	3,500	20 4 0
<i>Administration.</i>				
Mr. C. Witcher ..	Secretary ..	B. P. 1,400—50— 1,700—75—2,000	B. P. 1,550	8 4 21
		O. P. 300	O. P. 300	
„ D. H. James, A.C.A.	Chief Accountant ..	Do. ..	B. P. 2,000	20 4 0
			O. P. 300	..
„ S. A. Wetherfield, A.C.A.	Assistant Account- tant.	B. P. 450—50—900 —50—1,400.	B. P. 800	2 1 22
		O. P. 200 ..	O. P. 200	
<i>Engineering.</i>				
Mr. W. D. Beatty, B.A., B.A.I., A. M. Inst. C.E.	Port Engineer ..	B. P. 2,000	B. P. 2,000	11 0 18
		O. P. 300	O. P. 300	
„ L. C. Hall, A. M. Inst. C. E.	Executive Engineer	B. P. 450—50—900 —50—1,400.	B. P. 1,350	12 8 21
		O. P. 150—50/5 —300.	O. P. 300	
		E. A. 100—150/3 —150—50/2— 200.	E. A. 150	
„ G. McFadycan ..	Asstt. Engineer ..	B. P. 450—50—900 —50—1,400.	B. P. 1,300	11 1 24
		O. P. 150—50/5— 300.	O. P. 300	
„ D. D. Crabbe, B.Sc., A.M. Inst. C. E.	Do.	Do. ..	B. P. 800	5 10 21
			O. P. 200	..

* On leave.

PORT OF RANGOON.

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Direction.</i>				
<i>Administration.</i>				
Mr. S. N. Sen ..	Asstt. Accountant	B. P. 450—50—900 —50—1,400.	B. P. 1,300	*27 8 0
„ C. Shai Kwoung (a)	Do. ..	Do. ..	B. P. 1,100	21 3 26
„ D. K. Melvani ..	Do. ..	Do. ..	B. P. 950	†29 9 7
„ J. E. Tauris (b) ..	Do. ..	Do. ..	B. P. 750	24 6 0
<i>Engineering.</i>				
Mr. A. C. Mukherjee	Assistant ..	B. P. 450—50—900	B. P. 850	21 2 0
„ Saw Po Zan (a) ..	Office Superintendent	350—20—550	550	10 0 22
„ Balwant Singh ..	Supervisor Senior ..	250—10—320—20 —500	480	11 3 7
„ V. Durham (b) ..	Permanent Way Inspector.	Do. ..	480	5 3 6
„ R. Taylor (b) ..	Supervisor, Senior	Do. ..	270	6 2 18
„ P. Metcalfe (b) ..	Asstt. Mechanical Engineer.	600—40—1,000	960	20 0 0
„ C. H. Kamen (b)	Electrical Foreman	320—20—500	380	3 10 24
„ A. G. Pascal (b)	Mechanical Fore- man.	250—10—320—20 —500.	300	21 9 28
„ S. Pegrum (b) ..	Do. ..	Do. ..	300	5 3 24
„ B. W. Inkster (b)	Do. ..	Do. ..	310	8 1 6

* Includes Govt. Service years 6-3-16. † Includes Govt. Service years 8-2-7.
 (a) Chinese (domiciled in Burma). (b) Anglo-Indian.

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Engineering—contd.</i>				
Mr. W. K. Bradley ..	Assistant (Drawing Office).	B. P. 450—50—900. O. P. 150—50/5—300.	B. P. 750 O. P. 200	3 2 18
.. W. E. Oglethorpe	Mechanical Engineer	B. P. 450—50—900—50—1,400. O. P. 150—50/5—300. E. A. 100—50/3—150—50/2—200.	B. P. 1,250 O. P. 300 E. A. 150	4 3 25
<i>Stores.</i>				
<i>Traffic Department.</i>				
Mr. E. J. B. Jeffery ..	Traffic Manager ..	B. P. 1,400—50—1,700—75—2,000 O. P. 300 ..	B. P. 1,550 O. P. 300	11 10 13
.. W. P. Bush ..	Assistant ..	B. P. 450—50—900—50—1,400. O. P. 150—50/5—300.	B. P. 1,100 O. P. 250	9 11 0
.. J. M. Ferguson ..	Do. ..	Do. ..	B. P. 850 O. P. 200	2 11 15 ..
.. W. H. M. Todd ..	Do. ..	Do. ..	B. P. 700 O. P. 200	4 3 25
.. E. Honan ..	Superintendent ..	450—20—650	590	11 5 10
<i>Port Department.</i>				
Mr. H. N. Gilbert ..	Deputy Conservator	B. P. 1,400—50—1,700—75—2,000 O. P. 300 ..	B. P. 2,000 O. P. 300	21 9 6
.. H. A. Spiers ..	Asstt. Conservator	B. P. 450—50—900—50—1,400. O. P. 150—50/5—300.	B. P. 1,400 O. P. 300	25 11 15

THE PORT OF RANGOON—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Stores.</i>				
Mr. A. D. Biswas ..	Storekeeper ..	B. P. 450—500—900	B. P. 450	15 10 20
<i>Traffic Department.</i>				
Mr. J. Chaytor (a) ..	Superintendent ..	450—20—650	650	24 5 18
„ C. E. D. Lutter (b)	Do. ..	Do. ..	610	24 4 7
„ M. J. Minus (a) ..	Do. ..	Do. ..	530	18 1 0
„ A. S. McSweeney(b)	Do. ..	Do. ..	490	23 5 16
„ N. N. Sen ..	Do. ..	320—20—550	510	18 11 28
<i>Port Department.</i>				
Mr. N. Burgess (b) ..	Marine Engineer ..	600—40—1,000	960	2 7 6
„ R. E. Penfold (b)	Relieving Engineer	350—20—550	30	4 8 0

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Port Department— contd.</i>				
Mr. T. Maguire ..	Moorings Master ..	600—750—75— 1,050—50—1,500	1,150	8 10 9
„ L. R. Vincent .	Radio Officer ..	400—10—500	430	3 2 20
<i>Assistant Harbour Masters.</i>				
Mr. H. Westlake	Assistant Harbour Master.	600—750—75— 1,050—50—1,500	1,500	15 2 24
„ C. S. Middleton ..	Do. ..	Do. ..	1,450	13 2 5
„ H. C. G. Brown ..	Do. ..	Do. ..	1,400	12 2 12
„ Neil Morison ..	Do. ..	Do. ..	1,350	11 10 12
„ R. B. Glendinning..	Do. ..	Do. ..	1,250	9 0 15
„ J. W. Bolton ..	Do. ..	Do. ..	1,150	7 4 21
„ A. Simpson ..	Do. ..	Do. ..	1,100	6 4 13
„ G. Whitworth ..	Do. ..	Do. ..	1,100	6 2 13
„ P. R. Jameson ..	Do. ..	Do. ..	1,050	5 8 13
„ W. Young ..	Do. ..	Do. ..	1,050	5 4 12
„ N. A. Middleton ..	Do. .	Do. ..	975	4 6 18
„ D. W. McNeil ..	Do. ..	Do. ..	975	4 4 0
„ H. J. W. Jones ..	Do. ..	Do. ..	825	2 7 0
„ F. W. McLaren ..	Do. ..	Do. ..	750	1 10 6
<i>Port Survey.</i>				
Mr. C. M. L. Scott, (Commander R. N. Retd.)	Port Surveyor ..	B. P. 450—50—900 50—1,400. O. P. 150—50/5 —300 E.A. 100—50/3— 150— 50/2—200	B. P. 1,300 O. P. 300 E. A. 150	7 11 4

THE PORT OF RANGOON—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Assistant Harbour Masters.</i>				
<i>Port Survey.</i>				
Mr. S. Jagadas ..	Head Surveyor ..	300—20—500	500	11 3 15
„ B. C. Sinha ..	Do. ..	Do. ..	400	25 2 9
„ A. C. Bhattacharjee	Do. ..	Do. ..	300	20 10 25
„ A. K. Barua ..	Head Draughtaman	Do. ..	300	17 7 16

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Port Survey—contd.</i>				
Mr. C. S. Lookhart (Com- mander, R. N. Retired).	Asstt. Port Surveyor	B. P. 450—50— 900—50—1,400. O. P. 150—50/5— 300.	B. P. 1,050 O. P. 250	5 1 17
<i>Boat Registration Office.</i>				
Mr. A. J. Hemmons ..	Boat Registrar ..	450—30—750	720	4 7 0
<i>Dredgers, launches, etc.</i>				
Mr. D. W. Davies ..	Commander ..	750—30—900	750	8 6 20
„ H. D. Warder ..	Do. ..	500—25—750	575	3 9 25
<i>Pilots.</i>				
Mr. M. D. Wylie ..	Licensed Pilot, 1st grade, class A.	600—750—75— 1,050—50—1,500 Sea Allowance 500	1,500 S. A. 500	23 3 13
„ G. Shand ..	Do. ..	Do. ..	1,500 S. A. 500	23 0 0 ..
„ H. W. Jones ..	Do. ..	Do. ..	Do. ..	22 10 8
„ J. M. Wheeler ..	Do. ..	Do. ..	Do. ..	25 3 9
„ R. Tratúles ..	Do. ..	Do. ..	Do. ..	18 11 16
„ J. W. Smith ..	Do. ..	Do. ..	Do. ..	17 9 26
„ R. J. Anderson ..	Licensed Pilot, 1st grade, class B.	600—750—75— 1,050—50—1,500. Sea Allowance 425	1,400 S. A. 425	12 11 17

THE PORT OF RANGOON—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Boat Registration Office.</i>				
<i>Dredgers, launches, etc.</i>				
Mr. T. Wright (b) ..	Engineer ..	600—80—900	810	17 4 27
„ H. A. Wellington (b).	Do. ..	Do. ..	600	4 2 14
„ W. Lissenburgh (b)	Do. ..	450—20—650	510	3 11 12
„ J. R. Lafrenais (b)	Do. ..	350—20—550	550	7 7 16
„ E. Pegram ..	Do. ..	Do. ..	530	9 3 28
„ R. B. Alphonse (b)	Do. ..	350—20—550	410	3 4 24
„ R. Jellicoe (b) ..	Do. ..	Do. ..	550	19 8 21
<i>Pilots.</i>				

(b) Anglo-Indian.

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Pilots—contd.</i>				
Mr. J. Byron ..	Licensed Pilot, 1st grade, class B.	600—750—75— 1,050—50—1,500 Sea Allowance 425	1,350 S. A. 425	11 11 15 ..
„ H. St. John Clay ..	Do. ..	Do. ..	1,350 S. A. 425	11 10 15 ..
„ W. A. Crawford ..	Do. ..	Do. ..	1,150 S. A. 425	9 3 28 ..
„ L. H. James ..	Do. ..	Do. ..	1,250 S. A. 425	9 7 9 ..
„ C. H. Hodgson ..	Do. ..	Do. ..	1,150 S. A. 425	8 0 3 ..
„ C. McArtney ..	Licensed Pilot, 1st grade, class C.	600—750—75— 1,050—50—1,500 Sea Allowance 350	1,100 S. A. 350	7 6 23 ..
„ C. R. Stumbles ..	Do. ..	Do. ..	1,100 S. A. 350	6 8 12 ..
„ B. E. Jackson ..	Do. ..	Do. ..	1,050 S. A. 350	6 7 6 ..
„ H. Yorke Torr ..	Do. ..	Do. ..	1,050 S. A. 350	5 11 23 ..
„ T. E. Field ..	Do. ..	Do. ..	975 S. A. 350	5 7 29 ..
„ C. E. Cara ..	Do. ..	Do. ..	975 S. A. 350	5 3 4 ..
„ J. W. C. Taggart ..	Licensed Pilot, 2nd grade, class B.	600—750—75— 1,050—50—1,500 Sea Allowance 200	825 S. A. 200	5 2 27 ..
„ R. W. Cooper ..	Do. ..	Do. ..	825 S. A. 200	2 11 15 ..
„ A. J. Ritchie ..	Do. ..	Do. ..	825 S. A. 200	2 10 22 ..
„ G. M. Robinson ..	Licensed Pilot, 3rd grade.	600—750—75— 1,050—50—1,500 Sea Allowance 150	750 S. A. 150	2 8 17 ..

THE PORT OF RANGOON—(continued).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.

THE COMMISSIONERS FOR

Europeans.				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Pilots—concl.</i>				
Mr. W. Moore ..	Licensed Pilot, 4th grade.	600—750—75— 1,050—50—1,500 Sea Allowance 100	600 S. A. 100	1 3 29 ..
„ T. A. Gerard ..	Engineer, S. P. V. “Beacon”.	350—20—550	430	4 2 14

THE PORT OF RANGOON—(concluded).

Indians (including Statutory Indians).				
Name.	Designation.	Scale of pay.	Present pay.	Total service.
		Rs.	Rs.	Y. M. D.
<i>Pilot Vessel, S. P. V. "Beacon".</i>				
Mr. G. W. Medd (a) ..	Mate (Pilot vessel) ..	500	500	1 1 29
„ D. H. Dhunjubhoy	Engineer ..	350—20—550	470	10 2 0

(a) Anglo-Burman.

Mr. T. Ryan (Director General of Posts and Telegraphs) : Sir, I lay on the table the information promised in reply to unstarred question No. 297 asked by Pandit Satyendra Nath Sen on the 29th March, 1932 and also reply to unstarred question No. 203 asked by Mr. S. C. Mitra on the 23rd March, 1932.

ABOLITION OF THE APPOINTMENT OF DEPUTY ASSISTANT ENGINEER, TELEGRAPH CONSTRUCTIONS.

297. (a) A Deputy Assistant Engineer, Telephones, is stationed at Patna as he has to look after the Patna Telephone system and other systems in the Patna Engineering Division including those in the coal-fields and at Ranchi. The question of this officer's retention at Patna was not referred to Mr. P. N. Mitra.

(b) No.

(c) Yes, but as already stated in the reply to part (a) of this question the Deputy Assistant Engineer's duties are not confined to the Patna Exchange only.

(d) Does not arise.

REVERSION TO SUBSTANTIVE APPOINTMENTS OF CERTAIN POSTAL OFFICIALS IN THE PUNJAB AND NORTH WEST FRONTIER PROVINCE POSTAL CIRCLE.

203. (a) No. Those officials only who were acting in permanent vacancies in the Selection Grade were reverted.

(b) There was one such case.

(c) No, at the time of the Honourable Member's question there were three inspectors who remained to be provided for, but this number has subsequently been reduced to two.

(d) Because the vacancy was not a permanent one. Subsequently the permanent incumbent of the post in question applied for an extension of his leave for one year with effect from the 10th May, 1932, and the clerk was replaced by a permanent inspector on the 5th May, 1932.

Dr. Ziauddin Ahmad : May I ask, Sir, whether Honourable Members of the Assembly have a right to ask supplementary questions on the replies laid on the table of the House? Probably it will be convenient if these replies are laid on the table of the House half an hour before we meet so that we can put any supplementary questions.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Honourable Members can frame questions on these replies if they want further information.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Legislative Business. The Honourable Mr. Haig.

The Honourable Mr. H. G. Haig (Home Member) : Sir, I rise to move :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee consisting of the Honourable Sir C. P. Ramaswami Aiyar, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Rao Bahadur B. L. Patil, Mr. Muhammad Azhar Ali, Mr. Muhammad Yamin Khan, Mr. F. E.

James, Dr. F. X. DeSouza and the Mover, with instructions to report on or before the 12th September, 1932, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Will the Honourable Member kindly read out once again the names of Members of the Select Committee ?

The Honourable Mr. H. G. Haig : If you will direct me to do so, Sir, I am quite prepared.

Mr. O. S. Ranga Iyer : My object is simply to form an idea...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : They will be read out again later.

The Honourable Mr. H. G. Haig : Sir, before I commence my observations, I should be glad to know whether in the course of them I should be in order in referring by anticipation to certain amendments which are down on the paper suggesting that the Bill be circulated.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member is perfectly entitled not only to deal with those amendments which appear on the Order Paper, but to anticipate any arguments which he thinks are likely to be advanced and discuss them provided they are relevant to the issue now before the House.

The Honourable Mr. H. G. Haig : I thank you, Sir.

This Bill, Sir, is a short Bill, but it is one which, I venture to think, is of very great importance in the criminal procedure of this country. The provisions of section 526 (8) have been in existence for very many years, but they were amended and drastically amended in the year 1923, and the results of that amendment are described in the Statement of Objects and Reasons. As I have there stated, the practical working of the new procedure has been carefully observed by Government over a considerable period, and they have come to the conclusion that it lends itself to grave abuse and is calculated to defeat the ends of justice. Now, Sir, we heard in the debate yesterday something of the secrets of forensic practice and the arts of advocacy and various compliments were paid to my Honourable colleague, the Leader of the House, for his familiarity with those arts and his great skill. I can lay no claim to any similar aids. The case that I present before the House must stand on its own merits, but fortunately it is a case which I believe to be very strong ; and I hope that the House, after hearing the case, will admit that it is almost overwhelming. There is also a general consensus of opinion among authorities, not only Local Governments but judicial authorities, that the present provisions of this section stand in urgent need of amendment.

Now, Sir, the Bill relates solely to section 526 of the Criminal Procedure Code, and I wish to take one preliminary point, for I believe that in past discussions of this case a considerable amount of misconception has crept in owing to not realising this point quite clearly. The Bill which I introduce in no way affects the grounds on which criminal cases may be transferred. Those grounds are clearly specified in sub-section (1) of section 526. Nor does it affect the right of any person concerned to make an application to the High Court at any stage of any proceeding with a view to securing a transfer. Those rights are contained in sub-sections (3) and (4) of section 526. It is provided that "the High

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Court may act either on the report of the lower Court, or on the application of a party interested". And again in sub-section (4) it is stated that "Every application for the exercise of the power conferred by this section shall be made by motion, which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation". Those powers, Sir, remain entirely unaffected. But in addition to those provisions, there has for many years been in the Code a special procedure contained in sub-section (8), which provides in certain circumstances—and I would emphasise those words, "in certain circumstances"—for compulsory adjournment when notification of an intention to apply to the High Court has been made. It is in connection with this procedure that certain serious abuses have crept in, which it is the object of this Bill to remove.

Sub-section (8) with which we are mainly concerned has had a long, and I think, rather a curious history. The special provision providing for a compulsory adjournment in certain cases was first included in the Code in the year 1884. The object of that procedure, in the words of Mr. Justice Lort-Williams in a recent decision in connection with this section—the object of that procedure was that an opportunity should be given to the accused before the case began to apply for a transfer, and that certain special provisions should guarantee the fullest consideration for that application, but "on such well-ascertained grounds"—these are the words of Mr. Justice Lort-Williams—"on such well-ascertained grounds as the interest of the judge, the unsuitability of the court, or the inconvenience of the venue". These are matters which one would naturally suppose would be well-known to the parties before the case commences, and for that reason this special procedure was only brought into operation in the case of applications which were made before the commencement of the trial. The main provisions then of this sub-section as it was introduced in the Code in 1884 were that the application must be made before the commencement of the trial, that it was not necessary immediately to adjourn the trial on receipt of the notice of intention to apply for transfer.....

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Is it trial in the sense in which it was understood then, or is it trial in the sense in which it is to be understood under this Bill ?

The Honourable Mr. H. G. Haig : I do not quite follow my Honourable friend's interruption, and I hope he will allow me to continue my speech.

Mr. B. R. Puri : I am sorry.

The Honourable Mr. H. G. Haig : As I was saying, the main provisions were, in the first place, that the application should be made before the commencement of the trial, and in the second place, that it should not be necessary immediately to adjourn the trial, but, in the third place, that the accused should not be called upon to enter on his defence till he had had a reasonable opportunity of obtaining an order on his application. Well, Sir, and I believe this is the point which my Honourable friend was referring to just now, the sub-section as it appeared in the Code of 1884 was not very clearly drafted, and as years went on, conflicting rulings were given in the different High Courts as to the actual application of the

section. There was a tendency to insist that on notification of an intention to apply to the High Court the trial court should adjourn the case at once. This gave rise to various practical difficulties—what in those days were described as serious abuses, but in those days people were not acquainted with the later developments of this procedure, and now-a-days we might not regard them as such grave abuses as they were considered to be in those days. In order, however, to put right these practical difficulties it was proposed in 1914 to redraft the section in order to make clearer the original intention which I have just described.

Now, Sir, I come to the conditions which led up to the amendment which was passed in the Central Legislature in 1923. I must at once admit that, as I read the history of the events leading up to that amendment, I was very powerfully impressed by the feeling that everything went by contraries, that every argument led up precisely to the conclusion that one would not anticipate, that every action was taken precisely by the people who would not have been expected to take it. Let me develop my point. The whole question of the revision of the Code of Criminal Procedure, a most complicated and laborious task dealing with a very large number of sections, was first brought under consideration by a committee, a very distinguished committee, presided over by Sir George Lowndes. Well, Sir, I desire to speak, as I feel, with the utmost respect for the Lowndes Committee. Nevertheless, I was surprised when I saw the views which they expressed about this section and compared them with the proposals they made. What they said was :

“ There is no doubt that some of the provisions of section 526 are subject to constant abuse, and that the party against whom a criminal case is apparently going will frequently apply for a transfer on manifestly insufficient grounds. We are also satisfied that advantage is frequently taken of the section to obtain an adjournment which would otherwise be refused, without the least intention to make any application to the High Court.”

There, Sir, is a perfectly clear statement of the difficulties and the abuses which were already showing themselves clearly in the old procedure. One would have expected with that very clear statement of the dangers and the abuses that the committee would have realised at once that the system of compulsory adjournment was precisely that which lent itself particularly to the very abuses which they were anxious to remove. But it would seem that the minds of the committee worked on different lines. They thought that it would be possible to deal with these abuses by a system of penal costs, by authorising the High Courts in the case of frivolous applications to penalise the applicant. They also made a proposal that if the accused, at a late stage of the case, wished to put in an application for transfer, he should be required to enter into a bond. Those were the safeguards,—I fear, illusory safeguards, as subsequent facts have proved—those were the safeguards which the Lowndes Committee had in mind, but having proposed these safeguards they proceeded to make an absolutely fundamental change in the main procedure with regard to compulsory adjournment. As I have explained, in 1884 this system of compulsory adjournment applied only when the application was made before the commencement of the trial. The Lowndes Committee proposed that an application could be made at any stage during the trial and that the result of compulsory adjournment should follow. That, Sir, I think, and I hope the House will agree with me, was as a matter of fact the root of the trouble and that is precisely the matter which we want to abolish. Now,

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Sir, after the Lowndes Committee had considered the whole of this very complicated revision of the Code of Criminal Procedure, the matter came before a joint committee of the Central Legislature. They followed, and it was only natural for them to do so, the authority of the Lowndes Committee, but they also were fully alive to the great dangers of the procedure under this section. This is what they said: "We recognise that the provisions of the section as they stand have lent themselves to gross abuse and therefore we feel that greater safeguards are necessary". These are words on which we could not improve. But what were the greater safeguards which they provided and what were the measures they took to prevent the gross abuse that they recognised existed. Actually the measures proposed went precisely in the contrary direction. They affirmed the principle suggested by the Lowndes Committee, namely, that at any stage of the trial, the accused could notify his intention of applying to the High Court and thereupon the court must adjourn the case. So long as that provision is in existence, no real safeguards are possible. They did, however, take up the safeguard suggested by the Lowndes Committee, namely, penalising frivolous applications and they included in the Bill what is now sub-section (6-A) which gives the High Court certain powers of penalising such applications. They eliminated, however, the proposal which the Lowndes Committee had made that a bond should be taken from the applicant. In this form and with this authority the Bill reached this Assembly. (I might mention that it originated in the Council of State.) And then a curious thing happened. While this section was being considered by the Assembly, a non-official Member from Madras, one of the homes of legal acumen, realising the weak point in this section, realising the grave dangers to the criminal administration of giving this wide power of compulsory adjournment proposed an amendment, which though it does not go so far as the amendment that I am proposing in this Bill, would at any rate have done a good deal to reduce the abuses which in fact have taken place. That amendment proposed by the non-official Member from Madras was accepted by the Government and was passed by the Legislative Assembly. Then, Sir, a still more curious thing happened. The Bill went back to the Council of State. The Council of State with some self-conscious satisfaction in acting as a revising chamber proceeded to restore the provisions as they stood originally and the Government again acquiesced. In this way section 526 (8) in its present form came into existence. (*An Honourable Member*: "There was no discussion in the Assembly".) There was very little discussion in the Assembly, but the matter was duly deliberated upon. In the Council of State again there was not very much discussion, and I think that the root of the trouble really was that with an enormous Bill before the House there was inadequate discussion of all these matters in the Legislature at that time. But in the discussion that did take place in the Council of State I was interested to see that the very point which I mentioned at the beginning of my speech, the very misconception which I believe has led to the enactment of this section in its present form, was expressed by the mover who wished to restore the original draft as prepared by the Joint Committee. The argument was that the amendment proposed by Mr. Pantulu in the Assembly was taking away from the accused the right of asking for a transfer. Now, Sir, I maintain that it does nothing of the sort. It is merely taking away from the accused the right of demanding at any stage of the trial that the trial should be

adjourned. In this way section 526 (8) came into existence and let me once more recapitulate the main features of the present law. As soon as the accused notifies his intention to apply to the High Court for a transfer, the court has absolutely no discretion. It is bound to adjourn the case. That is the first point. In the second place there is no limit to the number of applications that can be made in the course of a single case, no limit at all. In the third place there is no obligation on the party which has notified its intention of moving the High Court to take any such action. It might notify its intention and then merely wait. The applicant has secured the adjournment and he need not go to the trouble or the expense of moving the High Court at all and he need not, as my friend the Law Member points out, adduce any reason.

Now it is not difficult to anticipate what the results of such a provision must be. But I do not wish to rest my case on any theoretical considerations of the essential unsoundness of such a provision. I prefer to rest it on the actual experience of the administration of the law, on the reports of Local Governments, on the Administration Reports of High Courts and on the dicta of various High Court Judges ; and, Sir, at this point I would like to say, with reference to the amendment that this Bill should be circulated, that, though we realized almost from the beginning the dangers and the difficulties of this section, though we received strong representations at a very early date based on the difficulties and the abuses that were being experienced, we waited until we had accumulated what I regard as an overwhelming mass of opinion in favour of a change. We have had not only these reports from High Courts some of which I shall read out to the House in a moment, but at the end of last year or the beginning of this year we consulted Local Governments once more on the amendment which we are proposing in this Bill ; and we have got, on that amendment, the views of all the Local Governments and the views of the High Courts, and a remarkable consensus of opinion on the whole they present.

Mr. B. R. Puri : Were outside lawyers and Bar Associations consulted too ?

The Honourable Mr. H. G. Haig : In some cases Bar Associations too. Those opinions are available to the House and will be available to the Select Committee and copies are being placed in the Library of the House. Well, Sir, what are the actual results of the working of the law ? As is obvious, we find adjournments on frivolous pretexts and serious and even scandalous delays in the conduct of criminal cases. Mr. Justice Lort-Williams, in a judgment referred to in the Statement of Objects and Reasons, goes so far as to say that " no accused person can be convicted except with his own consent ". Well, Sir, without contending that every accused person makes full use of the rights which this section confers upon him, I do contend that there is the clearest evidence that the section is used to delay the prosecution evidence with a view to tampering with witnesses, to delay the proceedings as a whole with a view to tiring out the prosecution, to delay the proceedings in the hope that the presiding magistrate may be transferred—not at all an uncommon procedure—and generally, and this is a point to which I would invite the special attention of the House, to weaken the authority of the courts and to make it apparent that the defence can hold up proceedings at any stage and that the presiding magistrate is powerless to intervene. Well, Sir, the general

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effect is perhaps stated in the most cogent way by Mr. Justice Lort-Williams in the judgment which he gave, in which Mr. Justice Mullick concurred. This is what he says :

“ Since the enactment of the amended section, notifications have been given in most cases with the sole object of compelling the Magistrate to grant unnecessary adjournments against his will and proper judgment, or simply to retaliate upon him, out of spite, on account of some real or fancied grievance. And applications even when made honestly and seriously, are made upon the most absurd grounds, such as that the Magistrate has excluded or included certain evidence, or has sat late, or refused adjournments, or bail, or otherwise has exercised the discretions given to him and performed the duties imposed on him by law but has done so in some way not altogether pleasing to the applicant. Even the tone of his voice and the expression of his face have been urged as grounds for transfer.”

I trust I shall not weary the House if I read out a few extracts from the views of Local Governments, of High Courts and of individual Judges of High Courts. The Punjab Police Administration Report of 1925 contains the following :

“ Previously the prosecution was entitled to have the whole of its evidence recorded by the court before the proceedings were stayed, but now the prosecution evidence can be held up at any time, with the result that prosecution witnesses are tampered with before they come to have their evidence actually recorded.”

This is what the Lahore High Court Administration Report for 1928 says :

“ Another cause of delays on which almost all District Magistrates comment bitterly is the misuse of applications for transfer of cases. Under the amended Code of Criminal Procedure this appears to have settled down into a regular routine for prolonging proceedings, especially when there seems to be a likelihood of conviction.”

The Criminal Justice Report of Bihar and Orissa for 1929 refers to a case in which :

“ An accused person applied to the trial court seven times in order to move the High Court for a transfer of his case, but, although the case was adjourned five times, did not make any application to the High Court.”

Then Mr. Justice Walsh, in a judgment dated the 8th June, 1926, says :

“ I think it my duty to call the attention of Government through the district magistrate, if Government sees fit, with a view to drawing the attention of the Legislative Department of the Government of India, to the abuses which have arisen and are growing under this amended section 526 of the Criminal Procedure Code. If I recollect aright, it was pointed out that it was obvious, when the new proviso was enacted, that in the hands of dishonest, reckless and irresponsible practitioners this proviso might become a serious instrument of deliberate obstruction of justice, and waste of public time bringing the administration of the law into contempt. In my opinion it has been so used in this case, and it would be difficult to find an example more eloquent in condemning a provision of the law which allows such deliberate malpractices as have been carried on in this case.”

That is the judgment of an Honourable Judge of the High Court of Allahabad. Then the late Chief Justice of the Bombay High Court said :

“ We cannot shut our eyes to the fact that this is the third application for a transfer on the ground of bias and so on which has been presented to this Court since February 17th, 1930. We also cannot shut our eyes to the fact that repeated transfer applications of this kind might in certain events enable a complainant or for the matter of that an accused to stop a trial or enquiry altogether under section 526 (g), because as soon as one application for a transfer was rejected he could proceed forthwith to make another with only a possible liability for costs under section 526 (6A).”

The Lahore High Court in 1924 were inclined to doubt whether an innocent accused reaped any real benefit from the amendment of section 526 though an unscrupulous accused, no matter how guilty, can irretrievably spoil a good case by delaying the hearing and harassing the witnesses and complainants. I have many other extracts but I hope what I have said will satisfy the House of a very widespread feeling among those who are responsible for the administration of the law—the High Courts—that the present provision lends itself to the most serious abuse.

Well, Sir, what are our proposals for remedying this abuse? We propose to restore what we consider to be the intention of the law before the amendment of 1923 was made. In doing so, we have taken pains to re-draft the section in order to eliminate the ambiguities which prevailed in the section as it existed from 1884 to 1923. We are providing that this special procedure of compulsory adjournment should be only applicable in the case of notices given before the commencement of the trial. We are making it clear that when such a notice is given, it is not necessary for the proceedings to be adjourned immediately. It is merely provided that the court should not proceed to the stage at which the accused has to disclose his defence until a reasonable time has elapsed to enable him to obtain an order from the High Court. It appears to us, Sir, that such a provision is fair both to the prosecution and to the accused. The accused, I would repeat once more, still retains his ordinary powers under sub-section (3) of section 526 to move the High Court at any stage of the proceedings. But, unless he notifies the court before the commencement of the trial, the court will not be under any obligation to adjourn the proceedings. The initiative and discretion will be restored once more to the courts where I venture to think they ought to reside. Now, Sir, one of the valuable suggestions made by the Lowndes Committee was that power should be given to penalise frivolous applications. For reasons which were explained in the judgment of Mr. Justice Lort-Williams, the provision in sub-section 6-A is very ineffective. In fact, owing to the particular way in which it is drafted it is very difficult for Government to show that its costs in opposing an application amount to so much and consequently, I understand, it practically never happens that the High Courts even in the case of the most frivolous applications grant any costs to Government. We have provided in this Bill for a more general wording which we hope will remove that particular difficulty.

Now, Sir, I have endeavoured to put before the House the general principles which we hope to secure. The details of our proposals are admittedly technical. If the House agrees to the motion which I am putting before it, I hope that some of the eminent lawyers in this House will go carefully with us into our proposals and either satisfy themselves that they represent, as we believe they represent, the best way of dealing with these difficulties or will be able to make certain suggestions which we shall find ourselves in a position to accept without affecting the main principles of the Bill. But, Sir, let me once more reiterate the objects of the Bill. I contend that the law as it stands lends itself to the most serious abuses of judicial procedure. Those abuses are not theoretical. They are found in practice to interfere seriously with the work of the courts and to give unscrupulous accused a most undesirable and unreasonable advantage. These conditions must be removed. We believe that

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they can be removed most suitably by restoring what was intended to be the position when this provision was first inserted in the Code in 1884. I trust that I shall have the support of the House in moving that we should abolish from our Criminal Procedure Code this notorious abuse.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Motion moved :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose be referred to a Select Committee consisting of the Honourable Sir C. P. Ramaswami Aiyar, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Rao Bahadur B. L. Patil, Mr. Muhammad Azhar Ali, Mr. Muhammad Yamin Khan, Mr. F. E. James, Dr. F. X. DeSouza and the Mover, with instructions to report on or before the 12th September, 1932, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Mr. C. S. Ranga Iyer : Sir, before Sardar Sant Singh moves his motion, may I move that the name of Mr. B. R. Puri be added to the Select Committee ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : It has been suggested that the name of Mr. B. R. Puri be added to the Select Committee. I should like to know if the Honourable the Home Member is agreeable.

The Honourable Mr. H. G. Haig : I should be very glad to accept the name of the Honourable Member if there is any kind of assurance that that will be the end of it.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I move, Sir, that the name of Mian Muhammad Shah Nawaz be added to the Select Committee.

The Honourable Mr. H. G. Haig : I have no objection. It would add very greatly to the strength of the Committee if the name of Mr. Shah Nawaz were added to it, but I would just like to utter one word of caution, because I was present at the Round Table Conference when a process like this was started there. It was proposed at the first Round Table Conference that a Committee of the Conference should be appointed and starting in this way before long the entire Conference was included in the Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I take it that the House agrees to the addition of these two names.

Sardar Sant Singh (West Punjab : Sikh) : Sir, after hearing the Honourable the Home Member, his forceful and illuminating speech on the subject, I do not think I will be justified in asking the Bill to be circulated for the purpose of eliciting opinion thereon. But, at the same time, I should like to say a few words with your permission. I have carefully read the Bill which has been introduced...

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : I should like to know whether the Honourable Member is moving his amendment.* I will tell him why I am asking him to say so now. There are two other Honourable Members who have given notice of the same amendment. If the Honourable Member is not moving his amendment at this stage, he

*“ That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st February, 1933.”

should simply say so, so that the Chair may ask the other two Members whether any one of them wishes to move it. That will not deprive the Honourable Member of his right to speak on the motion later on. If he is not moving the amendment, then it will be the duty of the Chair to call upon each one of the other Members to move the amendment.

Sardar Sant Singh : I do not like to move my amendment.*

Mr. S. G. Jog (Berar Representative) : I do not wish to move my amendment.†

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : On the assumption we would be given full opportunity to speak on the Bill, I also do not want to move my amendment.†

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The discussion will now proceed on the original motion.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : I would not have addressed the House but for the fact that I feel very keenly on the subject before us. I do not think it will be denied that the proposed Bill deals with one of the most important provisions of the Code of Criminal Procedure. While we may have our differences with regard to the policy or the principle upon which penal statutes are to be enacted, I am sure there will be no difference on one point, namely, that all penal statutes should be kept within limits. I venture to submit, Sir, that all Governments and, more so, foreign Governments, have a natural tendency towards despotism and it requires a great deal of vigilance to counteract that tendency. Penal laws are the real weapons of subjugation and, therefore, we, as representatives of the people and as guardians of their liberties, have got this duty cast upon us to be always on the look out that no encroachment upon the liberties of the people takes place unless the necessity of the occasion absolutely demands it. Before coming to the principal provision of the Bill, it is necessary for me to emphasize that this privilege of obtaining a transfer of a criminal case is a right which is conceded to a party under all systems of jurisprudence. It is also recognised by the law of this country. But if that law is merely made a ceremonial and a nominal one, in other words, merely an illusory right, it is of no use to an accused person. What is really wanted is that it should be a substantial right. Now, Sir, the provision, as it stands under the existing law, is one that has been in force for the last ten years, the last Act having been passed in 1923. It is contended that this law is wholly unsatisfactory, in fact in the words of Mr. Justice Lort-Williams, it leads to most amazing consequences and, therefore, armed with the authority of the Calcutta High Court, the Honourable the Home Member is now asking this House to lose no time in putting an end to this scandalous state of affairs. Sir, it shall be our duty to examine carefully and critically how far the gloomy picture depicted by the Honourable the Home Member is really so. At the very outset, I may state that it would be altogether wrong to say that to ask for the transfer does not amount to choosing of a forum. If a person seeks the transfer of a case from one court to another, it would not be fair to say that he is seeking a forum for himself. What in reality he is doing, is that he is refusing to be tried by a court which is not capable of dis-

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†“ That the Bill be circulated for the purpose of eliciting opinion thereon.”

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pending impartial justice to him. That, Sir, is a correct and fair interpretation of this Act. As a matter of fact, if a magistrate is not capable of acting as an impartial and unbiassed magistrate, he has got no claim at all to be called a court of law. Therefore, it is necessary to clearly understand that the accused person is not making an extravagant claim in any manner, he is asking for bare justice. He is offering to prove his allegation and, it is only after he is able to satisfy a higher tribunal that he cannot secure justice from the particular magistrate, that he will be entitled to the transfer of his case. If a man secures a transfer from one court, and finds the new magistrate equally bad if not worse, if he is again driven to seek the same redress at the hands of a higher court, I do not see how

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you can blame him. In a given case as long as an accused person or any party to such criminal proceedings is able to show that he will not get impartial justice, it does not matter whether he repeats his application ten times. Or, again, if against the same magistrate he is compelled to ask for the transfer time after time on fresh grounds alleged, you cannot say that he is doing anything wrong. His attempts though unsuccessful may yet be perfectly honest and *bona fide*.

Now, Sir, under the existing law an accused person has the right to notify his intention of applying for the transfer at any stage in the course of an inquiry or trial. The law before 1923 was that an accused person could notify the court at any time before the commencement of a hearing. There was, I submit, no material difference between the two provisions. The only difference between the two provisions consisted in this, that under the pre-1923 Code an accused person had the right at any time during the inquiry or trial to notify to the court, all that it was necessary for him to do was that he should make this notification at the beginning of a hearing, that is, at the beginning of the proceedings on the particular day when his case is to be heard. If the proceedings on that day began at 10 o'clock it was not open to him to notify his intention or ask for the adjournment of his case at 12 o'clock. He should do it at 10 o'clock precisely before the hearing starts. There was no other restriction imposed upon him. On the other hand under the 1923 Code this restriction was removed and the notification could be made at any time during the hearing. But the main difference came further on, that is, after he had notified his intention the court under the 1898 Code could proceed to record evidence in the case, up to a certain stage in spite of such notice, i.e., the court could record the whole of the evidence for the prosecution and could proceed with the case up to the stage when the accused person is called upon to enter on his defence. Beyond that the court could not go. The change that was brought about by the Act of 1923 was that at any stage of the proceedings on any day, as long as the court was sitting, whether it was the inquiry stage or the trial stage, an accused person had the right to notify his intention to the court and he could there and then ask for the stoppage of the proceedings. Now, if we refer to the Statement of Objects and Reasons of the proposed Bill you will find that the Honourable the Home Member says :

“ The Bill proposes to restore the position as it stood before 1923, but in restoring the provisions that then existed, it recasts them so as to eliminate certain ambiguities that had shown themselves.”

I will invite the attention of the House particularly to these words, "the Bill proposes to restore the position as it stood before 1923". It does nothing of the sort. Having placed the provisions which existed before 1923 before the House already, I will now ask the House to look at the proposed Bill and see by comparing the two provisions whether the claim put down in the Statement of Objects and Reasons is a true one. Referring to sub-section (8) of the proposed Bill we find that it reads thus :

"If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court before such inquiry or trial is begun that he intends, etc., etc."

Now, Sir, here you will see at once that the Statement of Objects and Reasons,—and I mean no offence to anybody,—is clearly misleading. There is no similarity between the two. Whereas in the pre-1923 Code a person could notify his intention to the court at any time during the progress of the inquiry or trial, the only condition being that he should do so at the beginning of the hearing on a particular day, the proposed amendment requires that such notice should be given only at the beginning of the inquiry or trial. That is to say, before any proceedings are allowed to take place in a particular case an accused person or any party to the criminal proceeding has got to make up his mind whether he is going to exercise this privilege of notifying to the court that he intends to seek the transfer of his case. It is only at this stage, the proposed Bill says, that he shall have that right and at no stage subsequent to that. This, I submit, is a clear departure from the old Act of 1898 whereunder, as I have said already, an accused person had the right to so notify at any stage during the inquiry or trial. One naturally expects a certain amount of harmony between a statement and a fact, but the Statement of Objects and Reasons disappoints us in this connection.

Now, let us examine the main provision of the Bill on its own merits. Leave alone the fact whether we are going back to the old law and substituting the 1898 Act in place of the existing Act. Let us examine the provision on its own merits and see whether it is a sound law. You will be able to appreciate the merits of the proposed Bill only after you have carefully examined the Explanation which is appended to sub-section (8). Explanation 1 says :

"A trial or inquiry before a Magistrate is begun when the first witness is called, and a trial before a Court of Session is begun when the charge is read out in Court."

Here it is very clearly defined as to what an inquiry or a trial is for the purpose of this proposed Bill. According to it an inquiry or trial begins in a magistrate's court when the first witness for the prosecution is called. We will leave alone the sessions court for the moment. An accused person will have hereafter, if the Bill is passed into law, a right to notify his intention of seeking a transfer only before the first witness for the prosecution is called. The old definition or implication of the word trial has been wiped out for the purposes of the present law. Whether it is an inquiry or whether it is a trial, for the purposes of this law it shall be deemed to have begun when the first witness is called into court ; and if an accused person is to exercise his right at all, that would be the only stage for him to notify his intention. It really comes to this : that as soon as the case is called, on the very first hearing, the accused

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person the moment he crosses the threshold of the court room shall have to enter into a race between him and the first witness. The result will be that unless he is quick in notifying his intention to the court, there is every possibility of the first witness walking in before the accused opens his mouth and this precious privilege which the Bill is about to confer upon him is gone for ever. And after all what is the good of such notifying. An accused will be very ill-advised in doing so. It will indeed be suicidal on his part to go out of his way and notify to the court that he wants to get his case transferred, because the court cannot give any help to him. The court in spite of his declaration will merrily proceed with the recording of the whole of the evidence against him. Every witness for the prosecution who is brought forward will be examined and in spite of the man notifying to the court. In fact it will be a tactical blunder on his part to inform the magistrate that he has got doubts regarding his honesty, impartiality or capacity. He will thus turn him into an enemy. Taking the magistrate as an ordinary human being the accused is sure to suffer by resorting to such an act.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : Will you please tell me how long you are likely to take? I do not wish you to curtail your remarks : I want information to decide when to adjourn for Lunch.

Mr. B. R. Puri : I will be some time—it may be about an hour.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The House will now adjourn till Half Past Two.

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

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

STATEMENT OF BUSINESS.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of business up to the end of next week. It is expected that the Bill for the amendment of section 526 of the Code of Criminal Procedure will be referred to a Select Committee to-day, and it is hoped that the Committee, by sitting to-morrow and on Saturday, will be able to present its Report on Monday, the 12th. The remaining business on to-day's list will be taken up next week with the exception of the motions in the name of Sir Alan Parsons for the consideration and passing of the Bill to amend the Income-tax Act, which will not be taken before the 19th of this month. The additional Government business which will be placed on the paper in the coming week on Monday and Wednesday will be motions to take into consideration and pass the following Bills :

- (1) A Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz, as reported by Select Committee, and

- (2) A Bill to amend the law relating to emigrant labourers in the tea districts of Assam, as reported by Select Committee.

In addition, a motion will be made to refer to Select Committee a Bill to amend the Workmen's Compensation Act, which was circulated by this House last Session and motions will be made for leave to introduce :

- (1) A Bill to supplement the Criminal Law, and
- (2) A Bill to supplement the Bengal Suppression of Terrorists' Outrages Act, 1932.

Should time allow, the two Government Resolutions, viz., the Resolution in connection with the reduction of the travelling allowance of Honourable Members and the Resolution regarding the ratification of the International Convention for limiting the manufacture and regulating the distribution of narcotic drugs will be moved. Lastly, the First Part of the Report of the Public Accounts Committee will be presented on Monday.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL—
continued.

Mr. B. R. Puri : Sir, before the House rose for Lunch, I was dealing with the point as to the stage at which an accused person under the proposed Bill is given the right to notify to the Court his intention of seeking a transfer, and I was endeavouring to show how fruitless and indeed suicidal it would be for him to do anything of the kind, especially when he was not to get any proportionate advantage by making this notification to the Court. I am quite alive to the fact that it does not affect his right of moving the High Court for a transfer. I concede that at once. But what we have got to see in this connection and the danger that we have got to guard against is that once the intention is notified to the court, whether it is advisable in the interest of an accused person that the court should be allowed to proceed with the inquiry and record the evidence, the whole of the evidence for the prosecution. Sir, I believe that a great deal of harm and prejudice can be caused to an accused person, if the court is permitted to proceed with the recording of the evidence. We, who have experience as to what actually happens in practice, can speak from our knowledge, that if the magistrate is inclined to do harm to a particular party, he can do it in various ways, against which the aggrieved party has really no redress. Now, the most common way, in which a magistrate can go against an accused person is to overrule his questions in cross-examination however relevant and necessary they may be from defence point of view. The magistrate can shut them out as irrelevant. Discussions often follow until we come to a stage when the request of the defence counsel to record the question is even rejected. The defence counsel is then driven to the last resort, namely of drawing up hurriedly a petition, while the cross-examination of witnesses is actually proceeding, embodying his question which has been overruled, and then to put that petition upon record. I have even known cases where the magistrates have been so capricious as not even to permit such a petition to be placed upon their judicial records. I know that this is not the normal state, but we are dealing with abnormal cases, because when a person is driven to seek the transfer of a case, he does so only when he finds that he is not getting the impartial treatment which he should normally get. Apart from that,

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there are, Sir, various other ways in which a magistrate can exhibit his displeasure or his inclination to favour one or the other party. He can bully the witnesses if and when they say anything in favour of the accused. Now, Sir, against all these dangers there is absolutely no remedy. He can in certain cases,—and such cases are not unknown—make an inaccurate record. I can safely go the length of saying that cases have been known where false records have been prepared. Well then, if a man notifies his intention before the inquiry begins and the court is given *carte blanche* to proceed with the inquiry in the recording of the evidence in which all these abuses I have mentioned could be perpetrated, Honourable Members can well imagine the amount of prejudice and injustice and hardship which might be caused to an accused person....

Rao Bahadur B. V. Sri Hari Rao Naydu (Madras : Nominated Official) : The evidence has to be read over to the witness in the court.

Mr. B. R. Puri : Let me remind my friend that this is an empty ceremony.—‘Read over and admitted correct’ has been often the subject of comment in High Courts and we know from practical experience that these words are automatically put down without the statements being read out to the party. There have been convictions which have been set aside on that very ground....

Rao Bahadur B. V. Sri Hari Rao Naydu : You can insist on that privilege.

Mr. B. R. Puri : In the same way as you can insist upon the magistrate taking down something which we believe he ought to take down, but how can you force him to do so ? After all, you cannot physically go and catch hold of a magistrate and make him take down what we believe he should.

Rao Bahadur B. V. Sri Hari Rao Naydu : That happens even in civil cases in the civil courts.

Mr. B. R. Puri : I am not concerned with civil courts now. I am dealing with the criminal courts. If therefore such things can happen,—and such things have happened in the past,—you would be really accentuating the mischief, you would be exposing an accused person to far greater dangers if you say ‘we will compel you to notify your intention at the very beginning of the proceedings’ and at the same time give a licence to the magistrate to do what he likes. After all, Sir, the magistrates are human beings, and it is no pleasure to hear that a party is dissatisfied with his behaviour and conduct and that he is about to be exposed and maligned before the higher courts. Therefore, I submit that it would be exposing an accused person to an irreparable danger and hardship if the present provision is passed into law.

The Bill is bad on another principle as well, and that is this. The accused person comes before the court and he finds that the presiding officer happens to be a man with whom his private relations have not been quite amicable. He is called upon, before the magistrate has said or done anything, to notify his intention at once if he wants to get the case transferred. He argues in his mind : ‘Here is a gentleman, although my private relations with him have not been quite amicable, but

he has not said or done anything yet ; and why not give him an opportunity. People sometimes do rise to the occasion, they do recognise their responsibilities. In private life perhaps they may not be so strict and scrupulous, but when a certain responsibility is placed upon them, they realising the responsibility act in a perfectly straight manner. Therefore, it would be pre-judging the magistrate without giving the man a chance. 'Why not wait and see how he behaves'. This would be a perfectly honest and fair view. Obviously it would be inopportune, premature, and unfair to the magistrate if you rush and ask for transfer. I have heard the High Court judges asking the counsel seeking transfer, "What has he done? Has he given any indication that he won't dispense impartial justice?". The answer in such a case would be, no. Therefore, I submit that on this ground also your proposed Bill is open to serious criticism.

Apart from that, I would ask you to consider a case, which might very well happen, namely, that in the middle of the enquiry or trial the magistrate is bribed by one or other of the parties. What is the accused's remedy? The occasion for him to notify to the court has already gone. Therefore, a misbehaviour, which comes into existence at a later stage and which could not have been anticipated at the commencement of the enquiry, has to be met with by prompt action at the time, but your Bill makes no provision for it ; in fact, it shuts out all remedy after the case starts.

In the light of the above remarks, I think one would be entitled to say that the Bill contains provisions the results of which would be amazing, if not worse. Let me here remind the House that, after all, an accused person can ill-afford to lightly seek the transfer of his case. When you bring before the House instances of abuse, I think you should also remember that there exists a very large number of *bona fide* cases where the accused person has been compelled and driven to seek that course. After all an accused knows that it is a serious step to take. He knows that his chances of success are less than even. For various reasons, both judicial and executive, the prestige of the court below is kept up and unless it is a glaring case, unless it is a case where strong grounds are made out, we know courts are disinclined to order transfer. And what are the consequences of failure. Unsuccessful party has practically sealed his own fate, for after knocking at the door of the High Court when he comes back before the same magistrate, he knows that he has done himself incalculable harm. Here again, I will remind the House that he is brought back face to face with the very man whom he has maligned, whom he has abused, and against whom he has made allegations before the High Court. The magistrate must be a super-man if he keeps the scales even. If he is an ordinary mortal, as we know these magistrates are, then I think the accused person has seriously prejudiced his case. Therefore, it is only when a person is driven to such a position that he seeks a transfer of his case,—it is not out of pleasure, it is not out of choice. He knows the consequences. Over and above that, under your existing law, he is liable to be penalised by costs which by itself is a deterrent factor. Therefore, one must not lose sight of the fact that it is not a proceeding which the accused person takes merely for the sake of fun or with a light heart.

Now, Sir, we have heard the Honourable the Home Member and his chief grievance is that the privilege which has been given to the accused

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has been grossly abused. But going through the Statement of Objects and Reasons, I find that the language used there is guarded. It does not say that the privilege has actually been abused and that the ends of justice have been defeated ; it merely says, " that it lends itself to grave abuse and is calculated to defeat the ends of justice ". I think, Sir, this is not an accidental error—but that the language is deliberately so used. In all probability my Honourable friend thinks that there is a defect in the drafting of the existing law and that, as such, it is capable of being abused, and not that it has in fact been abused. In a way it goes to the credit of the accused that they have not taken undue advantage of a lax provision. Be that as it may we have yet to examine the statistics on that point and then to come to a final conclusion whether they justify the conclusion that the existing law which has been in force for the last 10 years has really lent itself to serious abuses. On this point I have got one very important suggestion to make. To seek the repeal of a statutory provision is after all a cumbersome task. If the law has been abused, you should look round and see if your existing law provides any relief or not. If the relief is elsewhere to be obtained, then why enact a new law. In this connection I would invite the attention of the Honourable Members to the fact that the High Court has got plenary powers to take suitable measures by promulgating and issuing orders and taking other necessary steps if they find that their process is being abused or that certain provisions of law are used in a manner which would defeat the ends of justice. If the High Court has got such inherent powers and have been specifically given these powers under the very Code that we are dealing with, then why this extravagant process of asking for the repeal of a section. They can issue instructions. They can issue orders that in flagrant cases, in cases which transgress the legitimate limits, the High Court can put its foot down and say so far and no further.

The Honourable Sir Brojendra Mitter (Law Member) : How ?

Mr. B. R. Puri : I am coming to that. I would respectfully draw the attention of the House to a very important, effective and wholesome provision which exists in the Code of Criminal Procedure, section 561A, and with the permission of the House I will read it. It says :

" Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

You have got your remedy provided here. Why knock about in different directions ? Here is a provision under which the High Court in suitable cases could say that up to a certain limit the party has got the right to ask for the transfer of his case but the moment he goes beyond that limit no further legal help is to be given to him. The language of the section is sufficiently wide and the powers are sufficient. Therefore from this point of view I would say that the present measure is an ill-advised measure and an unnecessary measure.

I concede that in certain cases which are not many this power might have been abused and it is no doubt capable of being abused but, if it is capable of being used and if a few people have abused it, why penalise a large class of accused persons who are driven by necessity

and on *bona fide* grounds to ask for the transfer of their cases. Your object can be served by resort to the provision to which I have just now referred without causing hardship to a large number of people who would be affected and prejudiced by your new law which would apply to all alike. While you are preventing a few people from abusing the section, you will at the same time be preventing a large number of people from seeking a legitimate redress.

Now, Sir, let us seriously consider how and in what manner the administration stands to suffer by such applications for transfer. The bogey of 'adjournment' has been exaggerated. Are not adjournments granted daily on other grounds, sometimes bad, but often on inadequate and insufficient grounds. According to the Government view, the administration is likely to suffer materially because under the existing law it is obligatory on the magistrate to grant adjournment. But after all what is the granting of an adjournment. Is it something that is going to seriously prejudice the administration of criminal justice? Don't we know how recklessly and light-heartedly these adjournments are granted every day? If the magistrate's liver is bad, if he has got a slight headache, if a few friends are waiting for him at home or if there is a tea party somewhere to be attended, the magistrates after hurriedly disposing of the urgent work postpone the rest of the cases. We know exactly how things work out in actual practice. Sir, the cases have often been adjourned because the public prosecutor is not available and so on and so on. If the cases are postponed so lightly on other grounds, and the administration of criminal justice does not suffer how is it going to suffer because the wretched accused asks for an adjournment.

Now, Sir, I will very briefly deal with the other aspect of the Bill, namely, the change which is intended to be introduced in sub-section (5) and sub-section (6.1). They may be considered together. The object of the

3 P. M. proposed change is I take it not so innocent as it has been described by the Honourable the Home Member. I was waiting for some more light to be thrown on this subject but the Home Member contented himself by merely saying that instead of using the old phraseology, he proposed to substitute the word "compensation". Now I submit that this proposed change is of a very very far-reaching character and that it is not so innocent as it looks. It is, if I may be permitted to describe it, a very serious encroachment upon the right of accused persons. Under the existing law, all that is allowed to a party who is opposing transfer is that the unsuccessful party would be called upon to pay the costs of his opponent, costs which have been actually incurred; and there is another condition attached to it, namely, that the costs should have been reasonably incurred. Under the proposed Bill the unsuccessful party would be called upon to pay "such sum as the High Court may consider proper in the circumstances of the case by way of compensation". Now "compensation" is a very wide term. It takes absolutely no notice, no account of the actual expenses incurred, and it does not at all bring in the reasonableness of the expenditure. A man may have incurred, in opposing an application for transfer, expense of say Rs. 10 or Rs. 20, but the Judge dismissing the transfer petition might feel inclined to put a thousand rupees into his pocket. He will be perfectly empowered to do so according to the terms of the proposed section.

The Honourable Mr. H. G. Haig : It, surely, would be a very bad case !

Mr. B. R. Puri : It will be entirely dependent upon the temperament of the particular Judge ; if he thinks that the results are going to be ' amazing ', he might even go further. I know some Judges who would go further. Now, proceeding with the point, I would ask you also to remember that the proposed provision puts no limit upon the amount with which an unsuccessful party could be penalized in the shape of compensation ; and further not only is it a limitless penalty but it is a remedyless penalty against which there will be no remedy whatsoever. Therefore, one effect of that would be that it will scare away *bona fide* applicants, —no doubt it will keep back *mala fide* petitioners who are out to misuse this provision. Now, in this connection, I would ask you to consider that it would be only fair if the proposed Bill had fixed the amount of the penalty up to which a person could be saddled, and in this connection I would draw your attention to two very instructive provisions in the Code. One is section 250. That section says that when a party is responsible for having dragged another into a court on a charge which is ultimately found to be false or frivolous, the magistrate when discharging or acquitting that party has got the right to allow compensation to him to the extent of Rs. 100. Now I ask you to compare the provision which is now before us. Here there is no limit imposed. In a case where a man has dragged another into court on a false charge and where the case has probably been spread over several hearings, where the other party has put himself to a considerable amount of expense, where he has engaged probably eminent counsel, all that he stands to get by way of compensation is Rs. 100 and not a pie more ! If in the proposed Bill they had fixed down the penalty to the extent of Rs. 50 or even Rs. 100, they would have certainly given some indication of their fairness, but, in its present form, would it be extravagant on my part to say that the underlying object of this provision is to put an end to and practically to repeal the provision and to scare away every *bona fide* person from seeking transfer of his case. There is another provision and that is section 553 of this Code. Under that provision, if you have been responsible for getting a man arrested on insufficient grounds, you could be penalized to the extent of Rs. 50. I am only drawing your attention to these provisions which are to be found in this very Code in order to give you an idea of the sense of proportion which the Legislature has observed when dealing with the question of compensation, and in far more serious cases, the amount of compensation which the law has recognized. You have disregarded all these provisions, and you have now put a limitless and a remedyless penalty which is capable of being inflicted on innocent and guilty alike.

Sir, your law as it exists at present is not a very fair law ; it is a very one-sided law. They keep on condemning accused person. What about all those cases where an accused person has successfully established his charges against the delinquent magistrate ? Do you, Sir, realise what the success of a transfer petition connotes ? If I allege that the magistrate has not acted in a proper, in a fair, in an impartial and in a just manner, if I make other serious allegations and if ultimately I come out successful from the High Court, what does it reflect ? It shows that my allegations are true, and if my allegations are true what compensation do I get and

what penalty does the magistrate suffer? It is quite clear that your law is bad enough as it exists and any further attempt to make that law more stringent would be causing a great hardship upon the people. Therefore, in view of all these considerations, I am forced to oppose this Bill. If it had been brought in a modified form and if it had been placed before the House in a manner which would just prevent the abuse of the process and at the same time protect the honest parties from enforcing a well recognised right, I would have been one with the Government. I would place before the House a suggestion which would, I trust, be duly considered because I feel that if this suggestion is adopted, the abuse will be prevented and at the same time there will be no unnecessary hardship inflicted upon the parties who are legitimately seeking the judgment. I will read out my suggestion in order to be exact in the very words in which I have drafted it. It runs as follows :

“ That the existing sub-section (8) should remain intact subject to the following proviso : Provided that the Magistrate may refuse to grant an adjournment for the making of such an application on the ground of its being frivolous or intended to defeat the end of justice where the accused or anyone of them has already been granted one adjournment for such a purpose.”

Now, Sir, if this suggestion is adopted, it will meet every bit of the objections and criticism of Mr. Justice Lort-Williams. I am not here to promote in any way the abuse of this process of which I am cognizant and I know that in certain circumstances it is abused. But do give the accused at least one opportunity, because you cannot anticipate whether his charges are going to turn out to be true or false. And if he fails to convince the High Court once he shall not be entitled to any further adjournment. Of course, he can go to High Court independently, without securing any adjournment. That is his lookout, but certainly he cannot hold up the proceedings in these circumstances. I would therefore submit that I have got no course open to me but to oppose this Bill not because I am not mindful and conscious of the abuse to a certain extent but because it would involve a much greater hardship upon a much larger section of the accused people. I am therefore bound to oppose this Bill.

The Honourable Sir Brojendra Mitter : Is not that a Select Committee point ?

Mr. B. B. Puri : I really do not know, but if it is I shall be very glad to explain my position there. My first endeavour however is that the Bill as it stands at present is not acceptable to us and if it is competent to convert the existing Bill into something like what I have submitted, then, of course, I would not oppose it. That is the position which I would like to urge before the House.

Mr. F. E. James (Madras : European) : Mr. President, although I have delivered two maiden speeches in two other Legislatures, I would crave the indulgence of this House to a Member who is addressing it for the first time. I do not intend, were I qualified to do so, to enter into the detailed discussions in regard to the particular proposals underlying the Bill which have been made by the previous speaker. I may say that I fail to understand his position in regard to this question. It appears to me that we are now at the stage of considering the general principles underlying the Bill, and I would suggest to the Honourable Member who has just sat down that the proposal which he has read out to this House might well be considered by the Select

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Committee when it meets where he will have an opportunity of pleading his views with his well-known ability. Now, Sir, I wish to speak very generally about this Bill and I wish to speak in regard to it from the point of view not of a lawyer, but from the point of the average man in the street, if there is such a person. The Honourable the Home Member has in his speech indicated that there is an overwhelming case for an amendment of this section. It is a matter of some surprise to some of us that in view of the experience which has been known to the Government of India in past years, an endeavour has not been made earlier to amend this section. However I hope that once this is achieved, the Honourable the Home Member will turn his attention and the attention of his Government to the equally scandalous condition in regard to delays under the Civil Procedure Code.

Now, Sir, the present Lord Chancellor of England laid down recently that the quality of justice should be determined with reference to its impartiality, its speediness and its cheapness. I wonder whether the existing law and the proposals of the Government of India might be examined in the light of these three canons. I do not think anyone in this House would venture to throw any doubt whatsoever upon the impartiality of the judiciary in this country. I take it that that is not in the mind of even a single Honourable Member.

An Honourable Member : You are mistaken.

Mr. F. E. James : Anyhow, I leave that question in the hands of the lawyers. But I take it that it is not the purpose of any one during this discussion to allege that the magistracy of this country, generally speaking, is by any means wanting in impartiality. It seems to me that if there are any who take the view that the magistracy in this country is wanting in impartiality in certain directions, surely one of the methods by which they may be safeguarded against any loss of impartiality would be by increasing the independence of the magistracy. I have heard in other legislatures the point made frequently that one of the crying needs of the day is that the judiciary should be independent of the executive. I sympathise with that point of view. At the same time, surely the magistracy should also be in a position of greater independence than it is to-day with respect to those who appear before it. I have known of cases frequently in which it appeared to the observer that it has been the magistrate who has been on his trial before those who are appearing before him rather than the accused. All kinds of applications have been made on grounds which threw all kinds of references of an undesirable character upon the very magistrates who were trying the case and one of the first things that is necessary, if you are going to ensure that your magistracy is absolutely impartial, is that it should be far more independent than it is to-day in regard to the procedure of its own court. I wish also to suggest to this House that one of the best protection against partiality is the provision for speedier trial. It may be argued that in this Bill, as it is at present proposed, the pendulum swings a little too far in the opposite direction and I suggest to this House that, as that is a matter on which there is a great divergence of opinion, it might be dealt with in the Select Committee. The second canon is that of speed and here I speak with very great feeling. The previous speaker asked the House a question and his question was, "what is an adjournment? Is it such a bogey?" My answer to that

is, that an adjournment is often the worst bogey that confronts a person who is trying to seek a decision in a court of law. I am reminded of a French proverb which says "justice that delays loses its virtue". One of the greatest bug-bears of the average litigant is the possibility that months may elapse before he can secure a decision in a court of law. I have known examples of delays which have been definitely made for the purpose of defeating the ends of justice. I have known of delays which have been caused through the procedure which is made possible in the section, delays which have been caused in order to ruin financially one or the other of the parties. I have known delays which have been caused in a similar way in order that the particular case may be prolonged until a certain magistrate had been transferred to another district. I think that protection is needed not only for the defendant but also for the plaintiff against delays of this character. I may observe, Sir, that the modern tendency throughout the world is to speed up the execution of justice as far as possible. Those of you who are familiar with the procedure in the courts of England will know that the possibility of transfers are very limited, both as to jurisdiction and as to time. I understand that under the Italian Penal Code restrictions have recently been made far more severe, and that Code provides for very heavy penalties in the case of vexatious or frivolous or defamatory applications. I have been informed this afternoon that in America the practice is that after the trial has once begun, there is no possibility of changing the venue of the proceedings. I think that an ample case has already been made out and on the ground of this canon also, there is need for alteration in this section.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : May I ask the Honourable Member a question ? In America are not these trials held with the help of the jury who are judges of facts ?

Mr. F. E. James : The third canon which I would direct the attention of the House to is this, and it is a very important one from the point of view of the average man, the canon of cheapness. I do not know whether this particular canon would appeal to my lawyer friends so much as it would appeal to the ordinary litigant. I am quite prepared to admit that there is a danger in making justice too cheap. But there have been cases which have been brought to my notice in recent months in which this matter of costs is of vital importance. I have known cases, for example, where owing to the facility under this section by which an adjournment may be obtained, cases where prosecutions have not been launched which should have been launched simply because the persons desiring to prosecute feel that the expenditure in time and money was not justified. I have known also cases in which—I have mentioned them before—there has been a deliberate use of this section in order to ruin the defendant when a complainant saw during the course of a trial that he was not likely to get judgment on his behalf. I have known cases where the defendant has thrown in his hand although he has had a perfectly good case simply because he has not been able to sustain a continuous and increasing cost because of the constant delays which has been possible under this section. There are also cases, and these should appeal to the House particularly at this time, in which public money has been wasted in this connection. I understand that in

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connection with the Delhi conspiracy cases, there have been applications made under this section and adjournments granted which tended to prolong the cases far beyond the limits of time which were really necessary. All that costs money.

Therefore, Sir, I congratulate the Honourable the Home Member on at least tackling this difficult question. If we can in the coming days hand over to our successors in this country an administration of justice which is impartial, which is cheap and which is swift, we shall be doing something which generations to come will have cause to be grateful for; and I may say that any action taken by this Assembly to improve legislation on this point will receive the support and gratitude of the people of this country.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, this Bill aims to alter the law which was made in 1923 by this very House. The law, as it stood up to 1923, was that no application could be made for transfer to the High Court after the trial had started; at least no adjournment could be allowed on that application. After a careful consideration of this law this very House altered the law to its present form. After this law had been on the Statute-book for the last seven or eight years we find that considerable difficulty in its administration has been experienced by Government and other litigants. I quite realise that there has been a misuse of this section by certain people and would not like that that kind of misuse may be made in future by any litigant whether in a case conducted at Government expense or on a private complaint. Here, Sir, there is only one principle before us which we cannot ignore. If that principle alone is stuck to by Government I cannot support this Bill and it will be my duty to oppose this Bill. But if Government guarantee that they will not stick to that principle but allow the Select Committee to make any kind of alteration which may suit the Government's point of view as well as improve the law instead of making it worse, then I will be prepared to support it. The principle here is whether a man during the trial can apply to the High Court by getting an adjournment of the case or not. Now, Sir, I have come across many cases in my experience in which I have found that the presiding officer was not at all impartial. The case could not be conducted properly in that district and it ought to have been removed from that district. For this purpose there was only one course open and that was to apply to the High Court. In many cases, at least in several cases, I found that the court was very reluctant to give any adjournment. They fixed dates which were so short that nobody could reasonably be expected to travel a long distance and go to the High Court for an order. In these cases the poor litigants had to suffer a great deal. They not only had to suffer inconvenience but they were put to unnecessary cost because there was no other remedy open to them except to travel all the way to the place where the High Court is situated and pay good fees to the counsel there. That only remedy which was open to them is going to be stopped by this Bill. This Bill aims at this that once a trial has started there can be no application for an adjournment of the case although a man may go to the High Court and apply there. Can there be any sense in this?

The Honourable Sir Brojendra Mitter : That is not so. My Honourable friend has misread the Bill. If he reads the Bill carefully he will find that it is not so. The application is open at any time, either before the trial court or before the High Court or before the inquiring court.

Mr. Lalchand Navalrai : Yes, but before the commencement of the hearing.

Mr. Muhammad Yamin Khan : Anybody can submit any application but here the question is whether the court is going to grant an adjournment of the case or not. Every man is empowered to present a hundred applications every day before the court if he chooses to do so, but the question is whether the court is going to allow him reasonable time to go and make an application for the transfer of his case from his file to another court. That is the only principle, that is the only valuable right which is enjoyed at present by a litigant whether accused or complainant. This is intended to be stopped and I say it will be very hard on the litigant public. I fully realise there has been misuse in some cases. I would like to improve the law but this Bill instead of improving it goes the other way. It takes away the right of the litigants who cannot safeguard their proper rights and it denies them justice which they ought reasonably to expect at the hands of the High Court because they are precluded by this section from reaching the High Court and getting any redress from that court. That is a principle which we cannot accept. If this principle is altered and Government give a guarantee that this principle will not be strictly adhered to and all kinds of amendments will be allowed for the improvement of this law, then there will be no objection to this Bill being referred to the Select Committee. In the Statement of Objects and Reasons it is said that the law as it stood prior to 1923 provided that the application must be made *before the commencement of the hearing*. This principle is sought to be brought back again. The present principle is that a transfer application can be made at any time in the course of any inquiry or trial or before the commencement of the trial. That principle is now being reversed. If the House once accepts this principle, then they will be precluded from making any alteration in the Select Committee of the principle, because the principle cannot be changed, although the wordings or anything can be changed without the consent of the Government. If the Government gives a guarantee on the floor of the House that they will take no objection if this principle is changed in the shape as proposed by my Honourable friend, Mr. Puri, whom I congratulate for his very lucid speech and very learned speech, if as proposed by him or in some other way as the Select Committee chooses at that time to remove the present defects and improve the law, I will have no objection; but if it is not done I am sorry I will have no other course open to me except to oppose the Bill.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Mr. President, in a very able and well balanced speech for which I congratulate him, the Honourable the Home Member has given reasons for the proposed change of law in the provisions of section 526 of the Criminal Procedure Code. In a very learned and able speech, my

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Honourable friend, Mr. Puri, who is a well known lawyer of the Punjab, has tried to refute those arguments and he has come to the conclusion that the present Bill is unnecessary. He has however put forward an amendment which is a very good amendment indeed ; but that is a matter for the consideration of the Select Committee. If my learned friend is right in suggesting an amendment, and no doubt he is right, then the Bill should be referred to a Select Committee and I am also of that opinion. I also congratulate my friend, Mr. James, on his very eloquent maiden speech. There is no doubt that the practical working of section 526 has resulted in grave abuse of its provisions. It is calculated to prolong criminal proceedings against an accused for a very long time and thus defeat the ends of justice. There is no limit to the number of notifications which an accused person may be able to make and each time the trial court is bound to postpone or adjourn the case to a fresh date. In a joint trial the abuse can be aggravated to a very large extent and the trial court is helpless. Therefore the administration of justice can unreasonably be delayed. The Bill, as it stands, intends to restore the old position of the Act of 1898 before it was amended by Act XVIII of 1923. But I venture to submit that it goes a little further in one respect and is somewhat drastic. In other respect regarding the trial before the Court of Sessions it has improved the position of an accused person. Now, Sir, I agree with my Honourable friend the Home Member that the High Court has inherent power to transfer any case from one court to another court *suo motu* or on the application of the complainant or accused or any interested person at any stage of the criminal proceedings. Indeed the provisions of section 107 of India Act and the provisions of section 526 and the provision of section 561-A which was cited by my learned friend. Mr. Puri, are quite clear on this point. Section 561-A runs thus :

“ Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”

That is to say, the High Court can transfer a case on any ground that it may think fit. The High Court can also stay proceedings. But I do not agree with my learned friend Mr. Puri when he says that the High Court can make rules under section 561-A, conflicting with the express provision of law. The express provision of law as stated in section 526 is this, that an accused person can notify his intention to the trial court that he intends to move the High Court to make an application for transfer ; and the trial court is bound to stay the proceedings. The High Court is not empowered under section 561-A to pass an order or to make a rule in conflict with the express provisions of section 526. If any ruling is required on the subject I submit 26 Bombay Law Reporter, page 719. Again the trial court is also empowered to postpone or adjourn the trial of any case under section 344, apart from any application on the part of the accused person or notification of his intention to move the High Court. This is what section 344 says :

“ If from the absence of a witness or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or

trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody :

Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time."

That is to say, under section 344 the trial court can postpone the case at least for fifteen days.

Now, Sir, I submit that the scope of the present Bill has been somewhat enlarged. The present Bill deals with the question of costs and the time when the person interested should have a right to notify his intention with a view to get his case transferred by the High Court. I will deal with these points separately.

To begin with the question of costs. Under section 526 of the Act of 1898, the accused person was saddled with the costs if his application was dismissed and if he was eventually convicted. By the Act 18 of 1923, the High Court was empowered to give costs against an accused person if his application was dismissed and found to be frivolous or vexatious. Now, what does the present Bill propose? It proposes that the word compensation should be substituted for costs; it also empowers the High Court to grant any sum against an accused person that it may think proper. I have no objection as regards the word compensation; it may be substituted for costs although I do not agree with the reasons given in the Statement of Objects and Reasons of the Bill; but I am distinctly of opinion that the amount of compensation should not exceed beyond a certain limit—say one hundred rupees or so. The amount is a question of detail and a matter for the Select Committee to consider. The reasons are these: firstly because the applications for transfer do not take a long time for disposal. They can be disposed of very quickly by the High Court: in fact, they are disposed of, as a rule, in half an hour or even twenty minutes. Secondly, if an application for transfer is accepted, the crown or the complainant is not saddled with the costs of the accused person. And thirdly when the application for transfer is opposed by the Crown, ordinarily junior counsel are engaged and are paid Rs. 32 or Rs. 52. The High Court should not be empowered to award a heavy sum by way of compensation. Therefore, I am clearly of opinion that the word 'compensation' if substituted for the word 'costs',—I have no objection to the substitution of that word,—the compensation should be limited to an amount beyond which the High Court should not have the discretion to go.

Now, Sir, I shall proceed to deal with the more important changes in the law. The present Bill, as it stands, is intended to restore the old law of 1898. Under the old law of 1898, the notification should be made before the commencement of the proceedings, but the magistrate was not bound absolutely to stay proceedings. He could go on until the evidence for the prosecution was finished. Under the present law the accused person can notify his intention at any stage of the enquiry or trial,—before the prosecution evidence is taken, after the prosecution evidence is finished, before the charge is framed or after the charge is framed. There is no doubt that he has an absolute right to notify his intention to the trial magistrate and ask him to adjourn his case, and the trying magistrate is bound under the provisions of section 526 to give adjournment. It follows that an accused person can make one, two or three

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notifications or applications and each time the magistrate must give time and postpone the hearing of the case. It is also clear that in a joint trial when there are several accused persons, each accused person in turn, at intervals, can notify his intention separately or collectively to the trial magistrate and ask him to grant an adjournment, and the trial magistrate is bound to give an adjournment. In many cases it may not lead to abuse, but experience has shown, and particularly in political cases the accused do desire intentionally to delay proceedings. Is it not our duty to set the law right when we find that it has resulted in grave abuse ?

Now, Sir, I do desire to say that the provision made in the present Bill that notification should be made to the trial court before the commencement of the proceedings is somewhat hard on the accused person. How on earth is he going to know that the magistrate has a bias against him, unless some sort of evidence is taken ? Unless a magistrate commits some irregularity, or some error in proceedings or does something wrong, how can he say that the magistrate is going to decide against him or conduct proceedings in such a way that they do produce apprehension in the mind of the accused ?

Further, the Bill says that the magistrate is bound to give the accused person reasonable time in order to get an order from the High Court, but the magistrate is not bound to stay proceedings ; that is, the magistrate can continue recording the statement of the last witness of the prosecution and finish all the prosecution evidence. Then what is the good of this notification before the commencement of the inquiry or the trial ? The accused person is not such a fool as to prejudice the magistrate at once. If the proceeding must continue, the right thing for an accused person would be to go to the High Court and apply there, without any notification on his part to the trial magistrate. Therefore, Sir, the provision that notification should be made before the commencement of an enquiry or the trial and which also empowers the magistrate to go on recording the evidence is, in my humble judgment, quite meaningless. Sir, I am of opinion that the accused person should have a right to notify to the court his intention at any stage of the enquiry or trial as it is under the present law. Secondly, we must give some sort of discretion to the trial magistrate either to stay proceedings or to go on with them. The law should compel him to stay criminal proceedings for a reasonable time if the notification is *bona fide*. Discretion was given to the sessions judge under Act of 1923 to go on with the trial, if he thought that the accused person intended to delay proceedings unnecessarily. As the Bill stands, it goes a little further, and it does inflict a hardship on the accused person. After all, the object of law is to administer criminal justice with impartiality and independence. The present times may be very difficult times, but still you cannot make a general law to overcome the present difficult position. The general law, should be framed in such a way that it may not inflict hardship on anybody. Sir, I am of opinion that this Bill should go before the Select Committee, and its pros and cons should be thoroughly threshed out there and the necessary amendments should be made in the measure before it is passed into law. (Applause.)

The Honourable Sir Brojendra Mitter : Sir, for a Member of Government, this debate is very encouraging, because every Member who has spoken up till now has acknowledged the defect in the existing law,—that the existing law is not merely liable to abuse, but has been abused and that the law ought to be changed. The difference between the Government Benches and Honourable Members who have so far spoken lies in the method of the change. Our objective is the same ; our objective is to reconcile the ends of justice with the rights of the accused. That is our objective. Sir, we have devised a particular method of reaching that objective. My Honourable and learned friend Mr. Puri has suggested an alternative. So far as I can see, there is very little difference between him and us. What is Mr. Puri's suggestion ? His suggestion is that there should be one compulsory adjournment, and then it should be left to the discretion of the court. Our suggestion is that the court should have discretion from the very beginning. That is the only difference between him and us as far as I can see.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions) : Muhammadan Rural) : With your permission, may I ask one question of the Honourable Member ?

The Honourable Sir Brojendra Mitter : Yes.

Sir Muhammad Yakub : Is Mr. Puri's amendment within the scope of the present Bill ? Can Mr. Puri's suggestion be taken up and discussed in Select Committee ?

The Honourable Sir Brojendra Mitter : Undoubtedly. Sir, the principle of the Bill is this. Under the existing law there is an unlimited scope for compulsory adjournment ; every time the accused makes an application the court is bound to grant an adjournment. We want to limit that unlimited scope of compulsory adjournment ; we want to give discretion to the court. If the Bill is passed, the court will have discretion from the very beginning. On this point I think my Honourable and learned friend Mr. Shah Nawaz is under some misapprehension. His last argument was that the magistrate should be given some discretion. Now, let us see what we have suggested. " If . . . in any inquiry . . . or in any trial, any party interested intimates to the Court . . . that he intends to make an application under this section, the Court shall not proceed with the inquiry or trial beyond the examination . . . of the last witness . . . "

Mian Muhammad Shah Nawaz : The discretion is possibly implied, but it is not given in express words.

The Honourable Sir Brojendra Mitter : All we say is this, that the court shall not go beyond a certain point ; it does not mean that the court must go to that point. The court may say, " Having regard to the fact that you intend to move the High Court for a transfer, well, exercising my discretion under section 344 I adjourn this case ". There is nothing to prevent the court from saying that. Therefore, the assumption made by my Honourable and learned friend Mr. Shah Nawaz that this ties the hands of the court and the court is compelled to go to the point of the last prosecution witness is not quite correct . . .

Mian Muhammad Shah Nawaz : No, I did not say that. What I say is that the discretion must be in express words and that there should be no doubt about it.

The Honourable Sir Brojendra Mitter : There is, then, no difference between Mr. Shah Nawaz and ourselves. What he says is this, that our drafting is defective and he wants to make it clear. Well, that is a matter for the Select Committee. My submission is that our drafting is quite clear ; he thinks that it is not clear enough. Anyhow, the Select Committee may take that into consideration.

My Honourable friend Mr. Shah Nawaz made another point, namely, that the right to intimate to the court the intention to move the High Court should be given to the accused person at all stages of the proceedings. We say that the intimation should be given before the commencement of the proceedings. That again is a matter for the Select Committee—whether that right should remain with the accused at all stages of the proceedings, or it must be exercised before the commencement of the proceedings. Nothing that we suggest can prevent the accused from making an application to the court for an adjournment under section 344 on the ground that he was going to move the High Court. But, anyhow, that is a matter for the Select Committee. I say that the accused is not hampered but Mr. Shah Nawaz seems to think that his right has been taken away. If there be any doubt about the matter, the drafting may make it clear.

Then, as regards compensation, both my Honourable friend Mr. Puri and my Honourable friend Mr. Shah Nawaz suggested that there should be a limit and that it should not be left to the discretion of the High Court. That again is a matter for the Select Committee because if the principle of awarding compensation against an unsuccessful applicant be accepted, then the Select Committee may consider whether compensation should be left to the discretion of the court or there should be a statutory limitation upon it. On this point my Honourable friend Mr. Puri referred the House to two sections of the Code of Criminal Procedure, sections 250 and 553, and he argued since under those sections there is a limit put upon the amount of compensation, why should not such a limit be put in section 526. That I understood to be his argument.

Mr. B. B. Puri : The object was also to give an idea as to the amount of the compensation.

The Honourable Sir Brojendra Mitter : The real point is in one case there is a statutory limit and in the present Bill there is no statutory limit, and why is this distinction. Probably, my Honourable friend has overlooked the purpose of those sections. Section 250 deals with malicious prosecutions for which an aggrieved party has got his remedy in a civil court. Section 553 deals with malicious arrests, for which also there is a remedy to the aggrieved person in civil damages. But for a successful party in a transfer application there is no such remedy ; that is the distinction.

Mr. B. B. Puri : No more there is, when the court acquits an accused person after a prolonged trial. What remedy has the accused person ?

The Honourable Sir Brojendra Mitter : That is a broad principle of criminal law into which I am not going to enter now, because then you may say that when there is a conviction and there is an acquittal in appeal the accused person who is finally acquitted in appeal ought to be compensated. Well, no system of criminal jurisprudence of which I am aware provides for that sort of compensation. That is a much bigger question, but what I am on is this, that the two sections quoted by my Honourable friend, Mr. Puri—one deals with malicious prosecutions and the other deals with malicious arrests, for which there is a remedy, a well-known remedy in law, namely, damages, whereas under section 526 there is no such remedy in law, and that is the distinction. Whether that distinction is a valid distinction, or not, I am not arguing that point now, because that is a matter which the Select Committee may very well take into consideration. Therefore, all the criticisms which have so far been made are really Select Committee points. But the principle of the Bill, namely, that the unlimited scope for compulsory adjournment should be put a stop to, has been accepted by every speaker who has hitherto spoken.

From the speech of my Honourable friend, Mr. Yamin Khan, I think there is some misapprehension about the present position. My Honourable friend the Home Member explained in his opening speech that we were not dealing with the powers of the High Courts in any way whatsoever. The High Courts' powers are left absolutely untouched by this Bill. What are the powers of the High Courts under the existing law which will not be affected in the least little bit by this Bill? Now, the first power is under the Charter Act. The High Court can transfer any case from any court to any other court under section 15 of the Charter Act. Then there are the Letters Patent of the various High Courts under which again the High Courts may transfer any case from any subordinate court to any other subordinate court. Then there is section 439 of the Criminal Procedure Code. There is section 526 of the Criminal Procedure Code. There is also section 107 of the Government of India Act. The High Courts can exercise all these powers whether this Bill is passed or not. They are not affected in any way. Therefore an accused person, whether this Bill is passed or thrown out, can always go to the High Court for transfer. Now, the only difference between the existing law and the law that will be if this Bill is passed is this,—under the existing law in addition to the right of going to the High Court, there is a further right,—directly an intimation is made that the accused is going to the High Court, that automatically stops the progress of the case. We want to put a stop to that state of things. That is all. Now what happens in many cases is this. I can give instance after instance from my own professional experience. The case goes on. Directly an accused sees a witness giving strong evidence against him he immediately intimates that he is going to the High Court on some pretext or other. He need not adduce any reason and in most cases he does not adduce any reason. The case is adjourned for two or three weeks. He does not move the High Court. He comes back and goes on with the case. Then when the noose is being drawn tightly round his neck and the evidence against him is getting stronger and stronger he puts in another application. He does not move the High Court the second time. Sir, shortly before I left the Bar, I was engaged in a case up-country. It was a four or five days case. After I examined my first witness—I was prosecuting—an application was made that the accused was going to move the High Court. Well, the case had to be

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adjourned and we went to the station to go back to Calcutta. I asked my opponent who was travelling in the same train when he was going to move the High Court and on what grounds. He said 'We are not going to move the High Court'. Three weeks elapsed. We came back and examined two more witnesses. Again the same tactics were resorted to. Again we went back to Calcutta. The High Court was not moved. This was repeated a third time.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadian Urban) : You got your fees the whole time ?

The Honourable Sir Brojendra Mitter : The existing procedure is very good for my profession but the interests of the profession do not always coincide with the ends of justice. What happened ? A case which ought to have been finished in four or five days took 3½ months. Meanwhile I tried to find out why they were resorting to these tactics and I discovered that the whole time the other side was trying to get at my witnesses. It was not merely for delay. I mention this case to Mr. Puri because hitherto all cases which have been mentioned are cases in which applications had actually been made.

Mr. B. R. Puri : What was the result of that case ?

The Honourable Sir Brojendra Mitter : I will tell you. I know my friend wants to make out that ends of justice were not defeated. I got a conviction but it was due to this fortunate circumstance that my case depended upon documents and these witnesses were all witnesses to proved documents and therefore even if they had been tampered with, serious damage could not have been done. I got conviction and what was the result. Although three applications were made, the High Court was never moved. In that case, after the conviction there was not even an appeal. I am mentioning this to show that this section is not merely liable to be abused but as a matter of fact it is abused very frequently.

Mr. B. R. Puri : In your long and brilliant career, this is the only isolated case with which you are familiar.

The Honourable Sir Brojendra Mitter : I know of scores of cases. This is the last case, and that is why I mentioned it.

Now, I want to deal with a point which my learned friend Mr. Puri made with great eloquence. That was the plight in which a poor accused finds himself in the court of a dishonest magistrate. Well, the poor accused will always be in a sorry plight if the magistrate is dishonest. No amount of legislation can improve that state of things. But my friend must remember this. If in such a case you can make out that the magistrate is not honest or not fair, you should get a transfer ; but supposing you don't make that out, you have got to come before that very court. Then how is the accused any better off by getting a compulsory adjournment ? If you make out a good case, the High Court transfers the case or if you don't, rejects it. If you make out a good case, at most the case goes up to a point, the examination of the last prosecution witness. That cannot do very much harm under our scheme. But you don't gain anything by a compulsory adjournment for two or three weeks. If it is transferred you go before a new magistrate and you are all right. If it is not transferred, your plight might be worse. Therefore that argument

has in my judgment no bearing upon the question of compulsory adjournment or discretionary adjournment. Why my learned friend brought that argument forward I fail to understand, because it has no bearing on the question whether there should be a compulsory adjournment merely on intimation or it should be left to the discretion of the magistrate. Well, it has been suggested—and this is the only relevancy I can find—that the records may be manipulated. If you can make that point, surely the High Court will order a trial *de novo*. The witnesses will have to be recalled, and not much harm will be done. Therefore in my submission, that argument does not carry this matter very far.

Then another point which I wish to refer to and which has already been answered by my friend, Mr. Shah Nawaz. It is Mr. Puri's reference to section 561A, which is known to the profession as the inherent jurisdiction section. It is well known, and no one, I think, knows it better than my learned friend Mr. Puri himself, that an inherent power can never be exercised in contravention of an express power.

Mr. B. R. Puri : It can supplement the existing profession.

The Honourable Sir Brojendra Mitter : When there is no express power you can invoke your inherent power. You can invoke your inherent power to implement an express power, but you can never go against it.

Sir Hari Singh Gour : *Specialia generalibus derogant*. "When you have a special law, the general provisions do not apply."

The Honourable Sir C. P. Ramaswami Aiyar : *Non derogant*.

The Honourable Sir Brojendra Mitter : I shall only refer to a ruling which says this :

"The court cannot pass any order under section 561A of the Code which would conflict with any of the provisions of the Code."

Well, that being so . . .

Mr. B. R. Puri : "The inherent power of the High Court can be invoked to prevent delay in the proceedings."

Where the Code is silent, this inherent power, in order to promote the ends of justice, could be invoked.

The Honourable Sir Brojendra Mitter : My friend's argument was this, that this Bill is unnecessary, because the High Court has ample powers by means of rules, regulations, circulars and what not, to give the relief which the Government is seeking. That is the argument which he made. He said this, that this Bill is unnecessary because under section 561A the High Court has got plenary powers to stop abuses of any processes of the law. I think that was the language he used. I say the High Court cannot ; if the statute provides that, merely upon intimation, there must be compulsory adjournment, then the High Court by no rules can go against that express provision of the law. My contention is that reference to that section is unfortunate, because that section does not empower the High Court to redress the abuse against which we are seeking to legislate here. **Sir,** these are all the points which have been made in the course of this debate ; and even at the risk of repetition, I say that all these points are Select Committee points. As regards the question whether compulsory adjournment should be totally abolished, or one should be allowed, well, that is a Select Committee point. Then whether there should be a limit on "compensation" or it should be left to the discretion of the court, that also is a

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Select Committee point. As to the various other points which have been made,—that the accused has been deprived of this right or that right or the other right by the Bill.—I have endeavoured to show, no right has been taken away ; section 344 is still there ; and the accused can always make his application before the trial court. He can always go to the High Court, and the High Court has got the power of stay and the power of ordering a retrial or passing any order which the High Court thinks the ends of justice require. The High Court's powers are not affected in any way, and the rights of accused are not curtailed in any way except to the extent of his dominating the court, as he can do under the existing law. Now the courts are entirely at the mercy of the accused. The accused can hold up a trial as often as he likes and practically as long as he likes ; and, as Mr. Shah Nawaz pointed out, if there be more than one accused, if every one resorts to these tactics, then they can prevent the trial coming to an end at any time. That being the state of the law and it being recognized by this House that this state of the law is unsatisfactory and that it ought to be improved, I hope that this Bill will be sent to a Select Committee by the unanimous vote of the House. (Applause.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, at this late hour of the day, I fear I may not be able to do full justice to the case against this Bill. However I shall try to discharge my task faithfully. Sir, I do not accept the principle that it should be left entirely to the court's discretion to give an adjournment or not for applying for transfer of a case. Sir, as I understood my Honourable friend, Mr. Puri, he has not accepted that principle at all. He has put it very plainly that the provision that is going to be inserted into the present Bill, namely, that the accused can make an application only before the commencement of the initial proceedings, in other words, before the first witness is examined, is one to which he positively objects as a proper procedure. He has also objected to the procedure of leaving it to the magistrate to carry on the proceedings up to the stage when the last witness is finished. He has also not accepted the principle that the magistrate should give an adjournment only at that time and also at his discretion refuse the adjournment on the ground that the accused had had an earlier opportunity to apply to the High Court. I therefore object to the very principle of the Bill. I am not in favour of its being sent to a Select Committee, for, if the Government accepts the position as put by Mr. Puri, the existing section in the Criminal Procedure Code which allows an application to be made at any stage binds the hands of the magistrate to give an adjournment. If that is not accepted, then I submit that the suggestion that the Honourable Mr. Puri has made will not serve the purpose at all. Sir, this is a Bill which I am glad to say has been admitted by the Honourable the Mover to be one of very vital importance though short. But may I ask if the Honourable the Mover of the Bill paid any attention to the other side of the question ? He put before the House only one side of the question *viz.*, that the accused or the complainant abuse the provisions of section 526 (8). The other side is that it will be wholly unfair to the accused if he has to depend only on the technicality of applying at the commencement of the proceedings and on the mercy of the magistrate or the court to give an adjournment or not. This is a Bill I submit which should not be hustled through as it is being done now. I had an amendment that this Bill should be sent out for circulation. I did not move that amendment, but I should not be misunderstood. It should not be thought

that I had no grounds for asking for this Bill to be sent out for eliciting public opinion. I must say that this Bill is sought to be hurried through in indecent haste ; I think I am right in saying so.

Sir, what is the position ? This law has been in existence ever since 1923. We came to know of this Bill only when we came to this House on the 5th of this month. Before that we never heard that a Bill like this was going to undo the law which had existed for so many years. The Bill was not published in any Gazette ; the press had no opportunity of discussing it and no Bar Associations or Bar Councils or the public had been consulted or given an opportunity to consider this Bill. We are asked that this Bill should be passed with one stroke. Sir, the haste lies in this. This Bill was introduced on the 5th September and today after three days it is being considered for the Select Committee. If it is sent to the Select Committee, then the Mover of the Bill has said that the Committee should send their report on the 12th September, that is, after three days. Then after three days the Bill will again come to this House for being passed into law. This, I maintain, is indecent haste. An important Bill like this should not be rushed through.

Then the general principle of the law is that those who are concerned with the Bill, namely, the public, must be given an opportunity to express their opinion. In this case no such opportunity has been given. Sir, it is not a Bill which concerns only one community or one class ; it concerns the people of the whole of India, males and females. It deprives them of their right, a right which has been given to them after full consideration. I think it will be entirely wrong on the part of the Government to change the law without ascertaining the views of the public. Now, Sir, the position that is to be considered with regard to this Bill is this. The Honourable the Mover of the Bill gave us the past history of this legislation which however depicts only one side. He never mentioned the inconvenience or the mischief likely to be caused to the accused or the complainant, which received consideration when the law was changed in 1923. Sir, in 1898 when the Act was passed they made a provision that the accused would be given an opportunity to apply to the High Court provided he made an application before the commencement of the hearing ; also that the magistrate or the court would give him an opportunity and adjourn the case if the latter had not had an opportunity before. The magistrate had to give him an opportunity at the time when he was going to be put on his defence. These three things were well known when this law was going to be changed. The Lowndes Committee considered that the technicality of applying before the commencement had in practice done great harm and mischief to the accused. Therefore, that point rightly influenced that committee. They saw full well that when those provisions were put in practice, the magistrates proved themselves autocrats and refused the applications and did not give time. Therefore, the committee altered the law and gave no discretion to the magistrate. So, Sir, both sides should be considered. No doubt there may be some exceptional and extreme cases and the other side has been able to quote only such exceptional and extreme cases of some unscrupulous or dishonest people. But, Sir, to pass such a law and to bar the remedy to honest and innocent people will be doing a thing which is ruinous to the country. I would submit therefore that there is no reason

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to say that this law was passed without consideration in 1923. The fact that the Joint Committee accepted the report of the Lowndes Committee clearly shows that they conceded that the mischief which was being done to the accused persons outweighed the abuse that the accused was capable of doing. Therefore they considered the question from all points of view and came to the conclusion that the law should be changed and the accused should be given an opportunity to make an application at any time when he finds that there are grounds for it and also that the magistrate must give him an opportunity to apply to the High Court.

Now, Sir, without taking much time of the House, I would go into the question of the merits of the Bill. It will be observed that what is now intended to be done is this. Sub-clause (8) in the Bill says: "If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court before such inquiry or trial is begun, etc.". I may here remark that the present law as it stands allows both the complainant and the accused to apply and get time. The word "complainant" has now been taken away and the words "any party" substituted. My submission is that this has been done with the intent of taking away the right of the complainant, for the words "any party interested" in crown cases may be construed to mean the Crown itself and not the complainant though he may have moved the machinery. Take, for instance, the case of theft or the case of cheating, which are Crown cases, complainant if he feels that he will have no fair or impartial trial given to him, he would be absolutely debarred from asking for an adjournment. Then, Sir, it is further said that when such application has been made under this section, the court shall not proceed with the inquiry of the trial beyond the examination of the last prosecution witness; but let me first point out the practical difficulties involved in presenting an application before the first witness is taken in hand. The practical difficulties are these. I have seen from my own practice at the Bar that invariably when an accused is brought before the magistrate, he examines one witness for the purpose of remand only and then gives another hearing. Generally the accused is not represented by a pleader at the first hearing on the very first day and the accused may not know at what time the case would be taken up against him or that the application has to be made for transfer forthwith. If at the next hearing after the first witness has been examined for the purpose of remand on a previous day an application is made, it will be refused. How hard and unjust this procedure would be can well be imagined. The second difficulty is this. There are very many difficulties, but I will say only one more. Supposing, on the day of the first hearing, the accused is not represented and his men go to engage a counsel and by the time he appears in court, the first witness is examined, his application for adjournment at any time will not be granted. I cannot, therefore, understand how such a technicality can be placed in the way of persons who seek justice. It has been once tried and removed and should not be reverted to. I cannot understand how application for adjournment can always be made before the commencement of the case. Many of the possible grounds contemplated by section 526, Criminal Procedure Code, could only arise during the progress of the case. The Code of Criminal

Procedure allowing an application for transfer under section 526 itself says :

“ Whenever it is made to appear to the High Court that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto he can make an application for transfer .”

I cannot understand how an accused can always know beforehand that he will not get a fair and impartial trial from a court before the case actually begins. It will be possible for him to know only after the case has proceeded to a certain stage. Then again the section says :

“ That some question of law of unusual difficulty is likely to arise.”

Now, how will this be known ? The fact whether there is legal difficulty or not can only be known after evidence is recorded. The section further says :

“ that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same.”

This can also be known mostly after the case has been proceeded with.

The last provision is :

“ that such an order is expedient for the ends of justice, or is required by any provision of this Code.”

This too can be realized at any stage of the case, as, much depends upon the attitude of the magistrate who has to decide the case. I know that numerous cases are transferred on account of the adverse attitude of the magistrates. It is only after a magistrate shows any leaning towards the complainant or the accused that an application could be made for transfer, and not before the case begins. Thus such a legislation will have the only effect of compelling every complainant and accused, as soon as he goes to court, to put in an application for adjournment on the ground of transfer provisionally to be on the safe side. With this aspect considered already by the Assembly and the Council of State when they passed the Act in 1923, it is no use returning to absurdity.

Coming now to the last portion of the Bill, it is said that an adjournment will not be given “ unless or until such party has had a reasonable opportunity of making the application and obtaining an order thereon ”. It will be very easy for the court to abuse such a provision. If an application is made before the commencement and the court proceeds with the case for some days naturally the accused will be busy with the case and will not be able to apply to the High Court for transfer and yet when the last witness is examined, the accused asks for an adjournment, the magistrate could refuse to give time on the plea that he had already an opportunity to move the High Court. I, therefore, submit there are practical difficulties. It is not easy to say that only one side is abusing the powers or the privileges given to it. It is not easy to get over the difficulties which the accused or the complainant will have. Then, Sir, comes the question with regard to costs or compensation. I submit there is already a penalty which should be considered quite sufficient. If an accused or if a complainant makes a frivolous application, the penalty that is already in existence is quite enough. By making an unsuccessful application and also by paying costs to the other side, an accused or a complainant increases his

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own costs, I submit that the grounds urged in favour of the Bill are extraordinarily exceptional. It is not an ordinary occurrence that an accused makes applications one after the other. Even if he makes he may have very good grounds for making them. It is not likely that if two more applications are made all will be rejected. It is only where an accused finds out subsequently that he has good grounds that he applies more than once.

Then the Honourable the Mover said that opinions have been gathered of some Bar Associations. Those opinions were not even circulated and put into our hands. I find from them now that there are only three or four Bar Associations who sent in their views. They are all from small places. For instance, the Bar Association of Delhi says :

“ The association is not unmindful of the fact that the existing provisions can in cases be abused by an unscrupulous person, but to deprive one and all of a very wholesome provision—a provision designed to maintain the good name of justice and fair play—does not seem to be expedient.”

There is another Bar Association from Raipur which says :

“ The draft amendment is quite against the principle and the spirit underlying section 526. The sub-section (1), clauses (a) to (e), lays down the grounds on which an application for transfer of criminal cases can be made. The basis of all such applications for transfer is that the accused has a reasonable apprehension that he will not receive a fair trial. This apprehension can occur at any stage of the trial by circumstances then existing or occurring at any time. The draft amendment does not cover all such circumstances and is confined only to circumstances existing before the commencement of any trial or enquiry.”

Then, Sir, there is one Advocate who has also given....

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I rise to a point of order. Is he in order in reading extracts from papers which have not been made available to all the Members of the House ?

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The Honourable Member may take a note that the House is getting tired.

Mr. Lalchand Navalrai : It is unfortunate that even now there is hurry in getting over the business.

Sir, I conclude by saying that this a matter which should be very carefully considered. It was once considered very carefully and the present law made by this House and the Council of State, and I must assert that, it will be doing absolute injustice to the accused and to the complainant if this Bill is passed into law.

Sir Muhammad Yakub : Sir, I quite agree with the Honourable the Law Member when he said that the provisions of section 526 are sometimes abused. But, Sir, there are provisions of many statutes in this country which are more often abused by the Magistrates than the powers conferred by this section. And if Government are in no hurry to bring forward any remedy for removing those abuses, I do not see what hurry there is in bringing such a strong measure in order to remove one small abuse of the law. The only reason given by the Honourable the Home Member for introducing the Bill is that the trial of criminals is prolonged. Sir, if you read the order-sheets of the criminal cases in this country you will find that postponements in 99 cases out of a hundred are on account

of certain conveniences for the Magistrates themselves and not on account of applications for transfer. I agree that the abuse of the powers conferred by this section should be removed. But the measure which is suggested to remove this abuse is extremely severe. In fact it will create abuse of justice which will be much more drastic than the proposed clause. If the measure proposed by the Honourable the Home Member is passed into law, in the form proposed, it means that the right which the accused in this country have got to move the High Court to have their cases transferred will be taken away altogether. Now, Sir, what are the reasons for these transfer applications? In 75 per cent. of the cases you will find that an application for transfer of the case is put on the ground that during the pendency of the case the accused found that the trying Magistrate's conduct was such that he did not expect impartial or fair justice from that court, that the trying Magistrate did not give the accused a fair scope to put cross-questions to the prosecution witnesses, or that the trying Magistrate's conduct was objectionable. If you pass this measure into law it means that transfer applications can only be made before the trial of a case has commenced. Now, if the application can only be made before the trial has commenced, on what ground can the accused put his application? The High Court will say, "What are your grounds? Why do you want a transfer of your case to another court?" So I say that if the provisions of this Bill are enacted it will certainly mean that the power which the accused has got to have his case transferred will be taken away altogether. My friend Mr. Puri has, in fact, very thoroughly gone into the case and it would not be right for me to make a long speech at this stage. But what I submit is that in order to meet the ends of justice the power which is conferred by this section should remain as it is. But in order to avoid the abuses, and that is the object which the Honourable the Law Member has in view, an amendment on the lines proposed by my Honourable friend, Mr. Puri, should be allowed to be introduced and discussed in the Select Committee. And if the Honourable the Home Member definitely gives an assurance that an amendment on the lines proposed by Mr. Puri will not be ruled out on the ground that it is outside the scope of the Bill, then I will have no objection to vote for reference of the Bill to Select Committee. Of course the Honourable the Law Member, like a shrewd lawyer, has given an answer to my question. He said, "of course and undoubtedly", etc. But in the language of law, "of course" and "undoubtedly" mean nothing. So I wanted a definite assurance, and unless an assurance on these lines is given, I do not think Honourable Members on this side of the House will agree to the reference of this Bill to Select Committee.

The Honourable Sir C. P. Ramaswami Aiyar (Leader of the House) : Sir, it was not my intention to intervene in this debate, but having heard the remarks that have fallen from all the Honourable Members who have participated in the discussion, it appeared to me that it may not be out of place on my part, as one who has not only enjoyed the advantages of prosecuting criminals as an Advocate-General but have also utilised this section as a lawyer not unoften, to say this namely, that it is undoubted that the section as it now stands is liable to abuse and there have been frequent cases of such abuse. That in fact is conceded, if not entirely directly at least by implication, in most of the speeches that have been made. That there is an evil is admitted. That ours is the best method of combating the evil is what we contend. That some method should be found is conceded on the other side; and although the Honourable Member

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who spoke last insisted on an assurance not merely from a shrewd lawyer like Sir Brojendra Mitter but from the Home Member, may I say, as a lawyer who does not claim to be shrewd, that there is absolutely no doubt that most of the points that have been made in the debate including the very valuable points made by Mr. Puri and by Mr. Shah Nawaz will come within the ambit and scope of the Select Committee's discussions and within its complete jurisdiction. That having been granted it appears to me, Sir, that the discussion of what we may call the general principles of the Bill has disclosed the existence of an evil and a practical y consensual desire to remedy it. Shall we not then go to the Select Committee?

Several Honourable Members : The question may now be put

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the question may now be put.”

The motion was adopted.

The Honourable Mr. H. G. Haig : Sir, at this late hour I have no

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wish to detain the House and fortunately there is no necessity for me to make an elaborate speech. because the main points that have been raised in this very interesting debate have already been dealt with, with great ability, by my Honourable colleague, the Law Member, and my other Honourable colleague, the Leader of the House. As they have already explained, the House generally I think—perhaps with one root and branch opponent of all change—has accepted our view that there is a serious evil which requires to be remedied in the existing law. Now, I would like to recall what I said this morning at the end of my speech. I said that we were putting forward proposals which we believed represented the best way of dealing with this admitted evil, but that we hoped that with the assistance of the many lawyers in this House we should be able either to fortify ourselves in our belief that the particular remedy we propose is the best one or that they would be able to make alternative suggestions which we should find ourselves in a position to accept without affecting the main object of the Bill ; and the main object of the Bill is to remove what we claim to be a serious abuse of judicial procedure. Now, I have been asked specifically by my Honourable friend, Sir Muhammad Yakub, whether there will be any objection to the discussion in Select Committee of the suggestion made by my Honourable friend, Mr. Puri. I think there was a time, while Mr. Puri was developing his argument, when I felt that he was altogether opposed to any change in the existing law, that he was taking a view of the position of the accused which seemed to me to be unduly favourable to him. But at the end Mr. Puri frankly confessed that the section as it stands is liable to abuse and that he for his part would be glad to see these abuses removed. Now, any one who puts forward proposals with that object is, I think, entitled to argue them before the Select Committee. I myself should be very glad indeed to discuss Mr. Puri's suggestion in Select Committee. In saying that I do not pretend for a moment that I do not see certain objections to my Honourable friend's proposal. Those objections I should like to discuss with him in Select Committee ; but I entirely agree with what has already fallen from my Honourable colleague, the Law Member, that this is essentially

a Select Committee point. With that assurance I hope my Honourable friend, Sir Muhammad Yakub, will be completely content and I hope also that the House will now proceed by its vote to pass this difficult matter on to the next stage of Select Committee.

Mr. President (The Honourable Sir Ibrahim Rahimtoola) : The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose, be referred to a Select Committee, consisting of the Honourable Sir C. P. Kamaswami Aiyar, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Rao Bahadur B. L. Patil, Mr. Muhammad Azhar Ali, Mr. Muhammad Yamin Khan, Mr. F. E. James, Dr. F. X. DeSouza, Mr. B. R. Puri, Mian Muhammad Shah Nawaz and the Mover, with instructions to report on or before the 12th September, 1932, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 12th September, 1932.