

Monday, 14th November, 1932

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(OFFICIAL REPORT)

VOLUME VI, 1932

(7th November to 28th November, 1932)

FOURTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,

1932



SIMLA
GOVERNMENT OF INDIA PRESS
1933

est. B. L. A. N. H.

Legislative Assembly.

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MR. B. SITARAMARAJU, M.L.A.

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LEGISLATIVE ASSEMBLY.

Monday, 14th November, 1932.

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

QUESTIONS AND ANSWERS.

SPEECH DELIVERED BY KHAN SAHIB MALIK KARAM DIN, TELEGRAPH MASTER, LAHORE, IN THE MEETING OF THE INDIAN POSTS AND TELEGRAPHS MUSLIM UNION, LAHORE.

1109. *Mr. B. Das: (a) Is it a fact that Khan Sahib Malik Karam Din, Telegraph Master, Lahore, delivered a speech in the meeting of the Indian Posts and Telegraphs Muslim Union held in Barkat Ali Hall, Lahore, on the 10th July, 1932 (which is reproduced on pages 5—7 of the *Postal Advocate* for July, 1932), in which he characterised the Hindus as "crafty and wolves in sheep's clothing, belonging to a class which measures everything in rupees, annas and pias and feeling no scruples to achieve their ends", condemned Government by remarking that the Muslim interests are not safe even in the hands of Government; and dwelt upon politics by stating that Mahatma Gandhi offered to the Muslims a blank cheque which ultimately proved to be a bait and a hoax?

(b) Is it a fact that the said Khan Sahib is the Secretary of the Telegraph Co-operative Credit Society which has in its fold shareholders of all the chief communities, Hindus, Muslims, Sikhs and Christians, and the Postmaster General, Punjab and North-West Frontier Circle is the *ex-officio* President of the Society?

(c) Was the speech in question specially brought to the notice of the Postmaster General by the shareholders or any other organisation?

(d) If the replies to parts (a), (b) and (c) are in the affirmative, will Government please state whether any action was taken by the Postmaster General, in his capacity as President of the said Society and as head of the Circle, against Malik Karam Din for his above-mentioned utterances?

(e) If no action has so far been taken by the Postmaster General, will Government please state what action is proposed to be taken now?

The Honourable Sir Frank Noyce: (a) The attention of the Honourable Member is invited to the reply to part (a) of question No. 123, asked on the 30th September, 1932, in the Council of State.

(b) and (c). Yes.

(d) He has been personally warned by the Postmaster General that a repetition of utterances of this kind will involve serious consequences.

(e) Does not arise in view of the reply to part (d).

PREPONDERANCE OF MUSLIM POSTAL OFFICIALS AT JHELUM.

1110. ***Mr. B. N. Misra:** (a) Is it a fact that the Postal administration at Jhelum is entirely in the hands of Muslim officers, viz., the Superintendent, Post Offices, the Head Clerk to Superintendent, Post Offices, the Inspector of Post Offices, Jhelum Sub-Division, the Postmaster and Deputy Postmaster, Jhelum, the Town Inspector, Jhelum, and the Head Correspondence Clerk, Jhelum Head Office, are all Muslims?

(b) If the reply to part (a) be in the affirmative, will Government please state why no action has been taken to remove this overwhelming preponderance of Muslim officers at one station?

The Honourable Sir Frank Noyce: (a) Except that the Deputy Postmaster, Jhelum, is a Hindu, the facts are as stated by the Honourable Member.

(b) Government do not propose to interfere in the matter which is within the competence of the Postmaster General, Punjab, to whom a copy of the question has been sent.

Mr. B. N. Misra: Are Government aware that the Inspector is a resident of the Jhelum district?

The Honourable Sir Frank Noyce: I was not aware of that.

Mr. Muhammad Anwar-ul-Azim: Will the Honourable Member kindly tell us what is the position of the post offices at Puri and Cuttack, in view of the reply just given to Mr. Misra?

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

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state what is the communal policy of Government in keeping Muhammadans or Hindus in one post?

The Honourable Sir Frank Noyce: As a rule postings are made without reference to communal considerations.

DRAWING OF LESS PAY BY CERTAIN OFFICERS OF THE NORTH WESTERN RAILWAY.

1111. ***Dr. Ziauddin Ahmad** (on behalf of Mr. Muhammad Muazzam Sahib Bahadur): (a) Is it a fact that on the North Western Railway certain officers drew pay for February, 1932, for one week only?

(b) Is it a fact that if they had drawn pay for the full month, they would have had to pay a higher rate of income-tax?

(c) Is it permissible for an officer to draw pay for only one week in any month?

(d) If the answer to part (b) be in the affirmative, was it not the duty of the Chief Accounts Officer not to permit such an arrangement?

(e) Will Government state what officers resorted to this practice and whether the Chief Accounts Officer himself was one of them?

(f) What action do Government propose to take against the officers concerned and against a recurrence of this practice?

Mr. P. E. Rau: (a) and (e). I am informed that two officers, of whom the Chief Accounts Officer was one, drew pay for only part of February.

(b) Yes.

(c) and (d). The question whether such a practice is permissible under the existing rules is under investigation.

(f) The question is under consideration.

INTRODUCTION OF AN EQUITABLE SYSTEM OF THE MOVE DOWN TO DELHI BY ROTATION OF THE ARMY HEADQUARTERS CLERICAL ESTABLISHMENTS.

1112. ***Mr. Lalchand Navalrai** (on behalf of Mr. S. G. Jog): (a) Will Government be pleased to state whether it is a fact that a certain portion of the Army Headquarters clerical establishments has been regularly moving to Delhi during the winter months and that a certain portion is left at Simla from year to year?

(b) Is it a fact that the majority of the clerical establishments left at Simla during the winter belong to the plains?

(c) Is it a fact that British troops have a fixed duration of service in India and that even during this short period arrangements are made to send them to hill stations to avoid an adverse effect upon their health on account of stay in the plains during the summer?

(d) Have Government considered the question as to whether permanent stay in the rigorous climate of Simla winter with its snowfalls has a similar adverse effect upon the health of persons belonging to the plains as the hot climate of the plains has upon persons belonging to cold countries?

(e) Is it a fact that certain grades of clerical establishments receive no winter allowance at Simla whereas, in addition to the travelling allowance, an allowance of thirty per cent. per mensem is granted to persons of the same grades moving down to Delhi?

(f) Are Government aware that Simla is much more expensive than Delhi and that the establishments remaining in Simla during the winter, particularly those not in receipt of any winter allowance, besides undergoing the rigours of the Simla winter, have to incur considerable additional expenditure in the provision of heating arrangements in their residences, in sending their families to their distant native places in the plains, and in maintaining double establishments?

(g) Is it a fact that certain branches of Army Headquarters which used to move *in toto* in previous years now move in part and certain offices, e.g., Army Department, Royal Air Force (whose Headquarters were at Ambala previously) and the office of the Military Accountant General now move in much greater strength and that the change in moving strength has not resulted in administrative deterioration or efficiency?

(h) Do Government know that the rigours of the Simla winter and the monetary loss involved cause a genuine heartburning amongst the non-moving ministerial establishments of the Army Headquarters offices?

(i) Are Government prepared to take steps:

- (i) to increase the moving strength of the Army Headquarters offices, if necessary by the curtailment of the move of the Attached Offices and Civil Secretariat Offices which have so far been moving *in toto*; and
- (ii) to introduce a system of move by rotation, either of entire offices or self-contained parts thereof, so that all members of the clerical establishments may have an opportunity of passing the winter in Delhi by turn?

Mr. G. B. F. Tottenham: (a), (b) and (c). Yes.

(d) I can only say that the practice has been in existence for many years without noticeable ill effects.

(e) Winter allowance is granted to the lower grades of the clerical personnel in Simla: it is not admissible to first division assistants. An allowance on a sliding scale, called the Delhi moving allowance, is granted to all assistants and clerks of Army Headquarters who move down to Delhi, in order to compensate them for being away from their headquarters station and for having to maintain two establishments.

(f) Government do not admit that this is the case.

(g), (h) and (i). The move of any portion of Army Headquarters is determined not by the individual convenience of officers or clerks, but by considerations of administrative efficiency, subject to the restrictions imposed by the limited amount of residential and office accommodation available in Delhi.

This being so, it is not possible either to increase the moving strength of Army Headquarters or to move the offices by rotation.

INTRODUCTION OF AN EQUITABLE SYSTEM OF THE MOVE DOWN TO DELHI BY ROTATION OF THE ARMY HEADQUARTERS CLERICAL ESTABLISHMENTS.

1113. ***Mr. S. G. Jog:** (a) Is it a fact that, as a result of representation made by the clerical establishment employed in the Master General of Ordnance Branch, a certain portion of the establishment of that Branch was included under the "moving" category in 1931 by a corresponding reduction in the moving strength of other branches?

(b) Is it a fact that the Master General of the Ordnance in India, in spite of the small quota of the moving strength sanctioned last year for his Branch, which was previously non-moving, has arranged that, as far as practicable, different self-contained sections of the office should move to Delhi each year so that all members of the establishment may have a chance of moving to Delhi?

(c) Are Government prepared to issue instructions forthwith to Heads of Branches in the Army Headquarters to adopt the system referred to in part (b) and relax the rigid sanctioned strength of officers and clerks for each Branch to enable self-contained parts of offices to move by rotation?

(d) Are Government prepared also to proceed with the question of increasing the moving strength of the Army Headquarters offices and adopting an arrangement of move by rotation, in the case of all Army and Royal Air Force Headquarters offices?

Mr. G. E. F. Tottenham: (a) The number of clerks of the Master General of the Ordnance's Branch moving to Delhi was not increased in consequence of representation from the clerical establishment: the increase was necessitated by reasons of administrative convenience and efficiency.

(b) The reply is in the negative.

(c) and (d). No, Sir, for the reasons stated in reply to parts (g), (h) and (i) of the previous question.

DEPORTATION OF POLITICAL PRISONERS TO THE ANDAMANS.

1114. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state how many days before the actual date of deportation it was decided to send the first batch of prisoners to the Andamans?

(b) Are Government aware that on the 11th August, 1932, the Honourable Sir Pravas Chandra Mitter, Kt., Member in charge, Jails, Bengal, made a statement in the Bengal Legislative Council that the date of deportation was not fixed? If so, how was it that the deported prisoners were brought down to Calcutta from their respective jails only two days later, viz., 13th August, and deported on the 15th morning?

(c) If not, will Government be pleased to state the reason for not stating the date of deportation?

(d) Is it not a fact that although queries were made by several relatives of the deported prisoners as to interview and date of departure, no intimation whatsoever was supplied to them?

(e) Is it a fact that no facilities for interview prior to deportation were given and none of the relatives of the deported had any opportunity for the last interview except in the case of two prisoners whose relatives fortunately could arrange interviews on private information received by mere accident?

(f) If so, will Government please state the reasons for keeping even the old parents and wives of the deported in utter darkness about the fate of their dear ones?

(g) Are Government prepared to assure this House that in future no such hush hush policy will be followed and prisoners' relatives will be afforded proper facilities to interview the prisoners before such deportation?

(h) Will Government please state:

- (i) when the next batch will be sent;
- (ii) how many more will be deported;
- (iii) whether their relatives will be timely informed; and
- (iv) whether they will be allowed interviews before departure?

The Honourable Mr. H. G. Haig: (a) Nine days.

(b) The Honourable Member in charge of Jails in the Government of Bengal stated on the 11th August that the definite dates of transfer had not been finally settled. The facts are that Government did not fix any date for the transfer of the prisoners. The Inspector-General of Prisons, on receipt of the Government order that these prisoners were to be despatched to the Andamans, took steps to collect them at the Alipore

Central Jail with a view to their transfer. As the Andamans steamer was to sail from the port on the 15th August, he fixed that date for the transfer of the prisoners.

(c) Does not arise.

(d) Government received no such queries.

(e) No. Facilities were given for interviews and six prisoners were interviewed by their relatives.

(f) Does not arise.

(g) and (h) (iii) and (iv). Facilities will be afforded as far as practicable.

(h) (i). A date has not been fixed, but it will probably be in January, 1933.

(h) (ii). The number will be decided, later.

Mr. Gaya Prasad Singh: May I know why this hush-hush policy was adopted by Government? Is it because they apprehended some sort of attack for the purpose of rescuing the prisoners?

The Honourable Mr. H. G. Haig: No, Sir; I do not admit that there was any hush-hush policy. Only a short period elapsed between the decision to send these prisoners and the sailing of the ship, and it was on that ground that there was some difficulty in allowing interviews to the relatives of the prisoners who were at some distance from Calcutta.

Mr. S. O. Mitra: May I take it that in future relatives of these prisoners will get some opportunity, because transfer to the Andamans means an end of all interviews.

The Honourable Mr. H. G. Haig: I think the Honourable Member may be satisfied that, as far as possible, notice will be given to the relatives.

FACILITIES FOR POLITICAL PRISONERS IN THE ANDAMANS.

1115. ***Mr. S. O. Mitra:** (a) Will Government inform the House if it is a fact that the prisoners deported to the Andamans are not getting the same facilities as they used to get in Bengal jails in the matter of writing letters and in the supply of meals and clothes?

(b) Will Government be pleased to state what arrangement has been made for cooking their meals?

(c) Will Government be pleased to state if the prisoners are treated in accordance with their classification?

The Honourable Mr. H. G. Haig: (a) No. In general the Bengal rules are followed.

(b) I replied to this question on the 20th September in answer to the Honourable Member's starred question No. 516.

(c) I refer the Honourable Member to the reply which I gave to Mr. Bhuput Sing's starred question No. 294 on the 16th September last.

ISSUE OF FORTNIGHTLY BULLETINS AS TO THE HEALTH OF THE POLITICAL PRISONERS IN THE ANDAMANS.

1116. ***Mr. S. C. Mitra:** (a) Is it a fact that the eldest brother of Sushil Das Gupta, a deported prisoner, sent a reply-paid telegram to Sushil at Port Blair enquiring about his health on the 5th September, 1932, and the reply was suppressed?

(b) Have Government considered whether the health of the deported prisoners will be affected owing to the bad climatic condition of the Andamans?

(c) Are Government aware that the friends and relatives of the prisoners and the general public are much alarmed over the fate of the prisoners and, with a view to allaying such public feeling, are Government prepared to arrange for the issue of fortnightly bulletins as to the health of the deported prisoners?

The Honourable Mr. H. G. Haig: (a) The rules permit prisoners to send communications not more than once a month, and this rule is being observed.

(b) I would refer the Honourable Member to the reply which I gave to his starred questions Nos. 514 and 515 on the 20th September, 1932.

(c) Government are not prepared to take the action proposed.

Mr. S. C. Mitra: With reference to part (a), may I inquire if the relatives can send a wire reply prepaid to the Superintendent of the jail in order to have information that they are keeping good health, when there are rumours that they are not keeping good health?

The Honourable Mr. H. G. Haig: I am afraid the system of reply paid telegrams cannot be used to defeat the ordinary rules in jails.

Mr. S. C. Mitra: Will they specially consider the case of the deportees transferred to such an unhealthy place as the Andamans, when there are all sorts of rumours and their relatives are really apprehensive about their health? In that case will it be possible for Government only to say that they are keeping good health, when they get these reply prepaid telegrams?

The Honourable Mr. H. G. Haig: I see no reason for any departure from the ordinary rules.

TEMPORARY STAFF ATTACHED TO THE OFFICES OF THE ACCOUNTANT GENERAL, BENGAL, AND THE LATE EXPERIMENTAL ACCOUNTS AND AUDIT OFFICES AT CALCUTTA.

1117. ***Mr. S. C. Mitra:** (a) Will Government please refer to their answers to my starred questions put in this House in the Session of September, 1931, regarding temporary staff attached to the offices of the Accountant General, Bengal, and the late Experimental Accounts and Audit Offices at Calcutta, and state what action, if any, has since been taken to confirm all these men in service, who are now working in the offices of the Accountant General, Bengal, and Deputy Accountant General, Central Revenue, Calcutta? If not, why not?

(b) Is it a fact that a number of temporary men, employed in the office of the Accountant General, Bengal, Calcutta, whose dates of first appointment in service are later than that of the temporary men employed in the late Experimental Accounts and Audit Offices, Calcutta, have been made permanent after 26th March, 1926, in the parent office (*viz.*, Accountant General, Bengal), in contravention of the Auditor General's orders conveyed in his Circular letter No. 1474-E./441-A.-/25, dated the 26th March, 1926?

(c) Is it a fact that the orders contained in the Government of India, Finance Department, letter No. D.-4523-Ex. I-31, dated the 9th July, 1931, debarring the confirmation of men appointed after 16th July, 1931, do not apply to any of these men? Do Government know that these men are still in temporary status due to the non-observance of the Auditor General's Order of 1926 quoted above?

(d) Is it not a fact that the temporary service rendered by the men employed in Sukkur Barrage Audit Office has been allowed to count for leave and pension in Government of India, Finance Department, letter No. 2353-F. E., dated the 29th September, 1923? If so, do Government propose to count the past temporary services of these men, rendered in the Experimental Accounts and Audit Offices, Calcutta, towards leave and pension, when they are eventually made permanent?

(e) Are Government aware that these men are serving temporarily for periods even extending over eight years? Are Government prepared to exempt them from medical examination under Fundamental Rule 10?

(f) Is it a fact that certain privileges regarding leave are enjoyed by the temporary staff of the office of the Comptroller, Assam, whose services were over five years? If so, are Government prepared to extend to these men all those privileges enjoyed by permanent men during the period for which they are kept as temporary?

(g) Are Government aware that during last retrenchment some of these men were discharged and subsequently re-employed on the minimum pay of their time-scale?

(h) Is it a fact that their discharge is due to proper effect not being given to the Auditor General's order of 1926 at the right time? If so, do Government propose to re-employ them on their old pay and condone the breaks in their services at the time of their confirmation? If not, why not?

The Honourable Sir Alan Parsons: (a) The question of bringing on to a permanent footing such temporary posts as are permanently necessary in the two offices is under consideration. No special action has been taken in regard to the confirmation of the temporary men in these offices; the question of their confirmation will be considered in the usual course as vacancies occur.

(b) The attention of the Honourable Member is invited to paragraphs 2 and 4 of the note sent to him in connection with his starred question No. 1149, asked on the 3rd October, 1931. A copy of the note is laid on the table.

(c) Yes. In this connection also I would refer the Honourable Member to the note just mentioned.

(d) The answer to the first sentence of this part is "Yes", and to the second, "No". If the temporary posts held by these men eventually

become permanent, their past temporary service will count for leave and pension under the existing rules. Government do not propose to grant any further concession.

(e) Some men may have put in temporary service extending to about eight years; but all accepted employment with the full knowledge that it was purely temporary. Government are not prepared to allow a wholesale exemption from medical examination.

(f) So far as Government are aware, no such privilege is enjoyed by the temporary staff of the office of the Comptroller, Assam, but an enquiry is being made on the point.

(g) Yes. At the time of discharge, the men received certain money concessions which, it was intended, should wipe off all their claims on Government in respect of their past service.

(h) Here, again, the Honourable Member's attention is invited to the note mentioned above. Government are not prepared to issue general orders on this point, but individual cases of hardship will be considered if and when they are represented through the usual official channel.

Note explaining the procedure followed in regulating the discharge of temporary surplus personnel in connection with the amalgamation of accounts and audit offices at Calcutta.

In connection with the amalgamation of accounts and audit offices at Calcutta some difficulty has arisen in regard to the procedure to be followed in regulating the discharge of temporary surplus personnel. A similar difficulty is also sure to arise in connection with the amalgamation at Delhi. The problem is both important and somewhat complicated. Representations have been received from the staff of the offices which are going to be abolished and counter representations have been received from the staff of the offices with which they are to be amalgamated.

2. Briefly, the position regarding the staff employed in the experimental offices (outside the United Provinces and excluding the Central Accounts Office, P. W. D. and the treasury branches at Delhi and Bangalore) is as follows :

When the experimental offices were formed they took over work and personnel from the offices of certain Accountants General. In Calcutta the work and personnel were taken over from the offices of the Accountant General, Central Revenues and the Accountant General, Bengal—largely from the former. In consultation with the Officer on Special Duty (Mr. Jukes) the Auditor General held in 1926 that the new offices being still on an experimental footing could not be regarded as constituting separate entities. It was accordingly decided that the cadres of those offices should be treated as sub-divisions of those of the parent offices and the staff was thus considered as being borne on the cadre of the parent office. The permanent staff taken over continued to be borne on the cadre of the offices to which they originally belonged and the additional temporary staff sanctioned for the experimental offices was treated as temporary additions to the cadre of certain offices declared as the parent offices. For example, the Accountant General, Central Revenues, was considered as the parent office for the temporary staff at Delhi (excluding those in the Central Accounts Office, P. W. D.) and the Accountant General, Bengal, for those at Calcutta. In practice, recruitment to (and discharges in) the experimental offices were, however, made independently by the Officer on Special Duty. The heads of parent offices also confirmed the temporary staff working in their own offices ignoring the claims of the staff working in the experimental offices. In April last, on a representation received from the latter, the Auditor General re-affirmed the principles, laid down in 1926; but at the same time he observed that it would not be possible to put these into actual operation until financial conditions improved and the future constitution of accounts offices was more certain and that it was unlikely that any temporary men would be confirmed in the current year in view of the contemplated reduction in establishments. Although there has been no occasion for filling up vacancies permanently

since those orders were passed, the principle of common roster was applied in one case of discharge.

3. In connection with the impending reduction of establishment consequent on the amalgamation of accounts and audit the temporary staff of the experimental offices at Calcutta claim, with reference to the orders cited above, that the discharge of surplus should be regulated with reference to a common roster of staff in the 'parent' office and its offshoots—as had been done in one instance referred to above. The staff of the office of the Accountant General, Bengal, however, urge that the orders of 1926 gave the staff of the experimental offices only a theoretical right to be shown on the same cadre, that those orders had not been acted upon till 1931, that the orders of 1931 were no longer applicable as the circumstances in which those orders were passed had changed entirely and that as the staff of the experimental offices was recruited independently to purely temporary offices they had strictly no claim for retention in the office of the Accountant General, Bengal.

4. I have discussed the case with the Auditor General and the Controller of Civil Accounts and after a careful examination of the position the following conclusions were reached in the matter :

- (a) Having regard to the fact that the offices created in connection with the scheme for the separation of accounts from audit were definitely regarded as experimental and the nature of work done in the parent offices and their offshoots was more or less the same, it was considered that the orders of 1926 were strictly correct and that they were rightly reaffirmed in 1931;
- (b) It was inadvisable and impracticable to reopen the question of the non-observance of those orders till 1931. Permanent appointments already made must stand;
- (c) The status of the additional staff employed in the experimental offices was essentially temporary, although they were sometimes loosely called "quasi-permanent";
- (d) The discharge of surplus staff should be regulated with reference to a common seniority list of all the temporary staff working in the experimental offices and the offices which were specified as their parent offices, thus ensuring the retention of men with longer service and larger experience.

5. In this connection it must be mentioned that there are two subsidiary points which also require to be settled. The first point (which is probably peculiar to the Calcutta offices only) relates to the period for which the principle of common roster should be observed. At Calcutta the principle should presumably be observed (with reference only to and) until all the men on the list of temporary staff as it stands on 30th November 1931 are confirmed in either of the two offices, namely, the offices of the Accountant General, Bengal, and the Deputy Accountant General, Central Revenues. In other places there is no difficulty as (except at Peshawar to which the proposals in this note are not applicable as explained below) no new combined accounts and audit offices will be created as a result of the amalgamation.

The other point relates to the concessions granted to the surplus temporary staff of the experimental offices who may be discharged. The concessions in question are also apparently admissible to the staff who might be discharged in the parent offices as a direct result of the amalgamation and the decision to discharge from a common roster.

INSUFFICIENCY OF CLOTHES PROVIDED FOR PRISONERS IN THE AJMER CENTRAL JAIL.

1118. *Mr. S. C. Mitra: Are Government in a position now to answer the following questions put by me on the 29th March, 1932, viz., "Is the practice of supplying only one garment to prisoners prevalent in all the Centrally-administered areas? Has the prisoner to remain almost naked in all those prisons while that garment is being washed, or is that practice confined to the Ajmer Central Jail only"?

The Honourable Mr. H. G. Haig: I called for the information on receipt of notice of the present question and will communicate it to the House in due course.

REMISSION OF ONE MONTH'S SENTENCE TO A CONVICT NIGHT WATCHMAN FOR BEATING A POLITICAL PRISONER IN THE CENTRAL JAIL AT AJMER.

1119. ***Mr. S. C. Mitra:** Are Government aware of the fact that Siddiq, a convict night watchman, was awarded one month's remission for assaulting and beating a political prisoner named Lalchand in the Central Jail at Ajmer?

Mr. H. A. F. Metcalfe: With your permission, Sir, I propose to answer questions Nos. 1119 to 1126 together. The information is being collected and will be given to the House in due course.

STANDING HANDCUFFS GIVEN TO ONE JUGRAJ IN THE AJMER CENTRAL JAIL.

†1120. ***Mr. S. C. Mitra:** Is it a fact that a person named Jugraj in the Ajmer Central Jail is mentally defective and that he is still sentenced to one year's rigorous imprisonment? Is it a fact that the same person was given standing handcuffs for not being able to grind his full quota of 15 seers?

BEATING OF A POLITICAL PRISONER BY THE JAILOR OF THE AJMER CENTRAL JAIL.

†1121. ***Mr. S. C. Mitra:** Are Government aware of the fact that the Jailer of the Central Jail, Ajmer, beat Narain Singh, a young C class political prisoner, with a ruler on the 29th February, 1932, when the latter was on a hunger-strike?

DENIAL OF FACILITIES TO POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1122. ***Mr. S. C. Mitra:** (a) Is it a fact that C class political prisoners in the Ajmer Jail were deprived of the books and blankets duly allowed to them without showing cause to them for this action, and that they were left to sleep on the very rough *munja* straw mats and to shiver in the cold nights with one blanket only? Can a prisoner, according to the jail rules, borrow a book for sometime from his fellow-prisoner belonging to the same class? If so, why were such books confiscated in the Ajmer Jail?

(b) Is it a fact that Pandit Laduram Joshi was punished with one week's solitary confinement when he asked the Deputy Jailer to return the above to the prisoners?

(c) Was the confiscation of blankets and books a jail punishment? If so, why was it not recorded on the prisoners' tickets? Was the confiscation with or without the permission of the Superintendent? Are Government aware of the fact that the Superintendent flatly refused to give any hearing to Messrs. B. S. Deshpandi, Jainarayan Vyas, Nityanand Nagar, Swami Kumaranand, Vajjnath Mohodya and others, when they stood to make complaints against the confiscation of books and blankets and against the half baked *rotees* supplied to the prisoners?

SLAPPING OF A LAME POLITICAL PRISONER IN THE AJMER CENTRAL JAIL.

†1123. ***Mr. S. C. Mitra:** Is it a fact that Tara Singh, a lame political prisoner in the Ajmer Central Jail, was slapped by the orders of the

†For answer to this question, see answer to question No. 1119.

Jailor for not being able to act up to the cautions of the Jamadar on the day of the search? Was he exempted from the parade and absolutely untrained?

LOSS OF WEIGHT OF CERTAIN POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1124. ***Mr. S. C. Mitra:** (a) Are Government aware of the fact that Messrs. Nityanand Nagar, Kishore Bhai Sharma, Krishnanand and Hari Shanker, political prisoners in the Ajmer Central Jail, have each lost about 20 lbs. or more and yet suitable food is not being supplied to them?

(b) Are Government aware that prisoners losing weight are sometimes recommended hospital diet which consists of six *chhataks* of boiled rice and a pound of watery milk? Are Government aware that this diet is utterly insufficient to give a man adequate nourishment so as to enable him to regain his lost weight and vigour? Do Government propose to instruct the local authorities to improve the hospital diet both in quality and in quantity?

ILL-TREATMENT OF CERTAIN POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1125. ***Mr. S. C. Mitra:** (a) Is it a fact that the non-official visitors recently appointed for the Ajmer Central Jail did not make any inquiries from the political prisoners, that they did not even acquaint either the political or the ordinary prisoners with their commission and that when the C class political prisoners themselves approached Mr. Dhan Pershad, Vakil, he refused to hear their complaints about the food and treatment accorded to the political and ordinary prisoners?

(b) Is it a fact that the Jailor had sent Mr. Hari Kinker, who is suffering from piles, to the jail kitchen? If so, why?

(c) Is it also a fact that Swami Kumaranand, Shri Jainarain Vyas and Mr. Ganeshi Lal also were sent to the kitchen? If so, why? Is it a fact that they complained against the jail food to Mr. Dhan Pershad, Vakil, the non-official visitor?

SUPPLY OF ONLY ONE MEAL TO "C" CLASS POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1126. ***Mr. S. C. Mitra:** Is it a fact that "C" class political prisoners were given food only once a day for nearly four or five days in the beginning of October, 1932, in the Ajmer Central Jail?

PROMOTION OF INDIAN STATION MASTERS ON THE NORTH WESTERN RAILWAY.

1127. ***Mr. Lalchand Navalrai:** (a) Is it a fact that previously on the North Western Railway lower grade posts of station masters were given to Indians and higher grade posts to Europeans and Anglo-Indians and that these higher grade posts of station masters were filled from Europeans and Anglo-Indian guards?

(b) Is it a fact that eight grades of station masters have been made irrespective of caste and creed? If so, when? Is this rule in practice?

†For answer to this question, see answer to question No. 1119.

(c) Is it not a fact that Indian station masters with long service and more practical experience are still deprived of the higher jobs and these jobs are still given to guards having a short service and without any practical experience?

(d) Will Government be pleased to state how many Indian station masters of the lower grade have been taken in grades 4 to 8 since these grades have been adopted and how many guards have been given these jobs?

(e) Will Government be pleased to state how many Indian station masters are officiating in grades 4 to 8 and how many guards?

(f) Will Government be pleased to state how many Assistant Controllers and Traffic Inspectors are there on the North-Western Railway and how many of such posts have been given to Indian station masters?

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

RECRUITMENT OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE DIRECTOR OF CONTRACTS.

1128. ***Mr. Lalchand Navalrai:** (a) Is it a fact that when the Director of Contracts, Army Headquarters, wanted to take recruits for his clerical establishment through the Public Service Commission, he advanced the reason that he wanted clerks possessing commercial and business experience and knowledge?

(b) Has that consideration always prevailed in the appointments that he has since made in the clerical establishments of his office, or when clerks have been promoted to higher grades?

(c) Will Government please state what business or commercial qualifications the undermentioned clerks possess:

- (1) R. S. Tawakley,
- (2) D. N. Tewary,
- (3) K. K. S. Ayyar,
- (4) Sumair Chand,
- (5) J. N. Mustafy,
- (6) S. K. Mukerji,
- (7) H. K. Joshi, and
- (8) B. Nathaniel Sarebar?

(d) Is it a fact that Nos. 1, 2 and 3 above have failed to qualify for the First Division, but are now actually holding First Division appointments in the Director of Contracts' office?

(e) Is it a fact that Nos. 4, 7 and 8 have qualified only for the Third Division, but are holding posts in the Second Division?

(f) Is it a fact that No. 6 failed even to qualify for the Third Division, but is actually holding a Second Division appointment?

(g) Is it not a fact that candidates who failed to qualify at an open competition in the Public Service Commission secured employment in the office of the Director of Contracts?

(h) Are Government prepared to consider the question of reverting to the previous practice of recruitment through the Public Service Commission?

(i) If men of commercial and business knowledge are required, cannot the Public Service Commission recruit such men, as is done in the case of other superior and technical services, e.g., Railways, Forests, Education, etc.?

(j) Will Government please say what is the justification for permitting the Director of Contracts only to recruit his clerks direct, and not through the Public Service Commission?

(k) Do Government propose to make it a rule that recruitments in all departments of service in India should be made by competition through the Public Service Commission? If not, why not?

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

(b) No person is appointed on probation unless the Director is satisfied that he possesses the necessary experience or aptitude, or has been suitably trained; and in no case is a man confirmed in his appointment or promoted to a higher grade, until he has proved his fitness for the higher class of work peculiar to the Directorate.

(c) Government are not prepared to publish the qualifications of individuals in their service. In any case only one of the clerks mentioned was recruited since 1928 when appointments for the Contracts Directorate were made independent of the Public Service Commission.

(d), (e) and (f). The answer is in the affirmative, but it was a feature of the arrangements sanctioned in 1928 that the clerical establishments of the Contracts Directorate should be exempted from passing the Public Service Commission promotion tests.

(g) There may have been a few such cases.

(h) Government see no reason to reverse their present policy in this matter.

(i) and (j). Government consider that the Director is the best judge of the type of recruits required for his office.

(k) No, Sir. Recruitment by competitive examination is not suited to the requirements of all services.

Mr. Lalchand Navalrai: May I know whether it is not the policy of the Government to get men who have passed the Public Service Commission examination? Is it not a fact that all men should pass the Public Service Commission Examination? Has that rule been relaxed?

Mr. G. E. F. Tottenham: Yes. The rule in this particular department, I mean the Contracts Directorate, is that recruitment should be made independently of the Public Service Commission. This is the only department of the Army Headquarters in which such a rule is in force.

Mr. Lalchand Navalrai: What are the reasons for it? Why has an exception been made in that department alone?

Mr. G. E. F. Tottenham: Because of the special nature of the work done in the Contracts Directorate. The work done in that Directorate is much the same as the work done in a business firm, which buys and

sells goods; and it is considered that men are required with special experience of, and aptitude for, business matters and procedure.

Mr. Lalchand Navalrai: Are those men recruited by Government or through contractors?

Mr. G. B. F. Tottenham: They are recruited by Government.

Mr. Lalchand Navalrai: If they are recruited by Government, why should there be a distinction made in the case of these men alone?

Mr. G. B. F. Tottenham: Because it is considered that it is not so easy to get men with the qualifications and aptitude required by means of a competitive examination as it is by actual selection and personal knowledge.

Mr. Lalchand Navalrai: That is to say, the Government make those people easier to get in or accept men with lesser qualifications.

Mr. G. B. F. Tottenham: They accept men with the necessary qualifications.

Mr. Lalchand Navalrai: And not such men who pass the Public Service Commission test?

STOPPAGE OF INTERVIEWS WITH MAHATMA GANDHI IN JAIL.

1129. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to make a full statement as to why interviews with Mahatma Gandhi were stopped immediately after the altered provisions of the Communal Award were accepted by His Majesty's Government?

(b) What reasons had Government to discontinue visits even to certain leaders who had actually moved in that direction with Mahatma Gandhi?

The Honourable Mr. H. G. Haig: I invite the Honourable Member's attention to the reply I gave on the 7th November, 1932, to a question on the subject by Mr. B. Das.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say whether it is not a fact that since then Mahatma Gandhi has been allowed to have interviews with regard to the question of the Depressed Class people?

The Honourable Mr. H. G. Haig: Since when?

Mr. Lalchand Navalrai: Since the answer was given.

The Honourable Mr. H. G. Haig: No, Sir; the answer was given in explanation of the facilities that were being allowed to Mr. Gandhi.

Mr. M. Maswood Ahmad: Are Government prepared to allow interviews with Mr. Gandhi and to extend those facilities to him to help him to take part and bring about the Hindu-Muslim settlement if an assurance is given that such conversations would be restricted to that particular issue only?

The Honourable Mr. H. G. Haig: I explained, Sir, on the previous occasion that Government were only prepared to give certain exceptional facilities to Mr. Gandhi, namely, to deal with the question of the removal of untouchability, and that they were not prepared to extend those facilities for taking part in discussions in connection with Hindu-Muslim questions.

Mr. H. Maswood Ahmad: Even if the assurance is given that the discussions will be restricted to that one issue only?

The Honourable Mr. H. G. Haig: The Honourable Member is looking at the matter in a different perspective from that of mine. Mr. Gandhi is detained in jail on account of civil disobedience which is still his avowed programme. A prisoner must necessarily suffer from disabilities and cannot expect to take part in the ordinary public life of the country. That, I think, provides a sufficient answer for what I have said just now that Mr. Gandhi cannot be allowed to take part in these Hindu-Muslim conversations as long as he is a State Prisoner:

Mr. Gaya Prasad Singh: Is there any connection between the settlement of the Hindu-Muslim question and the civil disobedience movement?

The Honourable Mr. H. G. Haig: No, Sir; there are certain disabilities which attach to Mr. Gandhi as a State Prisoner.

Mr. Gaya Prasad Singh: Then why were they removed when the Depressed Classes question was under discussion?

The Honourable Mr. H. G. Haig: I went into that question very fully last time. I said that this question of the removal of untouchability had nothing whatever to do with politics—a point which has been very much emphasised by Mr. Gandhi himself; and to use his own words, it is a moral and a religious reform.

Mr. Gaya Prasad Singh: So far as the settlement of Hindu-Muslim question is alleged to be a political question, do I take it that it is against the Government Servants' Conduct Rules for any official of the Government to encourage such settlement?

The Honourable Mr. H. G. Haig: I cannot understand the relevance of my Honourable friend's question.

Mr. Gaya Prasad Singh: It is for the Honourable the President to decide whether my question has any relevance or not, and it is not for the Honourable Member. . . .

The Honourable Mr. H. G. Haig: I thought I was giving an opportunity to the Honourable Member of explaining the relevance. I was quite sure that he would be able to give some explanation of what appeared to me I think to be an irrelevant question.

Mr. Gaya Prasad Singh: The Honourable Member said on the last occasion that the settlement of the Hindu-Muslim question was a political question, but do not the Government Servants' Conduct Rules prohibit a

Government official from taking part in political questions? Do I take it, therefore, that for any official to encourage the settlement of the Hindu-Muslim question is tantamount to taking part in a political question, and to that extent it is forbidden under the Government Servants' Conduct Rules?

The Honourable Mr. H. G. Haig: I think the Honourable Member applies a somewhat restricted meaning to the rules in the Government Servants' Conduct Rules. Government servants under present conditions have in fact to deal with a great many political questions as is shown by the presence of a number of Government servants in this House.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say whether, if the Unity Conference arrives at an agreement, Mr. Gandhi will be permitted to take part and intervene in the settlement of the Hindu-Muslim question?

The Honourable Mr. H. G. Haig: I think, Sir, the mere fact that, as is reported in this morning's telegrams, an agreement has been reached (which, I am sure, will be a peculiar satisfaction to the Honourable Member himself, in that the question of the separation of Sind has been settled) shows there is no necessity for Mr. Gandhi to intervene in this question.

Mr. Lalchand Navalrai: Am I to understand, then, that even if the Hindus and Muslims come to an agreement, Mahatma Gandhi will not be allowed to take part in these discussions?

The Honourable Mr. H. G. Haig: I would remind the Honourable Member that Mr. Gandhi is a State Prisoner and must be treated as such.

STOPPAGE OF INTERVIEWS WITH MAHATMA GANDHI IN JAIL.

1130. ***Mr. Lalchand Navalrai:** (a) Has Government's attention been drawn to a cable published in the press sent by Sir Tej Bahadur Sapru to his London friends stating that he and his friends talked with Mahatma Gandhi in the Yeravda Prison on the general situation and believed that further exchange of ideas would have led to the restoration of conditions conducive to joint work; that after his return to Allahabad Mr. Jayakar and Mr. Kunzru saw the Mahatma and that they made a distinct advance towards bringing about peace in the country and that he regretted that further opportunities of carrying on conversations with Mahatma Gandhi should have been abruptly denied to men of standing and record who had gathered at Poona?

(b) Have Government any doubt about such a statement? If not, how do they justify their action?

(c) Do Government propose to take steps to facilitate unrestricted interviews to such men with Mahatma Gandhi for the aforesaid object? If so, what steps do Government propose to take? If not, why not?

The Honourable Mr. H. G. Haig: (a) I have seen a press report of the cable referred to by the Honourable Member.

(b) and (c). I invite the Honourable Member's attention to the reply I have just given to question No. 1129.

APPOINTMENT OF A MUSLIM NON-MATRIC IN THE KARACHI CUSTOMS.

1181. ***Mr. Lalchand Navalrai:** (a) Has Government's attention been drawn to a letter by "a Muslim Graduate" published in the *Sind Observer*, dated the 23rd June, 1982, under the caption "Karachi Customs—men of influence alone get jobs"?

(b) Is it a fact as stated therein that a post of a preventive officer carrying a salary of about Rs. 200 has been given to a Muhammadan ex-student of the matriculation class only in preference to Muslim graduates?

(c) If the answer be in the affirmative, will Government be pleased to state why such a glaring inequity was perpetrated?

(d) Is it a fact that the person who got the job had got influence exercised over the officers concerned and were any recommendations made for him?

(e) What do Government propose to do in the matter?

The Honourable Sir Alan Parsons: (a) A copy of the letter has been obtained and seen by me.

(b) Yes, but in an acting vacancy on Rs. 180 per month (less 10 per cent.).

(c) The possession of higher educational qualifications does not necessarily give a better title to appointment in the Customs Preventive Service: other considerations such as good physique, active habits, etc., are as essential as higher educational qualifications.

(d) No.

(e) Nothing.

Mr. K. Ahmed: Is it not a fact that the Collector of Customs, Calcutta, wrote a letter to a certain association, and the Secretary of that association, who is an M. L. A., received a letter from the predecessor of Mr. Hardy who was Collector at the time, that, unless these Muhammadans pass a certain test examination and their merits and qualifications are decided these questions cannot be decided, and may I ask whether this was not accepted by the then the Honourable the Finance Member? Did he not classify Muslim candidates after their test examination and recorded their names in the Waiting List according to their merit? Will the Honourable Member revise his answer?

The Honourable Sir Alan Parsons: I am afraid I must ask the Honourable Member for notice. I am dealing here with an appointment in the Karachi Customs Office, and I do not think I have seen the letter to which he refers.

Mr. K. Ahmed: It is a distance of 3,000 miles no doubt, but how can the principle be different?

Mr. Lalchand Navalrai: Will Government be pleased to state whether there is any difference recognised by the Government in qualifications for temporary and permanent appointments?

The Honourable Sir Alan Parsons: Again, I should have to ask for notice. I do not remember the exact terms on which recruits are taken for temporary or permanent service as preventive officers.

Mr. Lalchand Navarai: May I then ask why a matriculate was preferred to a graduate even for this temporary post, and what were the qualifications of the matriculate to supersede others?

The Honourable Sir Alan Parsons: For reasons which I gave in answer to part (c) of the Honourable Member's question, educational qualifications are by no means the only qualifications required, but I am sure the Collector of Customs considered that this candidate was the best qualified candidate from all points of view.

Mr. Lalchand Navarai: May I know what other qualifications influenced the Customs Officer in making this appointment?

The Honourable Sir Alan Parsons: I presume, from the information which I have received in answer to the question of my Honourable friend, that this particular gentleman had a good physique and was of active habits.

Sir Muhammad Yakub: To what community does he belong?

The Honourable Sir Alan Parsons: Muslim.

FILLING UP OF APPOINTMENTS BY COMPETITIVE EXAMINATION.

1132. ***Mr. Lalchand Navarai:** (a) Has Government's attention been drawn to the last portion of the letter referred to in the preceding question making a demand that appointments among Muhammadans should now go by competitive examinations conducted by the Public Service Commission?

(b) Will Government be pleased to state if, in view of the competition that now occurs even amongst Muhammadans, they are prepared to fill up appointments by competitive examinations without any invidious communal distinctions?

(c) If not, will Government make a full statement with reasons for not doing so?

The Honourable Mr. H. G. Haig: (a) I have seen the letter.

(b) and (c). The argument in the letter is that posts reserved for Muslims should be filled by competitive examination among themselves. This is quite different from the Honourable Member's suggestion that all appointments should be made by competitive examination without any reservation for minority communities. Such a procedure would be contrary to established Government policy and there is no intention of adopting it.

CONSTITUTION OF THE BRITISH MEDICAL COUNCIL IN ENGLAND.

1133. ***Mr. Lalchand Navarai:** (a) Will Government be pleased to give information as to how the British Medical Council in England is constituted and who possess its franchise?

(b) Is it composed of elected members or of both elected and nominated? If of both, in what proportion?

(c) Has it a nominated or elected President?

(d) Does each medical faculty elect members or the Senate, and how many?

(e) Have the medical graduates and licentiates respectively a direct representation on the Council? If so, to what extent?

(f) Is there an executive committee to the British Medical Council, and how is it formed?

(g) What are the functions of the said executive committee?

Mr. G. S. Bajpai: (a) and (b). The Council consists of 18 members appointed by the Universities in the United Kingdom having Medical Faculties, nine members appointed by medical corporations such as the Royal College of Physicians and Surgeons, five members appointed by His Majesty in Council and six members directly elected by members of the profession as a whole. To these are added three dentists who are members of the Dental Board and are appointed for dental business.

(c) It has an elected President.

(d) Generally it is not the Medical Faculty of the University but the Academic Governing Body that appoints the member.

(e) Medical graduates and licentiates have no separate representation. The representatives are practitioners elected, four from England, one from Scotland and one from Ireland, by ballot of all the members of the profession having registered addresses in these countries, respectively.

(f) There is an Executive Committee which is appointed by the General Council. The number of members is not fixed in the constitution; only it is provided that the quorum shall not be less than three.

(g) The General Council may delegate any of its powers and duties to the Executive Committee except the power of making representations to His Majesty in Council.

MEDICAL LICENTIATES OTHER THAN GRADUATES IN ENGLAND.

1134. ***Mr. Lalchand Navalrai:** (a) Is there a class of medical licentiates other than graduates in England?

(b) Are the medical licentiates on the register of the British Medical Council?

(c) Is there any difference in the recognition of the graduates and licentiates? If so, what?

Mr. G. S. Bajpai: (a) Yes, but there is one uniform minimum standard of instruction and examination which applies equally to licentiates and graduates.

(b) Yes.

(c) There is no difference in the recognition of graduates and licentiates.

Mr. Lalchand Navalrai: What kind of examination is that which is general for the licentiates and graduates?

Mr. G. S. Bajpai: I am afraid I could not give particulars of the syllabus of examination for licentiates.

PURCHASE BY A MEMBER OF THE RAILWAY BOARD OF A LANDED PROPERTY IN BARARA ON THE NORTH WESTERN RAILWAY.

1135. ***Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to enquire and state how far it is true that the Railway Board Member responsible for the invention of the Hayman-Mohindra punches has purchased a big landed property in Barara on the North Western Railway in his own name or in the name of his relative?

(b) Is it true that on occasions mistries and other workmen of the Engineering Department, North Western Railway, Delhi Division, are utilised in the said estate?

The Honourable Sir Joseph Bhore: (a) Government understand that one of Mr. Hayman's sons has a property valued at rupees eight thousand at Barara.

(b) No.

PURCHASE OF BAGS FOR HAYMAN-MOHINDRA PUNCHING MACHINES.

1136. ***Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state with reference to their reply to a question in the last Session of the Legislative Assembly that Hayman-Mohindra punches can be conveniently put in pockets? If so, why bags have been supplied for the purpose?

(b) What is the cost of each bag and the total cost of all such bags?

(c) Why has this extra expenditure been incurred during this period of financial depression?

(d) Have ticket checkers on the old East Indian Railway and Oudh and Rohilkhand Railway or on any other State Railway also been supplied with such bags?

Mr. P. R. Rau: The information asked for by the Honourable Member is being obtained and will, when received, be laid on the table.

SHARES HELD BY SOME OFFICERS OF THE EAST INDIAN RAILWAY IN THE CARLSBAD MINERAL WATER MANUFACTURING COMPANY.

1137. ***Khan Bahadur Haji Wajihuddin:** Will Government be pleased to inquire and state whether some of the officers of the East Indian Railway hold shares in the Carlsbad Mineral Water Manufacturing Company which caters for ice and aerated water on the said Railway?

Mr. P. R. Rau: Enquiries made from the East Indian Railway administration show that so far as that administration is aware no officer of the East Indian Railway holds shares in the Carlsbad Mineral Water Manufacturing Company.

Mr. Gaya Prasad Singh: Are Government aware that some months back an order had been issued by the authorities of the East Indian Railway asking the refreshment room keepers on that railway to purchase their supplies of aerated waters exclusively from this Carlsbad Mineral Water Company although their charges were higher than those of other companies.

Mr. P. R. Rau: No. I have no information on the matter. If my Honourable friend gives notice of the question, I can get the information.

Dr. Ziauddin Ahmad: Is it not a fact that a certain individual wanted to open a factory at some other towns, but permission was refused?

Mr. P. R. Rau: No. I have no information on that matter either.

SYLLABUS FOR THE ENTRANCE EXAMINATION TO THE INDIAN MILITARY ACADEMY, DEHRA DUN.

1138. ***Dr. Ziauddin Ahmad:** With reference to the reply of my starred question No. 712, that no oriental language is recognised for the entrance examination to the Indian Military Academy, Dehra Dun, will Government be pleased to consult page 5 of the Syllabus for the said examination?

(b) What is paragraph 15 of this Syllabus?

(c) Is it not a fact that in paragraph 15, *Sanskrit* is recognised in place of *Latin* and *Hindi*, *Persian* and *Urdu* in place of *French*?

(d) How many candidates offered *Latin*, *Greek*, *German* and *French* languages in the last entrance examination?

(e) On what principle is the distinction drawn between lower and higher Mathematics?

(f) Who were the members of the Committee who drew up the Syllabus?

Mr. G. R. F. Tottenham: (a), (b) and (c). The syllabus to which the Honourable Member refers was the one in force before the adoption of the syllabus recommended by the Indian Military College Committee. As the Honourable Member will realise, it would have been unfair to prospective candidates to have altered the syllabus of the Army Entrance Examination radically without giving due notice, and therefore the old syllabus was retained for the first two examinations held in July and October this year. The syllabus to which I referred in my answer on September 23rd is the new syllabus, and does not include either Sanskrit or Arabic or any other Oriental language.

(d) In the examination held last October, no candidate offered Greek, one offered German in Part I—Obligatory, and two offered French and two Latin in Part II.

(e) The distinction between the two is shown in paragraphs 7 and 8 of the new syllabus, a copy of which I am sending separately to the Honourable Member.

(f) This syllabus was drawn up by a Sub-Committee consisting of Sir George Anderson, Mr. Mukarji, Colonel Mirza Kader Beg and Colonel Haughton, and was approved by the Indian Military College Committee as a whole.

HOUSES BUILT BY INDIANS IN MECCA FOR THE BENEFIT OF INDIAN PILGRIMS.

1139. ***Dr. Ziauddin Ahmad:** (a) What is the approximate number of houses built by Indians in Mecca for the benefit of the Indian pilgrims?

(b) Is it not a fact that those houses have been occupied without rent by the residents of Mecca and that these are not available for the use of Indian pilgrims?

(c) Is it not a fact that Nawab Obaidullah Khan of Dholampur, U. P. got his own house vacated and put in charge of British Consuls with instructions that the same should be used for the benefit of Indian pilgrims?

(d) Did Government accept the condition of the donor?

Mr. H. A. F. Metcalfe: (a) The Honourable Member's question presumably refers to buildings dedicated by Indians for the use of pilgrims to

Mecca from India. From such information as is available the number of such buildings in Mecca is understood to be approximately 50.

(b) It is believed that some of these buildings have been irregularly occupied by persons other than Indian pilgrims.

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

Dr. Ziauddin Ahmad: Will Government be pleased to make enquiries with regard to parts (c) and (d)?

Mr. H. A. F. Metcalfe: Enquiries can be made if the Honourable Member wishes, but it would appear rather to be a matter for the United Provinces to consider.

Dr. Ziauddin Ahmad: Is it for the Government of the United Provinces to make enquiries or the Government of India?

Mr. H. A. F. Metcalfe: If the Honourable Member wishes to raise the question here, enquiries can be made from the United Provinces.

Kunwar Hajee Ismail Ali Khan: Why from the United Provinces? It concerns the Hedjaz Government.

Mr. H. A. F. Metcalfe: The gentleman concerned lives in the United Provinces and we would have to make enquiries from them, but that can be done in the first place.

Dr. Ziauddin Ahmad: Inquiries can be made about (c), but I want an answer particularly to (d).

Mr. H. A. F. Metcalfe: The answer to (d) depends entirely on whether the facts stated in (c) are correct. We should have first of all to inquire from the United Provinces. That can be done if the Honourable Member wishes.

Dr. Ziauddin Ahmad: Thank you very much.

HIRING OF CONVEYANCE BY INDIAN PILGRIMS AT MECCA.

1140. ***Dr. Ziauddin Ahmad:** (a) Is it not a fact that no Indian pilgrim can hire a conveyance except through a Moallim?

(b) Is it not a fact that those Moallims charge exorbitant rates?

(c) Are Government or the Haj Committee prepared to secure the privilege for Indian pilgrims that they may be free to hire licensed conveyance without the intervention of Moallims?

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

Mr. Gays Prasad Singh: Is not the subject-matter of this question referred to in the confidential report which was submitted by certain members of the Haj Committee to Government?

Mr. G. S. Bajpai: No, Sir. I do not admit that there is any confidential report.

UNSPENT GOLD SOVEREIGNS OF INDIAN PILGRIMS AT THE HEDJAZ.

1141. ***Dr. Ziauddin Ahmad:** Is it not a fact that the Hedjaz Government do not allow Indian pilgrims to bring back unspent gold sovereigns and get them changed by force into nickel and paper?

Mr. H. A. F. Metcalfe: No such case has come to the notice of Government.

INOCULATION OF INDIAN PILGRIMS TO MECCA.

1142. ***Dr. Ziauddin Ahmad:** Do Government propose to arrange for the inoculation of Indian pilgrims to Mecca at the headquarters of the district in which the pilgrims reside, at least a fortnight before their departure and to see that this fact may be entered in the passport by the District Magistrate?

Mr. G. S. Bajpai: As a result of a recommendation made by the Haj Enquiry Committee, provision for the compulsory immunisation of pilgrims has been made in clause 10 of the Bill further to amend the Indian Merchant Shipping Act, 1923, which was introduced in the Legislative Assembly in March this year. As explained in the "Notes on Clauses" of that Bill it is intended that arrangements should be made for carrying out the immunisation of pilgrims and for providing them with proper certificates in their own districts as far as possible.

Dr. Ziauddin Ahmad: May I understand that this inoculation will be made as far as possible in the districts in which the pilgrims reside?

Mr. G. S. Bajpai: As far as possible arrangements will be made for immunisation in the districts.

CIRCULATION OF THE PROCEEDINGS OF CERTAIN RAILWAY CONFERENCES.

1143. ***Dr. Ziauddin Ahmad:** Do Government intend to circulate among the Members of the Assembly the proceedings of the Agents, the Commercial Managers and the Operating Staff Conferences convened by the Railway Board?

Mr. P. R. Rau: No. Some of these documents are confidential, and all have a purely departmental interest and are not meant for publication.

Mr. S. G. Jog: Has the attention of the Government been drawn to a long letter which appeared in the *Statesman* in which my Honourable friend, Dr. Ziauddin Ahmad, has made very useful suggestions to the Railway Administration.

Mr. P. R. Rau: Where was that letter published, may I know?

Dr. Ziauddin Ahmad: Information which may be of a general nature and not of a technical nature may usefully be supplied to the Members of the Assembly. It will enlighten us enormously as to how the Railway administration is being carried on?

Mr. P. R. Rau: I should like to know what exactly my Honourable friend is referring to. What sort of information does he want to be circulated to Honourable Members?

Dr. Ziauddin Ahmad: For example, the Railway Board convened several meetings of the Agents and the Commercial Managers, etc. If a summary of those discussions could be prepared and circulated among Members of the Assembly, I thought it would be very useful.

Mr. P. E. Rau: These discussions with the Agents are confidential in their nature and, obviously, unless they are kept confidential, it would be impossible to have a full and free discussion of the subjects which the Agents discuss with the Railway Board.

Dr. Ziauddin Ahmad: Most of these discussions are published in the papers. They are scattered. For example, the address of the President of the Railway Conference, the Agent of the Bengal Nagpur Railway. It is not confidential.

Mr. P. E. Rau: Those are the meetings of the Indian Railway Conference Association and the important speeches of general interest are published. I do not know what more my Honourable friend wants.

Dr. Ziauddin Ahmad: These are not published in the papers in full. If these things are collected and supplied to the Members, I thought it would be useful.

Mr. P. E. Rau: If my Honourable friend wants a copy of Mr. Jarrad's speech, I can send it to him.

Mr. President: Next question, please.

DETAILED EXPENDITURE OF THE RAILWAY BUDGET.

1144. ***Dr. Ziauddin Ahmad:** Will Government be pleased to lay in the Library for at least one week a copy of the detailed expenditure of the Railway Budget, giving the details of every item of the demand in the Budget?

The Honourable Sir Joseph Shore: I presume my Honourable friend intends to suggest that the Budget documents should be in the hands of Honourable Members at least a week before the general discussion. While Government will endeavour to expedite the presentation of the Budget as far as possible to enable Honourable Members to examine the Railway Budget in detail before discussion, owing to the exigencies of time involved by the necessity for having the complete discussion on the Railway Budget finished by the 27th February, it may not be possible to allow as long an interval as is suggested by my Honourable friend.

Dr. Ziauddin Ahmad: Will it be convenient to place it after the Budget debate, because the point of view which I have in my mind is that certain posts, which are promised to be retrenched, are not really retrenched but they are provided for under some other heading, and the expenditure under one item is distributed under various demands that it is very difficult for us to follow it.

The Honourable Sir Joseph Shore: I will consider the suggestion and endeavour to meet my Honourable friend if we possibly can.

EXPENDITURE ON RAILWAY WORKSHOPS.

1145. ***Dr. Ziauddin Ahmad:** Will Government be pleased to mention the expenditure in each year on Railway workshops, since Craven's report?

Mr. P. E. Rau: I presume my Honourable friend is referring to the report of the Railway Workshops Committee presided over by Sir Vincent Raven. The information is being collected from Railway Administrations and will be laid on the table in due course.

CERTAIN POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT HELD BY MUSLIMS.

1146. *Mr. Muhammad Muazzam Sahib Bahadur: Is it a fact that the following posts in the Government of India Secretariat held by Muslims have been either retrenched or filled by non-Muslims?

- (i) Under Secretary, Education, Health and Lands Department,
- (ii) Assistant Secretary, Finance Department,
- (iii) Attaché, Foreign and Political Department,
- (iv) Secretary, Imperial Council of Agricultural Research.

The Honourable Mr. H. G. Haig: Post No. (i), which was held by a Muslim, has been left unfilled owing to the existing financial stringency, but in lieu of this the post of Deputy Secretary held previously by a non-Muslim is now held by a Muslim. In post No. (ii) a Muslim Superintendent was officiating, but reverted from the post in May last when it was abolished, as stated in reply to Mr. Maswood Ahmad's question No. 161 on September 30th. Post No. (iii), which was also held by a Muslim, has been abolished. The pay and status of post No. (iv) have been reduced to those of an Assistant Secretary to the Government of India, and it is now held by a non-Muslim.

NUMBER OF GAZETTED POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT HELD BY MUSLIMS.

1147. *Mr. Muhammad Muazzam Sahib Bahadur: (a) What was the total number of gazetted posts in the Government of India Secretariat held by Muslims getting a pay of Rs. 900 per month or over before retrenchment, and what is it now?

(b) Do Government realise that the number of Muslims holding posts of the nature referred to in part (a) has decreased? What steps have Government taken or propose to take to make up the deficiency?

The Honourable Mr. H. G. Haig: (a) Prior to retrenchment there were eight Muslims holding gazetted posts in the Government of India Secretariat on a pay of Rs. 900 p.m. or over and the same number are still holding such posts.

(b) There has been no decrease. The second part does not, therefore, arise.

CERTAIN HIGHER POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

1148. *Mr. Muhammad Muazzam Sahib Bahadur: (a) Will Government be pleased to state the total number of posts of Assistant Secretaries to the Government of India, and the posts of equal rank and status in the Government of India Secretariat and Attached Offices and the names of the persons holding them?

(b) Is it a fact that there is not a single Muslim holding such a post?

(c) Are Government prepared to consider the advisability of filling these posts by Muslims in proper number?

The Honourable Mr. H. G. Haig: (a) and (b). I would refer the Honourable Member to the Government of India Directory which contains the information he wants, a copy of which will be found in the Library.

(c) As these are selection posts, they must be filled on the basis of merit and not on communal considerations.

CASHIERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

1149. *Mr. Muhammad Muazzam Sahib Bahadur: (a) What is the total number of cashiers in the various Departments of the Government of India Secretariat, and what are their names?

(b) Is it a fact that the post of a cashier in a Secretariat Department carries a special pay of Rs. 50 per month?

(c) Is it a fact that there is not a single Muslim in the whole Secretariat holding this post?

(d) If the reply to part (c) be in the affirmative, are Government prepared to consider the advisability of appointing suitable Muslims to these posts?

(e) Is it a fact that the post of a cashier is ordinarily filled by promotion of clerks next to cashiers working in Cash Sections?

(f) Will Government please state the names of such clerks working at present in Cash Sections of the various Departments? How many of them are Muslims, and what are their names?

The Honourable Mr. H. G. Haig: (a) Fourteen. I do not think any useful purpose would be served by detailing their names.

(b) and (c). Yes.

(d), (e) and (f). I would invite attention to the reply given by my predecessor to starred question No. 1094 on the 28rd March, 1931, in this House, and would add that appointments to these posts are made not on communal considerations, but on seniority and merit combined with aptitude for the class of work required of the Cashier. In the circumstances, I do not think the collection of the information asked for in (f) would be of value.

VACANCIES IN CERTAIN OFFICES OF THE GOVERNMENT OF INDIA.

1150. *Mr. Muhammad Muazzam Sahib Bahadur: Will Government please state the number of vacancies—permanent, temporary or officiating—which have occurred since 1st April, 1932, in the offices of the Central Board of Revenue, the Imperial Council of Agricultural Research, and the office of the Reforms Commissioner, and the proportion in which they have been filled from the various communities?

The Honourable Mr. H. G. Haig: A statement containing the information asked for is laid on the table.

Statement.

| Office. | Vacancies. | Hindus. | Muslims. | Sikhs. | Indian Christians. | Others. |
|---|------------|---------|----------|--------|--------------------|----------------|
| Central Board of Revenue. | 17 | 9 | 6 | .. | 2 | .. |
| Reforms Office | 6 | 4* | 1 | .. | 2* | .. |
| Imperial Council of Agricultural Research | 16† | 5 | 6 | 1 | .. | 1 (Parsee). |

* One in each case filled the same vacancy, the Indian Christian for a short time and the Hindu thereafter.

† Three were not filled.

TOTAL STAFF IN CERTAIN OFFICES OF THE GOVERNMENT OF INDIA.

1151. *Mr. Muhammad Muazzam Sahib Bahadur: Will Government please state:

- (a) the total number of men employed in various grades in the staff of the office of the Director of Civil Aviation, Director General, Posts and Telegraphs, and the Director General of Commercial Intelligence and Statistics;
- (b) the number and percentage of Muslims in each grade; and
- (c) the number of vacancies—permanent, temporary, or officiating—which have occurred in the above offices since 1st April, 1982, and the proportion in which they have been filled from the various communities?

The Honourable Sir Frank Noyce: The attention of the Honourable Member is invited to the statements showing the communal strength of the clerical staff of these offices which are prepared annually and are in the Library of the House. Government are unable to give more detailed information regarding the communal composition of the offices in question than is contained in these statements.

NUMBER OF MEN EMPLOYED IN EACH OF THE SUBORDINATE OFFICES UNDER THE CIVIL AVIATION DIRECTORATE.

1152. *Mr. Muhammad Muazzam Sahib Bahadur: (a) What is the total number of men employed in (i) the technical staff and (ii) the clerical establishment in each of the subordinate offices under the Civil Aviation Directorate? How many are Muslims?

(b) What steps have Government taken or propose to take to ensure proper representation of Muslims in the staff referred to at part (a)?

The Honourable Sir Frank Noyce: (a) There are six technical officers and five clerks in the subordinate offices in the Civil Aviation Directorate; none is a Muslim.

(b) The general orders of Government regarding representation of minority communities are observed in this Directorate as far as possible. Of the six technical officers referred to, two are Europeans and four are Indians, Hindus. The former have been appointed to the posts of Aircraft Inspector and Assistant Aircraft Inspector for which no suitably qualified Indians are at present available. The four Indians have been appointed as Aerodrome Officers. They were selected from the Government of India Civil Aviation Scholars who received their training in England. Out of the ten scholarships granted in this connection, two were offered to two Muslims who had been selected by the Public Service Commission from among a number of candidates. One of the Muslim candidates was unable owing to private reasons, to avail himself of the offer. The other accepted the offer. He was one of a batch of four scholars who completed their training in 1981-82. Only one post of Aerodrome Officer was then available, three such posts sanctioned previously having been filled by scholars from an earlier batch. For that post the scholar who was considered to be the most suitable was chosen; he happened to be a Hindu.

With regard to the clerical staff, this is recruited through the medium of newspaper advertisements, preference being given to local men. The staff in any local office usually consists of one clerk only. Up to December, 1931, the staff included one Muslim. The post he held was then retrenched as a measure of economy and his services had to be dispensed with. An addition to the number of clerical posts is likely to be made shortly when steps will be taken to secure the services of a Muslim, if possible.

SUBORDINATE OFFICES UNDER THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

1153. ***Mr. Muhammad Muazzam Sahib Bahadur:** (a) How many subordinate offices are there under the Imperial Council of Agricultural Research? At what stations are they located?

(b) What is the total number of men employed in (i) the technical staff, and (ii) the clerical establishment in each of the offices referred to at part (a)? How many are Muslims, and what are their names?

Mr. G. S. Bajpai: (a) and (b). I place on the table a statement containing the information asked for by the Honourable Member.

Statement relating to the number, location and personnel of the offices subordinated to the Imperial Council of Agricultural Research.

| Name of office. | Where located. | Technical appointments. | | Clerical appointments. | |
|---|----------------|-------------------------|--|------------------------|--------------------------------------|
| | | Total No. | No. and names of Muslims. | Total No. | No. and names of Muslims. |
| 1. Office of the Locust Research Entomologist. | Lyallpur | 4 | 2 Mr. M. Afzal Husain, M.Sc., I.A.S. Mr. Taskhir Ahmad. | 4 | 1 Mr. Tajud-Dir. |
| 2. Office of the Deputy Locust Research Entomologist. | Quetta | 6 | 1 Mr. Mirza Ahmad Ali | 2 | 2 Mr. A. Ghani. Mr. M. Ramzan. |
| 3. Office of the Sugar Technologist. | Cawnpore | 2 | Nil | 10 | 1 Mr. Amir-ul-Hasan. |

TITLES CONFERRED ON THE INDIAN STAFF OF THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.

1154. ***Mr. Muhammad Muazzam Sahib Bahadur:** Will Government please lay on the table a statement, showing by communities, the names of the members of the staff of the Government of India and its attached offices on whom Indian titles have been conferred since 1922, and the posts held by them at the time of the conferment of the titles?

Mr. H. A. F. Metcalfe: A statement giving the required information is laid on the table.

Statement showing by communities the names of the members of the staff of the Government of India and Attached offices on whom Indian titles have been conferred since 1922 and the post held by them at the time of the conferment of the title.

| Name of grantee. | Office or designation. | Title granted. | Date of award. | Community. | Remarks, if any. |
|--|--|-------------------|-------------------|-------------------|---|
| <i>Home Department.</i> Pindilal | Photographer, Office of the Director of Public Information. | Rai Sahib | 1st January 1923. | Hindu. | |
| Kotiabhai Palliyal Anantan | Superintendent, Home Department. | Rao Sahib | 2nd June 1923 | Hindu. | |
| Aga Sikanar | Assistant, Home Department | Khan Sahib | 1st January 1924. | Muslim. | |
| Rachha Bilas Des | Assistant, Home Department | Rai Sahib | 3rd June 1924 | Hindu. | |
| Shib Dial Seth | Clerk-in-Charge of Issue Branch, Home Department. | Rai Sahib | 1st January 1926. | Hindu. | |
| S. Anantanarayana Sastri | Stenographer and Confidential clerk to Director, Intelligence Bureau. | Rao Sahib | 1st January 1926. | Hindu. | |
| Bhai Bur Singh | Clerk, Home Department | Sardar Sahib | 1st March 1929 | Sikh. | |
| Charles Jacob | Superintendent of the office of Director, Public Information. | Khan Sahib | 1st January 1929. | Indian Christian. | |
| Tarajada Roy | Superintendent, Home Department. | Rai Sahib | 3rd June 1929 | Hindu. | |
| Bhagwan Rai | Stenographer, Home Department. | Rai Sahib | 3rd June 1930 | Hindu. | |
| Maulvi Mah Nomanji | Photographer to Government Examiner of Questioned Documents under D. I. B. | Khan Sahib | 1st January 1931. | Muslim. | |
| <i>Home Department.</i> <i>Reforms Office.</i> Yappa! Panguani Menon | Superintendent, Reforms Office. | Rao Sahib | 1st January 1931. | Hindu. | |
| <i>Foreign and Political Department.</i> Khan Bahadur Muzaffar Khan. | Oriental Secretary to the British Mission to Kabul. | Nawab (personal). | 2nd January 1922 | Muslim | Services were obtained from the Punjab Government for Mission work. |

| | | | | | |
|----------------------------------|--|---------------|-------------------|--------------|--|
| Surja Kumar Roy Chowdry | Superintendent, Issue Branch | Rai Sahib | 2nd January 1922 | Hindu | Since retired. |
| Narendra Nath Sircar | Toshkhana Assistant | Rai Sahib | 2nd January 1922 | Hindu | Since retired. |
| Rai Sahib Ramji Das Dhamejiah. | Assistant, Foreign and Political Department and Superintendent, Office of the Chief Secretary to H. R. H. the Prince of Wales. | Rai Bahadur | 1st April 1922 | Hindu | Now Superintendent. |
| Muhammad Ghiasuddin. | Assistant | Khan Sahib | 1st January 1923. | Muslim | Since retired. |
| Mirza Abdulla Jan | Persian Munchi and Translator. | Khan Sahib | 1st January 1925. | Muslim | Since retired. |
| Nogendra Nath Nundy | Superintendent, Issue Branch | Rai Sahib | 1st January 1926. | Hindu | Since retired. |
| Khan Sahib Muhammad Inamul Huq. | Under Secretary | Khan Bahadur | 1st January 1927. | Muslim | Since dead. |
| Rai Sahib Satish Chandra Biswas. | Superintendent | Rai Bahadur | 4th June 1928 | Hindu. | |
| Pandit Autar Krishna Kaul. | Superintendent, Office of the Indian States' Committee. | Rai Sahib | 3rd June 1929 | Hindu | Now a Superintendent in the Department. |
| Sunder Singh Chhabra | Superintendent | Sardar Sahib | 1st January 1931 | Sikh. | |
| Khan Sahib Muhammad Ghiasuddin. | Attaché | Khan Bahadur. | 1st January 1932 | Muslim | Since retired. |
| <i>Finance Department.</i> | | | | | |
| Mr. S. K. D. Bose | Shorthand writer to the Secretary to the Government of India, Finance Department. | Rai Sahib | 2nd January 1922 | Hindu | Is now serving as a Reporter in the Legislative Assembly Department. |
| Mr. D. S. Iyengar | Shorthand writer to the Secretary to the Government of India, Finance Department. | Rao Sahib | 2nd June 1923 | Hindu. | |
| Mr. A. K. Ghosh | Superintendent, Office of the Financial Adviser, Military Finance. | Rai Sahib | 1st January 1924 | Hindu | Since retired. |
| Syed Taj-ud-Din Ahmad | Personal Assistant to the Members, Central Board of Revenue. | Khan Bahadur. | 3rd June 1924 | Muhammadsen. | Since died. |
| Rai Sahib C. N. Chakrabarty. | Superintendent, Finance Department. | Rai Bahadur | 1st January 1926. | Hindu | Since retired. |
| Rai Sahib K. C. Maulik | Assistant Financial Adviser, Military Finance. | Rai Bahadur | 3rd July 1926 | Hindu | Since retired. |
| Pt. Ram Nath | Senior Personal Assistant to the Members, Central Board of Revenue. | Rai Bahadur | 3rd July 1926 | Hindu | Is now Secretary to the Central Board of Revenue. |

| Name of grantee. | Office or designation. | Title granted. | Date of award. | Community. | Remarks, if any. |
|--|---|------------------------|------------------------------------|----------------------|--|
| <i>Finance Department—</i> | | | | | |
| <i>contd.</i> | | | | | |
| Mr. Mahara] Krishna Mr. P. N. Sen | Cashier, Finance Department Assistant-in-Charge, General and Issue Branch, Finance Depart- ment. | Rai Sahib Rai Sahib | 3rd July 1926 1st January 1927. | Hindu Hindu | Since retired. |
| Rai Sahib Hari Shanker Kishore. | Assistant Financial Adviser, Military Finance. | Rai Bahadur | 3rd July 1927 | Hindu | Since retired. |
| Mr. Sital Singh | Assistant Secretary, Finance Department. | Sardar Sahib | 3rd July 1927 | Sikh. | |
| Mr. Bhagwant Kishore | Superintendent, Finance Depart- ment. | Rai Sahib | 1st January 1928. | Hindu. | |
| Mr. Jawind Lal | Personal Clerk to the Hon'ble the Finance Member. | Rai Sahib | 3rd June 1928 | Hindu | Since retired. |
| Sardar Sahib Sital Singh. | Offg. Under Secretary, Finance Department. | Sardar Bahadur | 3rd June 1929 | Sikh | Is at present Attached Officer in the Office of the Accountant Gene- ral, Central Revenues, Delhi. |
| Mr. H. D. Bannerjee | Assistant Financial Adviser, Military Finance. | Rai Sahib | 3rd June 1929 | Hindu | Since retired. |
| Mr. Shah Muhammad | Superintendent, Finance Depart- ment. | Khan Sahib | 1st January 1930. | Muhammadian | |
| Mr. Hakumat Rai | Superintendent, Office of the Financial Adviser, Military Finance. | Rai Sahib | 1st January 1930. | Hindu | Is now Assistant Financial Adviser, Military Finance. |
| <i>Army Department.</i> | | | | | |
| Babu Budhi Singh Khat- tri (retired). | Cashier, Q. M. G.'s Branch, Army Headquarters. | Rai Sahib | 2nd January 1922 | Hindu (Gur- kha). | |
| Rai Sahib Lala Maha Narain (retired). | Superintendent, Q. M. G.'s Branch, Army Headquarters. | Rai Bahadur | 3rd June 1922 | Hindu. | |
| Bhai Naha Singh | Cashier, A. C.'s Branch, Army Headquarters. | Sardar Sahib | 1st January 1923. | Sikh. | |
| Rai Sahib Joges Chandra Das Gupta. | Superintendent, Army Depart- ment, Government of India. | Rai Bahadur | 1st January 1926 | Hindu. | |

| | | | | |
|---|--|--------------|--------------------------------|-------------------|
| Rai Sahib Anant Prasad Dube. | Personal Assistant to the Secretary to the Government of India, Army Department. | Rai Bahadur | King's Birthday Honours, 1928. | Hindu. |
| Lala Bal Mokand Kohli. | Assistant, Q. M. G.'s Branch, Army Headquarters. | Rai Sahib | New Year's Honours, 1927. | Hindu. |
| Babu Girdhari Lall | Assistant, Q. M. G.'s Branch, Army Headquarters. | Rai Sahib | King's Birthday Honours, 1927. | Hindu. |
| Mr. Aspandiar Cooverji Jaasawala. | Superintendent, Office of the Engineer-in-Chief, Army Headquarters. | Khan Sahib | King's Birthday Honours, 1928. | Parsee. |
| Munahi Mohamed Hafiz. | Assistant, Office of the Adjutant General in India, Army Headquarters. | Khan Sahib | King's Birthday Honours, 1928. | Muslim. |
| Mr. Ram Chander Sunkar | Assistant, Office of the Adjutant General in India, Army Headquarters (retired). | Rai Sahib | New Year's Honours, 1930. | Hindu. |
| Lala Narain Das | Superintendent, Office of the Chief of the General Staff, Army Headquarters. | Rai Sahib | King's Birthday Honours, 1930. | Hindu. |
| Khan Sahib Hafiz Abdul Hakim. | Household Superintendent to H. E. the Commander-in-Chief. | Khan Bahadur | New Year's Honours, 1931. | Muslim. |
| Mr. Saileshwar Banerjee | Superintendent, Army Department Secretariat (retired). | Rai Sahib | New Year's Honours, 1932. | Hindu. |
| <i>Legislative Department.</i> | | | | |
| Manmatha Nath Basu | Librarian | Rai Sahib | 1st January 1923 | Hindu |
| Tulsi Ram | Personal Assistant to the Hon'ble the Law Member. | Rai Sahib | 1st January 1924 | Hindu. |
| M. N. Venkata Raman | Council Reporter | Rao Sahib | 3rd June 1927 | Hindu. |
| Jagat Prasanna Ghose | Cashier | Rai Sahib | 3rd June 1931 | Hindu. |
| <i>Legislative Assembly Department.</i> | | | | |
| Rai Sahib Debpratti Dutt. | Assistant Secretary | Rai Bahadur | 1st January 1931 | Hindu. |
| S. G. Hasnain | Superintendent | Khan Sahib | 1st January 1932 | Muslim. |
| <i>Committees Department.</i> | | | | |
| Mr. L. C. Sen | Assistant Secretary | Rai Bahadur | 1927 | Indian Christian. |
| Mr. R. Ramchandra | Personal Assistant to Secretary | Rao Sahib | 1930 | Hindu. |

Retired from service.

| Name of grantee. | Office or designation. | Title granted. | Date of award. | Community. | Remarks, if any. |
|--|--|------------------------|----------------------------|-------------------|--|
| <i>Commerce Department—</i> | | | | | |
| <i>contd.</i> | | | | | |
| Mr. Laddi Parsbad. | Assistant Secretary | Rai Sahib | 1931 | Hindu | Holds a permanent appointment in the Department of Commerce. |
| Mr. H. C. Sen | Head Assistant, Indian Tariff Board. | Rai Sahib | 1932 | Hindu | |
| <i>Railway Department</i> (<i>Railway Board</i>). | | | | | |
| Mr. A. L. Misra | Superintendent | Rai Sahib | 3rd June 1922 | Indian Christian. | |
| K. S. Barkat Ali | Assistant Director of Finance | Khan Bahadur | 4th June 1928 | Muslim. | |
| R. S. I. D. Puri | Cashier, Railway Board | Rai Bahadur | 1st January 1923 | Hindu. | |
| R. S. B. D. Puri | Assistant Director of Finance | Rai Bahadur | 3rd June 1926 | Hindu. | |
| Mr. N. L. Chatterjee | Stenographer | Rai Sahib | 1st January 1927 | Hindu. | |
| Mr. Faqir Chand Malhan | Assistant Director | Rai Bahadur | 1st January 1927 | Hindu. | |
| Mr. Sohan Lal Puri | Assistant | Rai Sahib | 2nd January 1928 | Hindu. | |
| Mr. Chamba Ram | Assistant | Rai Sahib | 4th June 1928 | Hindu. | |
| Mr. Kishori Lal | Org. Superintendent | Rai Sahib | 3rd June 1932 | Hindu. | |
| <i>Department of Education, Health and Lands.</i> | | | | | |
| Charan Das | Assistant | Rai Sahib | 2nd June 1923 | Hindu | Now employed as Secretary of the I. C. of A. R. |
| L. M. Roy | Superintendent | Rai Sahib | 1st January 1924 | Hindu. | Since retired. |
| Tulsi Ram | P. A. to H. M. | Rai Sahib | 1st January 1924 | Hindu. | |
| D. Nadirshaw | P. A. to H. M. | Khan Bahadur | 1st January 1925 | Parsee. | |
| Ganga Ram | Assistant | Rai Sahib | 1st January 1926 | Hindu | |
| Dina Nath | Cashier | Rai Sahib | 1st January 1927 | Hindu. | |
| J. N. Roy | P. A. to Secretary | Rai Sahib | 3rd June 1927 | Hindu. | |
| Tej Bhan Bahl | Assistant | Rai Sahib | 1st March 1929 | Hindu. | |
| A. F. M. Abdul Ali, M.A. | Keeper of the Records and <i>ex-officio</i> Assistant Secretary to the Government of India in the Department of Education, Health and Lands. | Khan Bahadur | 1st January 1930 | Muslim. | |

| | | | | | | |
|---|--|--|---|---|---|--|
| <p><i>Office of the Director General, Indian Medical Service.</i></p> | <p>Pandit Kapur Singh Nehru.</p> | <p>Assistant</p> | <p>Rai Sahib</p> | <p>2nd January 1922</p> | <p>Hindu</p> | <p>Retired from service in 1924.</p> |
| <p><i>Office of the Director General of Archaeology in India.</i></p> | <p>Maulvi Zafar Hasan</p> | <p>Offg. Superintendent, Archaeological Survey, Northern Circle, Agra.</p> | <p>Khan Sahib</p> | <p>3rd June 1924</p> | <p>Muslim</p> | <p>Now Deputy Director General of Archaeology.</p> |
| <p><i>Imperial Council of Agricultural Research.</i></p> | <p>Mr. B. C. Ghosh Mr. R. D. Siddiqi</p> | <p>Office Superintendent Excavation Assistant</p> | <p>Rai Sahib Khan Sahib</p> | <p>4th June 1928 1st March 1929</p> | <p>Hindu Muslim</p> | <p>Now Deputy Director General of Archaeology.</p> |
| <p>Nil.</p> | | | | | | |
| <p><i>Department of Industries and Labour.</i></p> | <p>Bakshi Harbans Lal Chibber.</p> | <p>Superintendent</p> | <p>Rai Bahadur</p> | <p>1st January 1922</p> | <p>Hindu</p> | <p>Retired.</p> |
| <p>Atanu Mohan Banerjee</p> | <p>Nihal Chand</p> | <p>Superintendent</p> | <p>Rai Sahib</p> | <p>2nd June 1923</p> | <p>Hindu</p> | <p>Retired.</p> |
| <p>Feroz Din</p> | <p>Gauri Shanker</p> | <p>Assistant</p> | <p>Khan Sahib</p> | <p>1st January 1924</p> | <p>Muslim</p> | <p>Retired.</p> |
| <p>Pip Chand</p> | <p>Bhagnal</p> | <p>Superintendent Assistant</p> | <p>Rai Sahib Rai Sahib</p> | <p>1st January 1925 3rd June 1925 3rd June 1926</p> | <p>Hindu Hindu</p> | <p>Mr. Bhagnal was holding the post of Superintendent in the Simla Imperial Circle at the time of conferment of the title.</p> |
| <p>Sanjay Kumar Banerjee</p> | <p>Mohammed Aslam</p> | <p>Superintendent Assistant</p> | <p>Rai Bahadur Khan Sahib</p> | <p>2nd January 1929 3rd June 1932</p> | <p>Hindu Muslim</p> | <p>Now Assistant Secretary.</p> |

| Name of grantee. | Office or designation. | Title granted. | Date of award. | Community. | Remarks, if any. |
|---|---|----------------|----------------|------------|--|
| <i>Office of the Director General of Posts and Telegraphs.</i> P. N. Mukerji | Superintendent of Post Offices employed as Officer on Special Duty in the Office of the Director General of Posts and Telegraphs. Assistant Director General | Rai Bahadur | 1926 | Hindu | Now officiating as Deputy Director General, Postal Services. |
| L. P. Kulkarni | Assistant Director General | Rao Sahib | 1923 | Hindu | Now officiating as Postmaster General, Bihar and Orissa Circles. |
| L. P. Kulkarni | Assistant Director Général | Rao Bahadur | 1930 | Hindu | Retired. |
| C. L. Dutt | Head Assistant | Rai Sahib | 1923 | Hindu | Retired. |
| C. L. Dutt | Superintendent, Budget Branch | Rai Bahadur | 1927 | Hindu | Retired. |
| A. C. Ghosh | Superintendent | Rai Sahib | 1925 | Hindu | Retired. |
| S. Dutt | Personal Clerk to Director General. | Rai Sahib | 1928 | Hindu | Retired. |
| T. R. R. Iyengar | Superintendent, Telegraph Traffic. | Rao Sahib | 1930 | Hindu | Employed at present as Assistant Deputy Director General. |
| K. R. Bakhle | Superintendent of Railway Mail Service. | Rao Sahib | 1929 | Hindu | Employed at present as Assistant Deputy Director General. |
| <i>Indian Stores Department.</i> Kirpa Ram | Chief Superintendent | Rai Sahib | June 1928 | Hindu | Present designation, Assistant Director of Administration and Intelligence. |
| D. Sadaivam | Assistant Director of Purchases (Textiles). | Rao Sahib | January 1932 | Hindu | Present designation, officiating Deputy Director of Purchase (Textiles). |
| V. Subramanyam | Personal Assistant to the Controller of Inspection, Calcutta Circle, Indian Stores Department. | Rao Sahib | June 1932 | Hindu | Holds a lien on his permanent appointment of Superintendent in the Indian Stores Department. |

TITLES CONFERRED ON THE INDIAN STAFF OF THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

1155. ***Mr. Muhammad Muazzam Sahib Bahadur:** What are the names of the members of the staff of the Education, Health and Lands Department on whom Indian titles have been conferred since 1922, and the posts held by them at the time of the conferment of the titles? How many of them are Muslims, and what are their names?

Mr. H. A. F. Metcalfe: A statement giving the required information is laid on the table.

List of men belonging to the Department of Education, Health and Lands on whom Indian Titles have been conferred since 1922.

| Name. | Title conferred. | Year in which the title was conferred. | Post held at the time of the conferment of the title. |
|-----------------------------|--------------------|--|---|
| 1. Charan Das . . . | Rai Sahib . . . | 1923 . . . | Assistant (now employed as Secretary of the Imperial Council of Agricultural Research). |
| 2. L. M. Roy . . . | Do. . . | 1924 . . . | Superintendent. |
| 3. Tulsi Ram . . . | Do. . . | 1924 . . . | P. A. to Hon'ble Member (transferred to the Legislative Department). |
| 4. D. Nadirshaw . . . | Khan Bahadur . . . | 1925 . . . | P. A. to Hon'ble Member. |
| 5. Ganga Ram . . . | Rai Sahib . . . | 1926 . . . | Assistant (since retired). |
| 6. Dina Nath . . . | Do. . . | 1927 . . . | Cashier. |
| 7. J. N. Roy . . . | Do. . . | 1927 . . . | P. A. to Secretary |
| 8. Tej Bhan Bahl . . . | Do. . . | 1929 . . . | Assistant (since transferred to the Imperial Council of Agricultural Research). |
| 9. A. F. M. Abdul Ali, M.A. | Khan Bahadur . . . | 1930 . . . | Keeper of the Records and <i>Ex-officio</i> Assistant Secretary to the Government of India in the E., H. & L. Department. |

PREFERENTIAL TREATMENT IN AWARDING TITLES TO THE CASHIERS OF THE GOVERNMENT OF INDIA.

1156. ***Mr. Muhammad Muazzam Sahib Bahadur:** Is it a fact that, as a matter of practice, the cashiers of the Departments of the Government of India are almost invariably recipients of a title?

Mr. H. A. F. Metcalfe: No, Sir.

CONTRIBUTION BY INDIAN STATES TOWARDS THE PAY OF THE INDIAN TRADE COMMISSIONER, HAMBURG.

1157. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that one of the principal duties of the Indian Trade Commissioner, Hamburg, is to furnish commercial information directed to the development of Indian export trade required by Indian States?

(b) Do the Indian States contribute towards his pay or emoluments?

(c) If not, do Government propose to examine the question whether the Indian States should contribute to his pay?

The Honourable Sir Joseph Shore: (a) Yes, but it constitutes a comparatively unimportant fraction of the work performed by him.

(b) and (c). No.

PROTECTION TO BENGAL FLOUR MILLS.

1158. ***Mr. M. Maswood Ahmad:** Is it a fact that protection has been given to the Bengal flour mills to compete with the mills in Upper India by enhancing the railway freight on wheat flour over the East Indian Railway?

Mr. P. R. Rau: The railway freight on wheat flour was enhanced over the East Indian Railway on representations submitted to that Administration by flour mills situated on the East Indian Railway System, who were adversely affected by the stoppage of imports of cheap Australian wheat. The serious decline in railway earnings, in the opinion of that Administration, justified the enhancement in the freight rates and, incidentally, a reversion to the position prior to 1920 when the freight rates on the East Indian Railway for flour were higher than those for wheat.

GOVERNMENT ADVERTISEMENTS FOR PUBLICATION IN NEWSPAPERS.

1159. ***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether Government advertisements are published in newspapers for the information of the public or for financing the newspapers?

(b) Do Government or the Departments make any inquiry about the circulation of the newspapers before giving advertisements to the newspapers for publication?

The Honourable Mr. H. G. Haig: (a) Advertisements are given to newspapers for the purpose of giving information to the public.

(b) Yes.

AMOUNT SPENT ON NOTICES AND ADVERTISEMENTS PUBLISHED IN NEWSPAPERS.

1160. ***Mr. M. Maswood Ahmad:** (a) How much has been spent on notices and advertisements published in newspapers by the Railway authorities and by other Departments (separately) during the last five years?

(b) What amounts were paid to different newspapers for advertisements by the Railway Board and by the State-managed Railways?

The Honourable Mr. H. G. Haig: (a) and (b). Departments of the Government of India publish very few advertisements and the collection of information as to the expenditure incurred would entail a considerable amount of labour which I am not prepared to ask them to undertake. As regards advertisements by railways, separate records of the cost of notices and advertisements are not maintained by railways, and Government regret that they are not in a position to supply the information.

Mr. M. Maswood Ahmad: Will Government be pleased to supply the information even for one year?

The Honourable Mr. H. G. Haig: I think, Sir, it would involve a considerable amount of labour to collect the information.

Dr. Ziauddin Ahmad: Do they not keep the accounts of the payment

The Honourable Mr. H. G. Haig: Accounts are not kept in that form.

Mr. R. S. Sarma: Is it not a fact, Sir, that nearly 80 per cent. of the Government advertisements are published in the Congress and anti-Government press rather than in newspapers that are friendly to Government?

The Honourable Mr. H. G. Haig: As I have just informed the House, I have no information about the distribution of advertisements.

Mr. R. S. Sarma: As one who has studied this matter, will the Honourable the Home Member take it from me that it is so.

The Honourable Mr. H. G. Haig: I am always prepared to receive information from Honourable Members.

Mr. M. Maswood Ahmad: Will Government be pleased to supply a list of the papers to which they have given advertisements during the last year?

The Honourable Mr. H. G. Haig: I think the Honourable Member behind me (Mr. Sarma) will be able to supply the required information.

Mr. M. Maswood Ahmad: Can Mr. R. S. Sarma reply on behalf of the Government?

ACTION TAKEN ON THE RECOMMENDATION OF THE BANKING ENQUIRY COMMITTEE.

1161. ***Mr. M. Maswood Ahmad:** (a) Have Government taken any action on the recommendation of the Banking Enquiry Committee?

(b) What action do Government propose to take on the recommendation of the Banking Enquiry Committee?

The Honourable Sir Alan Parsons: The attention of the Honourable Member is invited to the statement laid by me on the table of the House on the 30th September, 1932.

REVISION OF THE RATES FOR FOOD AND AERATED WATER SUPPLY IN TRAINS AND ON STATIONS.

1162. ***Mr. M. Maswood Ahmad:** (a) Are Government aware that the prices of commodities have fallen to a very great extent?

(b) Do Government propose to revise the rates for food and aerated water supply in trains and on stations?

Mr. P. E. Rau: (a) Government are aware that the prices of certain commodities have fallen.

(b) The question of fixing the rates for food and aerated waters in trains and on stations is settled by Railway Administrations with their contractors without reference to Government and Government do not propose to interfere in the fixing of such rates. A copy of this question will however be sent to all railway administrations for consideration.

Mr. K. Ahmed: Are Government aware that the prices of articles of food supplied on railways by contractors' men are much higher than those that are supplied by railways in England and in other countries?

Mr. P. E. Rau: No, Sir, I am not aware of the fact, but I am quite prepared to take it from my Honourable friend.

Mr. M. Maswood Ahmad: In which year were these rates revised?

Mr. P. E. Rau: I do not think that there was any particular year in which rates were generally revised, Sir.

Dr. Ziauddin Ahmad: Is the Honourable Member aware that at present there exists a very great dissatisfaction among the public about the high rates which these railway vendors charge?

Mr. P. E. Rau: Such statements have been made on the floor of this House and I am quite prepared to accept that as the view of many Honourable Members opposite.

Mr. M. Maswood Ahmad: Is it a fact that the rates for soda water, lemonade and ice have not been revised since three years at least?

Mr. P. E. Rau: Possibly, Sir, but I cannot say without making inquiries on that point.

Mr. M. Maswood Ahmad: Will the Honourable Member be pleased to inquire into that and ask the authorities to revise the rates?

Mr. P. E. Rau: If my Honourable friend will give me notice of the question.

Mr. K. Ahmed: In view of the fact that the Railways are run in this country on a commercial basis, do Government propose also to start restaurant cars on a commercial basis so as to give facilities to the travelling public such as exist in other countries,—on the East Indian Railway, for instance?

Mr. P. E. Rau: I am sure the East Indian Railway do run restaurant cars.

Mr. K. Ahmed: The Honourable Member does not understand the question.

Mr. P. E. Rau: It is very difficult to understand my Honourable friend's questions.

Mr. K. Ahmed: Will the Honourable Member kindly exercise a little bit of application of mind? What I mean is that, would it not be better for the Government Railways in this country to take up the catering job so as to give facilities to passengers and the travelling public on exactly the same principles as are in vogue in the Railway Administrations of other countries? That is to say, the same railway authority that takes up the administration of a railway—not the Railway Board up here—should appoint the manager of the catering department and thus the Government will pay the cost and they will collect the prices of the articles of food supplied?

Mr. P. R. Rau: The only Railway that has at present a departmental catering system is the Bengal-Nagpur Railway, and I am not sure that it is on a paying basis. I do not think that Government can embark on this catering business in the present financial conditions.

Mr. K. Ahmed: If the other countries can take up and have taken up such work (notwithstanding the example of the Bengal-Nagpur Railway quoted by the Honourable Member) and the prices of articles of food are thus reduced, so that facilities can be given to passengers who are at present the victims of the maladministration of the contractors' catering on the railways, is it not a fact that thereby more income can be secured so that in every way the services of my Honourable friend will be more acceptable to this country if, on the one hand, additional facilities are afforded to the travelling public and, on the other hand, more income is secured to the Railways by their adopting the popular method?

Mr. P. R. Rau: Sir, the fact that the Bengal-Nagpur Railway Catering Department has not been a paying concern for some time is well-known to members of the Public Accounts Committee.

Mr. K. Ahmed: That is not the answer to my question, surely the contractors make profit.

INCREASE OF THE BURDEN OF INDEBTEDNESS.

1163. ***Mr. M. Maswood Ahmad:** (a) Has the attention of Government been drawn to the finding of the Controller of Currency given in his Report for the year 1931-32:

"That fall in commodity prices had increased the real burden of indebtedness by more than 50 per cent. and such an increase would be beyond the capacity of most debtors to pay."

(b) Are Government aware that rates of interest are very high in India?

(c) Are Government aware that the value of money has been increased?

(d) What action do Government propose to take to decrease the indebtedness?

(e) What action do Government propose to restrict the interest to some limit?

(f) What other actions do Government propose to take in this connection?

The Honourable Sir Alan Parsons: (a) and (c). Yes. The fall in commodity prices is due to world causes and is not confined to India. The steps to be taken to raise prices are engaging the serious attention of all Governments.

(b), (d), (e) and (f). The rates of interest on money, as shown by the bank rate of the Imperial Bank of India, are half of what they were twelve months ago, and the Government of India are trying to keep them as low as possible.

CONVERSION OF LOANS OF HIGH INTEREST TO THOSE OF LOW INTEREST.

1164. ***Mr. M. Maswood Ahmad:** (a) Are Government aware that the British Government have converted the loan having a high percentage of interest into a loan having a low percentage of interest?

(b) Do the Government of India propose to adopt the same policy? If not, why not?

(c) What amount will be saved annually if the conversion policy be adopted?

The Honourable Sir Alan Parsons: (a) Yes.

(b) and (c). We are following the same policy. In the last seven months we have replaced about Rs. 35 crores of rupee debt and £6 millions of sterling debt by longer term loans at an average annual saving of approximately Rs. 40 lakhs.

OFFICERS IN THE CUSTOMS AND INCOME-TAX DEPARTMENTS IN THE BOMBAY PRESIDENCY TO WHOM EXTENSIONS OF SERVICE WERE GRANTED.

1165. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the number of officers in the Customs and Income-tax Departments (gazetted and non-gazetted non-ministerial) in the Bombay Presidency to whom extensions of service were granted during 1928-29 to 1931-32 were 24 and 7, respectively?

(b) Will Government be pleased to state how many of them are Europeans, Anglo-Indians and Indians and also the names, pay, and length of service of the officers?

The Honourable Sir Alan Parsons: (a) The actual number of officers granted extension in the Customs Department was 19 and in the Income-tax Department, five. These figures differ from those given in a reply to a question in the Council of State last September Session, which the Honourable Member has, I think, in mind and which in five cases included the same officers more than once because they had received more than one extension, while two other officers, who were on extension in 1927-28, were wrongly included in the figures for the period to which the question related. I am glad of the opportunity afforded by my Honourable friend's interpellation to correct this mistake.

(b) A statement is laid on the table.

Statement showing names, nationality, pay and length of service of the officers of the Customs and Income-tax Departments (Gazetted and Non-gazetted Non-ministerial) in the Bombay Presidency who were granted extensions of service during 1925-29 to 1931-32.

| Name. | Nationality. | Pay. | Length of service before grant of extension or extensions. |
|--------------------------------------|----------------------|--------------------------|--|
| 1 | 2 | 3 | 4 |
| <i>Customs Department.</i> | | | Rs. Y. M. D. |
| 1. A. Pereira | Anglo-Indian | 420+50 (personal pay) | 34 0 17 |
| 2. A. D. Cama | Indian | 440 | 33 0 28 |
| 3. Bundeali Mohd. Fazal | Indian | 340 | 34 11 24 |
| 4. T. M. O'Reilly | European | 575 | 34 0 9 |
| 5. G. Kelly | European | 675 | 36 9 9 |
| 6. D. M. Raja | Indian | 650 | 31 6 3 |
| 7. T. G. Mooney | European | 675 | 36 1 28 |
| 8. B. J. Treasurywala | Indian | 550 | 30 7 14 |
| 9. J. Samual | Indian | 250 | 34 4 20 |
| 10. R. P. Sharman | European | 575 | 30 5 10 |
| 11. G. Clark | Anglo-Indian | 575 | 35 6 28 |
| 12. F. X. D'Mello | Indian | 500 | 30 3 10 |
| 13. B. F. Fernandes | Indian | 310 | 35 3 18 |
| 14. Tajuddin Mohd. Hussain | Indian | 30 | 33 8 16 (including inferior service 13 years 9 months and 25 days). |
| 15. Abdul Gafur Mohd. Cassim | Indian | 30 | 33 3 0 (including inferior service for 12 years 8 months and 7 days). |
| 16. V. N. Shah | Indian | 180 | 34 2 17 |
| 17. D. B. Donde | Indian | 125 | 33 5 29 |
| 18. G. R. Varadkar | Indian | 160 | 32 10 4 |
| 19. G. R. Javkar | Indian | 200 | 34 6 12 |
| <i>Income-tax Department.</i> | | | (approximately). |
| 1. G. C. Nowly | Indian | 400 | 30 2 0 |
| 2. R. S. Isardas Parumal | Indian | 750 | 33 0 0 |
| 3. J. P. Dhebar | Indian | 250 | 7 0 0 |
| 4. J. D. Dave | Indian | 225 | 33 0 0 |
| 5. Dandamal Vadhumal | Indian | 325 | 34 0 0 |

LOWERING OF THE POSTAL RATES.

1166. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state the income from the Indian Telegraph Department in the half year ending 30th September, 1932, and the corresponding income for 1930?

(b) Will Government be pleased to state the income from the sale of 1½ annas, one anna, ½ anna and ¼ anna stamps and of stamped envelopes and postcards in the half-year ending 30th September, 1932, and the corresponding figure of income for 1930?

(c) Will Government be pleased to state whether they have gained or they have lost by the increase of the postal rates?

(d) Do Government propose to decrease the postal rates if they find any loss in the income in comparison with the previous years, on account of the experimental increase of the postal rates?

The Honourable Sir Frank Noyce: (a) A large part of the receipts from telegrams is collected through the medium of postage stamps and a distribution of such receipts between the postal and telegraph branches is made at the end of each financial year. It is not possible to give figures of income for the telegraph branch alone for a portion of any year.

(b) No separate account of the sale proceeds of stamps of particular denominations is maintained. The information required by the Honourable Member is therefore not available.

(c) So far as can be ascertained the increases in postal rates have resulted in a net gain.

(d) In view of the reply to part (c) Government have not yet had occasion to consider the matter.

ACCURAL OF STERLING PENSIONS.

1167. ***Mr. M. Maswood Ahmad:** (a) Are Government aware that sterling pensions accrue in India?

(b) Have Government taken legal advice on the question whether the sterling pension accrues in India or outside India? If not, do they propose to take it now?

The Honourable Sir Alan Parsons: (a) That is the view held by the Government.

(b) The answer to both questions is in the negative.

LOSS SUSTAINED BY GOVERNMENT DUE TO THE ISSUE OF THE FINANCE DEPARTMENT NOTIFICATION N.G. 319-F. DATED THE 28TH APRIL, 1920.

1168. ***Mr. M. Maswood Ahmad:** (a) What amount did Government lose on account of the exemption of the leave salary, salary, allowances, leave allowances and pensions of officers in 1931-32 under Notification No. 1819-F., Government of India, Finance Department, dated Simla, the 28th April, 1920?

(b) What were the reasons for issuing the Notification mentioned above?

The Honourable Sir Alan Parsons: (a) No amount so far as concerns pensions and leave salaries paid to officers not returning to India, because even if there were no exemption, tax could not be recovered.

In regard to leave allowances, it is practically impossible to compile the information asked for. In order to do so a *pro forma* assessment would have to be made on each officer concerned. A rough estimate is about 10 to 15 lakhs per annum.

(b) Because the privilege had been in existence for a great many years and it was not considered expedient to withdraw it.

ARMED GUARDS FOR ARMOURIES AND TREASURIES OF STATIONS OF THE EAST INDIAN RAILWAY AND THE EASTERN BENGAL RAILWAY.

1169. ***Mr. M. Maswood Ahmad:** (a) At what stations of the East Indian Railway and Eastern Bengal Railway are armed guards employed to guard the armoury or treasury? Since what year has this system been inaugurated?

(b) What was the expense on this item at each station during the years 1930-31 and 1931-32?

(c) Will Government state what is the communal composition of this force giving the numbers of Hindus, Muslims, Anglo-Indians, Europeans and others?

(d) Is this a permanent service or a temporary one, and what are the rates of pay of the entrants and the requisite qualifications?

(e) Were these posts advertised? If so, in what papers, and by whom?

(f) Is it a fact that formerly the Government Railway Police were in charge of this duty? If so, why are they no longer employed to discharge this duty.

Mr. P. R. Rau: I have called for certain information to enable me to reply to this question. I shall place a reply on the table in due course.

VOTERS' LIST FOR THE CONSTITUENCIES OF THE CENTRAL AND PROVINCIAL LEGISLATURES.

1170. ***Mr. M. Maswood Ahmad:** Do Government propose to keep in the Library a copy of the voters' list for the constituencies of the Central and Provincial Legislatures for references in connection with the new reforms?

The Honourable Sir B. L. Mitter: The precise import of the question is not clear. There is available in the Library of the House the usual return showing the results of elections to the Central and Provincial Legislatures, and containing information in regard to constituencies, numbers of voters, votes polled, etc. It is not apparent what practical purpose would be served by a list of the names of voters for all the Legislatures, the value of which would not in any case be commensurate with the time, labour and expense involved in its preparation and maintenance.

Mr. M. Maswood Ahmad: Are Government aware that these copies are sold by Local Governments at a very cheap rate and Government can easily purchase them and keep them in the Library, because, in connection with the new reforms, Members do wish to consult them and to see the number of voters and compare many other things?

The Honourable Sir Brojendra Mitter: If these copies are sold cheaply surely the Honourable Member may buy himself. Anyhow, if it is the desire of the Honourable Member, there is no objection to buy these copies and keep them in the Library.

Mr. M. Maswood Ahmad: Thank you for the undertaking. Further I inform you, that Members purchase for their Libraries, but can not bring their Libraries to Delhi and Simla.

REDUCED SCALES OF SALARIES AND ALLOWANCES FOR THE FUTURE ENTRANTS TO SUPERIOR CIVIL AND ARMY SERVICES.

1171. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the final decision regarding the reduced scales of salaries and allowances for the future entrants to Superior Civil and Army Services is under active consideration of the Government?

(b) By what time do Government propose to announce the final decision?

The Honourable Sir Alan Parsons: (a) and (b). No final decision has yet been reached. The matter is under active consideration.

Dr. Ziauddin Ahmad: May I ask, Sir, whether it is not a fact that the officer on special duty was appointed on the recommendation of the Retrenchment Committee? Will his report be considered by the Retrenchment Committee?

The Honourable Sir Alan Parsons: I am not quite sure, Sir, that the officer was appointed on the recommendation of the Retrenchment Committee, but I am quite sure that the Retrenchment Committee were aware that Government proposed this appointment. I cannot speak for myself, but I am fairly sure that Sir George Schuster, on his return, will call a meeting of the Retrenchment Committee to consider the work that this officer has done.

Dr. Ziauddin Ahmad: In a meeting of the Retrenchment Committee it was explicitly mentioned that the officer on special duty will prepare a preliminary report and that report will be laid before the Retrenchment Committee.

The Honourable Sir Alan Parsons: That is not exactly what I, at any rate, understood from the minutes which I saw of that meeting of the Committee, but, I think, my Honourable friend may take it that his work will be considered by the Retrenchment Committee.

Dr. Ziauddin Ahmad: I have not seen the minutes, but it was discussed whether an officer on special duty should be appointed and afterwards it was decided by a majority that an officer should be placed on special duty and his report, at least in principle, should be discussed by the Retrenchment Committee.

The Honourable Sir Alan Parsons: The Honourable Member will not think that I am for a moment disputing his account of what occurred at a meeting of the Retrenchment Committee at which I was not present.

PAYMENTS MADE TO THE BRITISH INDIA STEAM NAVIGATION COMPANY AND OTHER BRITISH SHIPPING COMPANIES.

1172. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that the British India Steam Navigation Company received from the Government of India a sum of Rs. 15,18,000?

(b) Is it a fact that a number of other British shipping companies get subsidy or subventions from the Government of India?

(c) For what services rendered by the British India Steam Navigation Company and other British Companies are payments made?

(d) Will Government be pleased to lay on the table the terms of the contracts?

The Honourable Sir Frank Noyce: (a) and (b). The Honourable Member's attention is drawn to the reply given on the 21st September, 1932, to parts (d) and (e) of the Honourable Raj Bahadur Lala Jagdish Prasad's question No. 74 in the Council of State.

(c) The Honourable Member is referred to items (1) to (15) and (26) to (64) of Appendix XI, pages 100 to 103 of the Posts and Telegraphs Department Annual Report for the year 1930-31.

(d) Copies of the contracts with the British India Steam Navigation Company and the Irrawaddy Flotilla Company have been placed in the Library. The existing agreement for the rendering of certain services by the River Steam Navigation Company and the Indian General Navigation Company was made in 1931 and is being embodied in a formal contract which has not yet been executed.

LIST OF NAMES SUGGESTED FOR THE THIRD ROUND TABLE CONFERENCE TO HIS MAJESTY'S GOVERNMENT.

1173. ***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether they had recommended some names for the Third Round Table Conference to His Majesty's Government?

(b) Will Government be pleased to state whether all the names suggested by them were accepted by His Majesty's Government?

(c) Will Government be pleased to state what alterations were made by His Majesty's Government in the list of names suggested?

(d) Will Government be pleased to lay on the table the list of names suggested by them for the Third Round Table Conference to His Majesty's Government?

The Honourable Sir B. L. Mitter: (a) As has been repeatedly stated in this House, the Honourable Member no doubt realizes that this matter is not the concern of the Governor General in Council.

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

Mr. B. Das: May I inquire if the Governor General in Council had any knowledge of the names that were selected for the Round Table Conference by the British Government and which were subsequently announced by the British Government?

The Honourable Sir Brojendra Mitter: The Governor General in Council had no information whatsoever.

RESOLUTIONS OF THE INDIAN LEGISLATURE.

1174. ***Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table a statement in respect of the Legislative Assembly from the inception of the Montford Reforms up till the end of the last Session showing:

(a) the Resolutions which were admitted by the Presidents;

(b) the Resolutions which were disallowed by the Governor General;

- (c) the Resolutions which were moved in the Legislative Assembly;
- (d) the Resolutions which were negatived;
- (e) the Resolutions which were withdrawn by the Movers on some assurances given by the Government;
- (f) the Resolutions which were passed; and
- (g) what actions were taken on the Resolutions mentioned in parts (e) and (f)?

The Honourable Sir Brojendra Mitter: The information is being collected and will be laid on the table in due course.

PREPONDERANCE OF EUROPEANS AND ANGLO-INDIANS AMONG THE SENIOR SUBORDINATE OFFICERS IN THE CUSTOMS SERVICE.

1175. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that there is a large preponderance of Europeans or Anglo-Indians among the senior subordinate officers in the Customs service?

(b) What procedure do Government propose to follow in future recruitment, to avoid the preponderance of any one community among the senior subordinate officers?

The Honourable Sir Alan Parsons: (a) Yes.

(b) The Government are following their ordinary rule, namely, the reservation of one-third of all permanent vacancies for the redress of communal inequalities.

TRAINING OF APPRENTICES FOR THE SUPERIOR REVENUE ESTABLISHMENT OF THE INDIAN STATE RAILWAYS AT JAMALPUR.

1176. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that apprentices for the Superior Revenue Establishment of the Indian State Railways are trained at Jamalpur?

(b) Is it a fact that, after an examination in the third year, either they are selected for further training in England or they are doomed to be turned out of the institution?

(c) Is it a fact that there are no external examiners for the third year examination?

(d) Is it a fact that the question of appointing all the examiners from outside the institution was under the consideration of Mr. Hayman, a Member of the Railway Board?

(e) Do Government propose to consider the desirability of having external examiners for the third year examination?

Mr. P. R. Rau: (a) Apprentices for the Mechanical Engineering and Transportation (Power) Departments of the Superior Revenue Establishment of State-managed Railways are trained at Jamalpur.

(b) The selection for further training in England is after the 4th year of training and those not so selected are liable to be discharged.

(c), (d) and (e). Yes.

STRENGTH OF OFFICERS IN THE JAMALPUR WORKSHOP.

1177. ***Mr. M. Maswood Ahmad:** (a) Leaving the chargemen, what is the strength of officers in the Jamalpur workshop?

(b) How many of these officers are Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans)?

Mr. P. E. Rau: With your permission Sir, I propose to reply to questions Nos. 1177, 1178 and 1179 together.

I have called for information regarding part (a) of these questions and will lay a reply on the table, in due course. Government regret that they are unable to give a reply to part (b) of these questions. Information regarding the communal composition of railway staff by various categories is given in the annual administration reports on Indian railways and Government are unable to supplement these statistics by details about individual offices or classes of staff.

STRENGTH OF CHARGEMEN AT THE JAMALPUR WORKSHOP.

†1178. ***Mr. M. Maswood Ahmad:** (a) What is the strength of the chargemen in the Jamalpur workshop?

(b) How many of them are Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans)?

PROFESSORS AND DEMONSTRATORS IN THE TRAINING INSTITUTE, JAMALPUR.

†1179. ***Mr. M. Maswood Ahmad:** (a) How many Professors and Demonstrators are there in the Training Institute, Jamalpur (separately)?

(b) How many Professors and Demonstrators (separately) are Muslims, non-Muslims, Christians (including Anglo-Indians and Europeans)?

STUDENTS ADMITTED IN THE TECHNICAL SCHOOL AT JAMALPUR FOR TRAINING.

1180. ***Mr. M. Maswood Ahmad:** (a) How many students have been admitted during the last ten years in the technical school, Jamalpur, for training?

(b) How many of them were Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans)?

(c) How many Muslims, non-Muslims and Christians (including Anglo-Indians and Europeans) from amongst the admitted were sent to England for further training?

† For answer to this question, see answer to question No. 1177.

(d) If a certain percentage is not fixed for Muslims for admission, what other method do Government propose to adopt for the adequate representation of Muslims in the appointments filled from amongst these students?

Mr. P. E. Rau: (a) and (b). The recruitment of special class apprentices for the Mechanical Engineering and Transportation (Power) Departments of State Railways started from 1926-27. The number of apprentices recruited up to date is 31 Hindus, 11 Muslims, 9 Anglo-Indians, 8 Indian Christians and 4 of other communities.

(c) The number of apprentices sent to England for further training on completion of their training in India is five Hindus, three Muslims, one Anglo-Indian, two Indian Christians and one Parsee.

(d) No percentage is fixed for any particular community. The initial recruitment and subsequent selection for training in England are made in accordance with rule 4 of Part I and Rule 4 of Appendix I, to the Regulations for recruitment to these Departments, copies of which are in the Library of the House. This rule provides that one-third of the vacancies will be reserved by the Government of India to redress as far as may be necessary marked communal inequalities.

UNSTARRED QUESTIONS AND ANSWERS.

FILTERED WATER SUPPLY IN NEW DELHI.

179. **Mr. S. C. Mitra:** Will Government be pleased to refer to the reply to starred question No. 599, dated the 19th February, 1931, and state if the charge of filtered water supply in New Delhi has been transferred to the New Delhi Municipality; if so, from what date and what method has been adopted by the New Delhi Municipality? If there has been any change in the previous arrangements, will Government state the reasons for the same?

Mr. G. S. Bajpai: Arrangements for the supply of filtered water in New Delhi were transferred to the New Delhi Municipal Committee with effect from the 1st March, 1932. The Honourable Member presumably wishes to know whether there has been any change in the method of recovering water charges. Except that the bills are now sent monthly instead of quarterly, there has been no change.

UNSUITABLE SITE FOR QUARTERS AT PAHAR GANJ, DELHI.

180. **Mr. S. C. Mitra:** (a) Will Government be pleased to refer to unstarred question No. 87 answered on the 20th January, 1930, and state if the portion of land in the vicinity of 'E' Type quarters near Pahar Ganj, which was being used as a dumping ground, has since been closed and the throwing of filth therein stopped?

(b) Have the quarters referred to at part (a) above been allotted to, and occupied by, clerks, and have they made any complaint about bad smell on account of the dumping ground?

(c) Are Government prepared to ask the Industries Member and Health Member to visit the area at least twice during the summer months, especially after rain-fall, to enable them to realise the difficulties of the neighbouring inhabitants? If not, why not?

(d) If any decision on the subject has since been arrived at, will Government be pleased to lay a copy of the same on the table together with a copy of the statement from the occupants of the quarters referred to at part (b) above in support of their having no complaint in the matter? If not, why not?

Mr. G. S. Bajpai: (a) No dumping is now going on within the New Capital Area near the quarters referred to by the Honourable Member. It is, however, understood that a portion of land near these quarters, which is within the limits of the Delhi Municipality, is still being used as a dumping ground by that body and has not yet been closed owing to lack of funds.

(b) The quarters have all been allotted and are now occupied. Certain complaints regarding bad smell were received in 1930 and 1931, but none have been received since.

(c) and (d). No. The Honourable Member will realise that as the area, still being used as dumping ground, is within the jurisdiction of the Delhi Municipal Committee who use it as such, final decision in the matter does not rest exclusively with Government, but the Delhi Municipal Committee are being consulted.

WATER TAPS ON THE ROADS IN NEW DELHI.

181. **Mr. S. C. Mitra:** Will Government be pleased to state:

- (a) the total number of water taps on the roads in New Delhi; if none, why;
- (b) if the necessity of water taps on the roads in New Delhi has been ever considered; if so, what arrangements have been made for the provision of water aid in case of any attack with sunstroke during the extreme heat of New Delhi;
- (c) what the total number of deaths has been in New Delhi on account of sunstroke this year;
- (d) whether Government ever considered the necessity of providing water taps on the roads in New Delhi; and
- (e) whether Government propose to issue necessary orders immediately for the provision of a sufficient number of water taps on the roads in New Delhi?

Mr. G. S. Bajpai: (a) Seven. In addition, there are water taps near Tonga Stands, Dhobi Ghats, Coolie Lines and Peons' quarters which are accessible to the public.

(c) One.

(b), (d) and (e). Do not arise.

SUPPLY OF FILTERED WATER IN NEW DELHI.

182. **Mr. S. C. Mitra:** Will Government be pleased to state:

- (a) who is the authority in charge for the supply of filtered water in the New Delhi area this year;
- (b) who was in charge for the supply of filtered water in the New Delhi area last year and year before last;
- (c) whether supply of filtered water was ever stopped for any length of time during the day in previous years; if so, when;
- (d) if the reply to part (c) above be in the negative, the reasons for the stoppage of the supply of filtered water between 9 A.M. and 5 P.M. this year during the extreme hot weather of New Delhi;
- (e) whether Government are aware that this action resulted in a great inconvenience, troubles and unnecessary expenditure to the occupants of Government quarters and private houses in New Delhi; and
- (f) whether the matter was represented to Government by the occupants of Government quarters individually, jointly or through any agency; if so, what action has been taken; if none, why not?

Mr. G. S. Bajpai: (a) New Delhi Municipal Committee.

(b) Central Public Works Department.

(c) Yes. In 1931, water supply was closed from 2nd May to 6th May between the hours of:

(i) 12 Noon to 2 P.M.

(ii) 10 P.M. to 4 A.M.

and from the 7th May to 1st June, from 10 P.M. to 4 A.M.

(d) Does not arise.

(e) This action might have caused temporary inconvenience, but there was no hardship.

(f) Some representations were received on the subject. The question of improving the water supply of Delhi is under consideration.

POPULATION AND CONSUMPTION OF WATER IN NEW DELHI.

183. **Mr. S. C. Mitra:** Will Government be pleased to state separately in a tabulated form:

- (a) the total population of New Delhi during the last winter months and the present summer months;
- (b) the total amount of monthly consumption of filtered water in New Delhi during the winter and the present summer months; and
- (c) what was the population and consumption of water during both the seasons in 1929, 1930 and 1931?

Mr. G. S. Bajpai: (a), (b) and (c). A statement giving the information asked for is laid on the table. The figures of population are approximate.

**LOCATION OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR
GENERAL OF POSTS AND TELEGRAPHS.**

184. **Mr. S. C. Mitra:** Will Government be pleased to refer to starred question No. 243 answered on the 9th September, 1929, and state;

- (a) whether the Wireless Branch has since been located in Delhi in its entirety and whether Government have provided sufficient accommodation for the office and staff at Delhi;
- (b) if the reply to any part of (a) above be in the negative, the reasons for locating the Branch permanently in Delhi; and
- (c) whether the clerks of that Branch who have not been provided with residential accommodation have been suitably compensated, if so, in what shape; if not, why not?

Mr. T. Ryan: (a) The Wireless Branch was located permanently at New Delhi from the end of 1930. Office and residential accommodation for the staff of that branch have been provided except that in the case of two clerks residential quarters have not yet become available.

(b) As a measure of economy and with a view to facilitating the working of the Branch.

(c) As the two clerks, for whom residential quarters have not yet become available, do not belong to the staff moving regularly between New Delhi and Simla, the question of the grant to them of compensation, admissible to the latter staff not provided with quarters while at New Delhi, does not arise.

**MOVE OF THE SUPERINTENDENT OF THE WIRELESS SECTION OF THE
OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS
BETWEEN DELHI AND SIMLA.**

185. **Mr. S. C. Mitra:** Will Government be pleased to refer to starred question No. 247 answered on the 9th September, 1929, and state:

- (a) if the Superintendent of the Wireless Branch still moves between Simla and Delhi for the reasons stated by Government; if not, why not;
- (b) if the reply to part (a) above be in the negative, whether the interests of the service will not now be best served by moving the Superintendent with the Director, Wireless; and
- (c) if the same Superintendent is still in the Branch; if not, whether the new Superintendent is not considered suitable to move between Simla and Delhi with the Director, Wireless, or whether he is not conversant with the different classes of work done in the Branch?

Mr. T. Ryan: (a) No, because the headquarters of the Wireless Section is now located at New Delhi.

(b) No.

(c) The same Superintendent is not still in the branch. The rest of the question does not arise in view of the reply to part (a).

GRIEVANCES OF TICKET COLLECTORS.

186. **Mr. T. N. Ramakrishna Reddi:** (a) Has the attention of Government been drawn to the correspondence that appeared in the *Swarajya* daily dated 18th May, 1932, under the heading "Grievances of Ticket Collectors"?

(b) If so, do Government propose to take any steps to redress these grievances?

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

(b) A copy of the letter has been sent to the Agent, Madras and Southern Mahratta Railway, for such action as he may consider necessary.

REMOVAL OF A PORTION OF THE GOVERNMENT OF INDIA CENTRAL PUBLICATION BRANCH FROM CALCUTTA TO DELHI.

187. **Haji Chaudhury Muhammad Ismail Khan:** (a) Will Government be pleased to state whether it has been finally decided:

(i) to remove to Delhi a portion of the Government of India Central Publication Branch now located in Calcutta;

(ii) to discharge the temporary staff now working in that portion; and

(iii) to recruit temporary hands in their places in Delhi?

(b) Are Government aware that the temporary staff in the Calcutta office are willing to come to Delhi at their own cost provided that the continuity of their service is not broken?

(c) If the answer to part (b) be in the affirmative, what is the decision of the Government in the matter?

The Honourable Sir Frank Noyce: (a) Yes.

(b) and (c). The Controller has agreed to a proposal made by the Manager, Central Publication Branch, that the temporary men discharged at Calcutta may be re-employed in Delhi provided that they travel to that station at their own expense. It is within the competence of the appointing authority to condone any interruption in service of the men so re-employed.

COMMUNAL PERCENTAGE OF EX-APPRENTICES APPOINTED IN THE EAST INDIAN RAILWAY WORKSHOP AT LILLOOAH.

188. **Mr. S. C. Mitra:** Will Government please state the percentage of European, Anglo-Indian and Indian ex-apprentices (who were trained in the East Indian Railway Mechanical Department, Lillooah) appointed as Mechanics, Draughtsmen and Chargemen in the East Indian Railway Workshop (Mechanical), Lillooah, since 1929?

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

UNIFORM POLICY FOR ALL RAILWAY STAFF IN THE MATTER OF RECORDING OF ADVERSE OR CONFIDENTIAL REPORTS.

189. **Mr. Gaya Prasad Singh:** (a) Will Government please state whether they have a uniform policy for all staff (officers as well as subordinates) under the control of the Railway Board that happen to be adversely reported on confidentially or otherwise?

(b) Is this policy as stated by the Railway Board (*viz.*, "That it is the practice to obtain and consider the explanation of an employee before a decision is arrived at to record an adverse remark on his service record") yet in force for both officers and subordinates? If there is any distinction, in what way, and why?

(c) If the policy exists of obtaining and considering an explanation, and it is found that the person or persons adversely reported on had not been given an opportunity of submitting their explanation or defence, are Government prepared to consider what disciplinary action should be taken against the officials guilty of this omission?

(d) Do Government propose to consider the advisability of directing that all documents, such as personal files, service sheets, and records, in which adverse remarks are made, be given under adequate safeguards to the person concerned for perusal?

(e) Are Government aware that adverse remarks are often made by the clerical staff on small pay on personal files, and that these remarks are accepted point blank by the supervisory and higher staff, and do Government propose to take steps so that every man may review his personal file and service sheet once a year, and always at the time when he is charged with any offence?

Mr. P. R. Rau: (a) and (b). For officers the general rule is that in no case should an officer be kept in total ignorance for any length of time that his superiors are dissatisfied with him. Where, however, criticism is to be withheld, the period for which communication is to be kept back should be recorded with reasons by the Agent or Head of Department concerned. Agents have been advised that in the opinion of the Railway Board it is in most cases inadvisable for an officer to be given an unfavourable confidential report before an opportunity has been taken of pointing out to him the defects noticed in him or his work. In the case of subordinates the procedure is laid down by the railway administrations. As a result of enquiries made in 1929 the Railway Board understand that while on some railways the general practice is to give the railway employees concerned an opportunity of giving an explanation before adverse reports are recorded, on others the substance of such reports, after they are recorded, is communicated to them.

(c) This is a hypothetical question. Government will consider what action is necessary when such a case arises.

(d) Government do not consider any such instructions necessary.

(e) The answer to the first part of the question is in the negative but the Honourable Member's question will be brought to the notice of the Agents of State-managed Railways to enable them to consider whether any action is necessary.

INDIAN ASSISTANT SUPERINTENDENTS OF POLICE IN THE BOMBAY PRESIDENCY.

190. **Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state how many Indian Assistant Superintendents of Police have been taken direct in the Bombay Presidency, since 1923?

(b) Will Government be pleased to state how many of them are Hindus, Muhammadans, Parsis and Anglo-Indians?

(c) Will Government be pleased to state how many of these directly recruited Assistant Superintendents of Police were taken by selection as the result of the Indian Police Service competitive examination and how many by nomination; in the latter case, whether they possess the minimum educational qualification of a degree of a University?

(d) Will Government be pleased to state if it is a fact that at present there is not a single Muhammadan on the list of 80 Assistant Superintendents of Police in the Bombay Presidency?

(e) If so, are Government prepared to draw the particular attention of the Public Service Commission to the total absence of the Muslim element in the cadre of the Assistant Superintendents of Police, with a view to considering the claims of Muslim candidates for recruitment, in this service at the forthcoming selection, and thereby redress the grievance of the Muslim community?

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

(b) Hindus 5, Muhammadan 1, Parsi 1 and Anglo-Indian 1.

(c) Four were appointed by competitive examination and four by nomination. Of the latter three were graduates. The only undergraduate was appointed in 1923 when the rules in force permitted the nomination, in special cases, of candidates who had passed the F. A. standard.

(d) The reply is in the affirmative.

(e) The matter is one for consideration in the first instance by the Local Government to whom I shall forward a copy of the question and answer.

CONDITION OF MAULANA MUFTI KIFAYAT ULLAH, PRESIDENT, JAMIYAT-UL-ULEMA-I-HIND, DELHI, IN MULTAN JAIL.

191. **Khan Bahadur Haji Wajihuddin:** Is it a fact that Maulana Mufti Kifayat Ullah Saheb, President, Jamiyat-ul-Ulema-i-Hind, Delhi, is suffering from serious heart disease and, if so, will Government be pleased to remove the anxiety of the Muslim public by publishing full details with regard to his disease, conditions and arrangements of treatment made and food provided for him by the local authorities at Multan Jail?

The Honourable Mr. H. G. Haig: Maulana Mufti Kifayat Ullah has had two attacks of palpitation of the heart, due to indigestion, during the last eight months. His condition is not at all serious and, on the elimination of red pepper from his diet, his digestion has improved considerably.

CLASSIFICATION OF MAULANA AHMAD SAIED, SECRETARY OF THE JAMIYAT-UL-ULEMA-I-HIND, DELHI, IN JAIL.

192. **Khan Bahadur Haji Wajihuddin:** Is it a fact that Maulana Ahmad Saied Saheb, Secretary of the Jamiyat-ul-Ulema-i-Hind, has not been granted the privilege of class 'A' in the Jail, as allowed to other political leaders of India and, if so, are Government prepared to consider the advisability of allowing him the same privilege? If not, why not?

The Honourable Mr. H. G. Haig: Maulana Ahmad Saied has been placed in "B" class. Recommendations for the classification of a prisoner into "A" or "B" class for purposes of jail treatment are made by the trying Court in accordance with the principles laid down in the Home

Department *Communiqué*, dated the 19th February, 1930, of which a copy is available in the Library. The trying Magistrate's recommendation in the case was confirmed by the Local Government after due consideration.

HARDSHIPS OF INDIAN PILGRIMS TO JEDDAH.

193. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that since the last few years pilgrim passports, both originals and counterfoils, are taken from Indian pilgrims to holy places immediately they land at Jeddah and thereafter the original portions are not returned to them at the same time, as was the practice in the past, but are returned either next day or the day after resulting in the unnecessary stoppage of the pilgrims at Jeddah?

(b) Are Government prepared to have the said hardships removed without delay? If not, why not?

Mr. G. S. Bajpai: (a) and (b). When Indian pilgrims land at Jeddah, their passes which have no counterfoils are collected by Vakils for endorsement by the Passport Office, thereby saving individual detentions at the quay. The Vakils then enter particulars about the pilgrims in their own registers and take them to the British Legation to deposit their return tickets and obtain receipts for them. The short delay involved in the observance of this procedure is inevitable but is usually reduced to the minimum so that there is no undue hardship, and this interval is utilised by the Vakils in arranging for the clearance of pilgrims' luggage from the Customs House and its onward transportation.

TRANSLATION AND THE ORIGINAL TERMS OF THE AGREEMENT SIGNED BY THE MUSLIMS OF DELHI WHEN THE POSSESSION OF THE JUMA MASJID WAS GIVEN THEM IN 1862.

194. **Khan Bahadur Haji Wajihuddin:** Will Government be pleased to lay on the table a copy of the translation and the original terms of the agreement signed by the Muslims of Delhi when the possession of the Jumma Masjid was given to them by the Government in 1862 as promised in reply to question No. 847 in the meeting of the Legislative Assembly held at Simla on the 29th September, 1932, along with the correspondence that has so far taken place between Government and the Jumma Masjid Committee during the year?

The Honourable Mr. H. G. Haig: A copy of the agreement was laid on the Table on the 30th September. As regards the second part of the question, I would refer the Honourable Member to the reply given by me to Mr. M. Maswood Ahmad's starred question No. 1214.

CARRYING OF LETTERS AND PARCELS AT CHEAPER RATES BY PRIVATE AGENCIES IN THE BOMBAY PRESIDENCY.

195. **Khan Bahadur Haji Wajihuddin:** Is it a fact that some private agencies in the Presidency of Bombay have undertaken to carry letters and parcels at much cheaper rates than the postal rates resulting in loss to the postal revenue and, if so, do Government propose to consider the advisability of bringing down the postal rates to the pre-war level? If not, why not?

The Honourable Sir Frank Noyce: It is a fact that certain firms and individuals in the Bombay Presidency were carrying letters and parcels

from one station to another. Neither the reason for this undertaking nor the rates charged are known to Government. The action of these persons and firms has resulted in a loss of postal revenue. The Government do not propose at present to consider the question of bringing down the postal rates to the pre-war level, as such a reduction would result in very serious loss to the Department.

HOURS OF RECEIPT AND DESPATCH OF TELEGRAMS AT MOTIPUR IN THE DISTRICT OF MUZAFFARPUR.

196. **Maulvi Muhammad Shafee Daoodi:** (a) Are Government aware that the hours of receipt and despatch of telegrams at Motipur in the district of Muzaffarpur are very short and inconvenient, these being only from 11 A.M. to 5 P.M.?

(b) Are Government aware that Motipur is a place of considerable business importance in the locality?

(c) Are Government aware that a very big sugar factory is also going to be erected at Motipur and that arrangements for the same are in rapid progress?

(d) Are Government aware that the promoters of the sugar factory and other businessmen at Motipur are put to a lot of inconvenience and suffer a great loss in despatching and receiving their telegrams, both inland and foreign, on account of the shortness of the time allowed for the same?

(e) Are Government prepared to take steps to change the hours of receipt and despatch of telegrams at Motipur as from 8 A.M. to 8 P.M.?

Mr. T. Ryan: (a), (b) and (d). The working hours of the Motipur Post and Telegraph office are not as stated by the Honourable Member. They are from 7 A.M. to 8 A.M. and from 11 A.M. to 5 P.M. The Postmaster-General reports that the traffic is very small, that he has received no complaints, and that there appears to be no necessity to extend the working hours.

(c) and (e). The matter is within the competence of the Postmaster-General, Bihar and Orissa Circle, to whom a copy of the question is being sent. If the establishment of the factory results in such an increase of telegraph traffic as justifies it, the working hours will no doubt be extended.

STATEMENTS LAID ON THE TABLE.

Mr. T. Ryan (Director General of Posts and Telegraphs): Sir, I lay 12 Noon. on the table the information promised in reply to starred question No. 400, asked by Mr. N. M. Joshi, on the 19th September, 1932.

RAILWAY MAIL SERVICE TRAINING CLASS AT BOMBAY.

*400. (a) Yes, from the 10th September, 1930.

(b) The 1st February, 1932.

(c) The reply to the first part is in the affirmative. As regards the second part such retransfers were not considered desirable owing to the cost involved, the inconvenience to the men themselves, and the dislocation of work which would have resulted.

(d) The training class was not reopened as a measure of economy but to meet the administrative needs of the department.

Mr. G. R. F. Tottenham (Army Secretary): Sir, I lay on the table the information promised in reply to starred question No. 360, asked by Mr. A. Das, on the 16th September, 1932.

AERODROME AT SITAPUR.

*360. (a), (b) and (c). There is no record of any expenditure on the acquisition of land or the preparation of a landing ground at Sitapur.

(d) The following expenditure was incurred in 1925-26 on account of alterations to the barracks in Sitapur to make them suitable for the accommodation of Mechanical Transport :

| | Rs. |
|---|--------|
| Provision of accommodation | 29,950 |
| Conversion of barracks into motor garages | 9,800 |
| Construction of approach roads and culverts | 4,200 |
| Total | 43,950 |

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table: (i) the information promised in reply to unstarred questions Nos. 61, 62 and 63 asked by Mr. K. C. Neogy on the 27th September, 1932; (ii) the information promised in reply to starred questions Nos. 645 and 650 asked by Mr. K. P. Thampan on the 22nd September, 1932; (iii) the information promised in reply to unstarred question No. 128, asked by Sir Zulfiqar Ali Khan on the 27th September, 1932; (iv) the information promised in reply to unstarred question No. 71, asked by Mr. N. M. Joshi on the 27th September, 1932; (v) the information promised in reply to parts (d) and (e) of starred question No. 314 asked by Mr. M. Maswood Ahmad on the 16th September, 1932; (vi) the information promised in reply to unstarred question No. 142, asked by Mr. K. C. Neogy on the 28th September, 1932; (vii) the information promised in reply to starred question No. 602 asked by Mr. A. H. Ghuznavi on the 22nd September, 1932; and (viii) the information promised in reply to unstarred question No. 143 asked by Mr. K. C. Neogy on the 28th September, 1932.

EXPENDITURE ON THE EDUCATION OF THE CHILDREN OF EUROPEAN, ANGLO-INDIAN AND INDIAN EMPLOYEES OF STATE RAILWAYS.

61. The figures so far as State-managed railways are concerned are as follows :

(1) Rs. 6,53,239,

(2) Rs. 1,78,243.

EXPENDITURE BY THE EAST INDIAN RAILWAY ON CERTAIN RAILWAY SCHOOLS.

62. (1) Rs. 1,62,847,

(2) Rs. 54,235,

(3) Rs. 75,363.

AMOUNT SPENT BY THE EAST INDIAN RAILWAY ON THE EDUCATIONAL ASSISTANCE OF EUROPEAN, ANGLO-INDIAN AND INDIAN EMPLOYEES.

- ₹3. (1) Rs. 39,885.
(2) Rs. 2,460.

ALLEGED KICKING OFF OF A MILK POT BY AN ANGLO-INDIAN TRAFFIC INSPECTOR ON A CERTAIN PLATFORM.

*645. (a) Yes.

(b) and (c). The Agent, Madras and Southern Mahratta Railway, reports that the Station Master was transferred in the interests of smooth working. The Traffic Inspector has been instructed by the Railway Administration to vindicate his character in a Court of Law. From an enquiry it has been found that the pot was not kicked over. The milk, exposed for sale, was poured out as it was both watery and sour and contrary to the agreement entered into between the Railway Company and the platform contractor.

OLD THIRD CLASS CARRIAGES USED AS QUARTERS FOR STATION MASTERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

*650. (a) Yes.

(b) The stations mentioned are flag stations and the staff are accommodated in carriage bodies which are kept in a good state of repair.

(c) Yerrampalli from September, 1927.

Manumaka from August, 1925.

Kadavakuduru from October, 1928.

| | | | Coaching. | Goods. |
|-----------------|----|------------|-----------|--------|
| | | | Rs. | Ra. |
| (d) Yerrampalli | .. | .. 1928-29 | 5,211 | 2,487 |
| | | 1929-30 | 4,589 | 455 |
| | | 1930-31 | 4,664 | 1,734 |
| Manumaka | .. | .. 1925-26 | 1,681 | 1,298 |
| | | 1926-27 | 3,535 | 1,675 |
| | | 1927-28 | 4,210 | 282 |
| | | 1928-29 | 8,439 | 172 |
| | | 1929-30 | 6,339 | 68 |
| Kadavakuduru | .. | .. 1930-31 | 5,141 | 81 |
| | | 1929-30 | 11,199 | 25,945 |
| | | 1930-31 | 10,561 | 66,912 |

(e) On the 8th July, 1926, as the result of a quarrel the station sweeper at Manumaka stabbed the station clerk several times which resulted in the latter's death.

APPOINTMENT OF MUSLIMS IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.

128. (a) In the categories mentioned there is only one Muslim who is employed as Foreman in the Electrical Branch of the railway.

(b) So far officers are concerned, recruitment is made by the Railway Board and a proportion of the vacancies filled by direct recruitment is reserved for the redress of marked communal inequalities. In regard to the recruitment to subordinate grades of the Electrical and other branches the Agent reports that the Railway Board's instructions regarding the redress of such inequalities are strictly observed.

PROMOTION OF AN ANGLO-INDIAN SUBORDINATE ON THE GREAT INDIAN PENINSULA RAILWAY.

71. (a) The Indian Officer referred to is presumably Mr. P. Kedarnath who was officiating as Assistant Traffic Manager off and on from the 27th December, 1923, and proceeded on 18 months' combined leave from the 15th August, 1931, on attaining the age-limit. He was not considered to have rendered such valuable service as to warrant a recommendation for promotion to the official grade on the eve of retirement. The Anglo-Indian officer confirmed in the Lower Gazetted Service while on extension had rendered 8 years' continuous officiating service of a valuable character. He had been recommended for confirmation about a year and a half before he was confirmed but orders were delayed pending the reorganization of the State-Railway cadres.

(b) 5 years, 2 months and 3 days.

CREATION OF POSTS OF JOURNEYMEN IN THE MECHANICAL WORKSHOP, NORTH WESTERN RAILWAY, MOGHALPURA.

*314. (d) and (e). The Agent explains that appointments of journeymen are ordinarily made from among Apprentices trained on the North Western Railway and occasionally by the promotion of qualified daily rated workmen and that vacancies are only advertised if qualified apprentices or daily rated workmen are not available. He states that, as in this instance, they were available the vacancies were not advertised. The Agent has been asked to consider whether the omission to advertise in such instances prejudices any qualified apprentices who have not secured employment on railways and, if so, to take measures to remove the defect.

CARRIAGE OF GOVERNMENT AND RAILWAY MATERIALS BY INDIAN SHIPPING COMPANIES.

142. (a) Yes.

(b) The Burma Railways did not intimate that a certain freight rate only would be suitable for the carriage of scrap rails from Rangoon to Calcutta. The shipping agents were merely asked to quote their lowest sea freight charge.

(c) and (d). The quotation of the British India Steam Navigation Company at Rs. 7 per ton was accepted on the 2nd of August, 1932. The Scindia Steam Navigation Company offered Rs. 6 per ton for the carriage of these scrap rails on the 9th August, 1932, having previously quoted Rs. 18 per ton on the 1st August, 1932.

(e) The quotations differed too widely for the question of preference to be considered.

PURCHASE OF COAL AT HIGHER RATES FOR THE RAILWAYS.

*602. (a) and (c). Certain quantities of coal were taken delivery in arrears against contracts entered into by the East Indian Railway when it was under Company-management on the advice of the railway's legal advisers in order to discharge obligations under contracts. The market prices of these coals were lower than the prices at which the arrears were paid for. The circumstances of the purchase are as follows :

Coal supplies to the East Indian Railway from 1921--25 fell badly into arrears. This was not due entirely to negligence on the part of the contracting companies for the East Indian Railway was, at that period, not always in a position to supply in full the wagons indented for. By the beginning of the year 1925 the arrears of coal had accumulated to a very large extent. Neither the purchasers nor the sellers had in the meantime pressed vigorously for the supply of wagons because about that time the coal contractors found that, with the rising prices of coal they were in a position to sell more profitably in other markets and the Railway at that time was not short of coal stocks and found they were getting better profits by utilizing their existing wagon stock for the carriage of better paying merchandise.

When the price of coal declined, certain coal companies began to press for the arrears of their contracts to be delivered and as the Railway Administration accepted partial responsibility for the contracts falling into arrears (owing to their failure to supply wagons), they arranged to take the arrears from those companies who requested the Railway to do so under the conditions of the existing contracts.

(b) Separate figures for each colliery are not available.

CARRIAGE OF GOVERNMENT AND RAILWAY MATERIALS BY INDIAN SHIPPING COMPANIES.

143. (a) The answer to the first part of this question is in the affirmative. The answer to the second part of the question is also in the affirmative but the acceptance of the quotation of the British India Steam Navigation Company had been accepted prior to the receipt of the revised quotation from the Scindia Steam Navigation Company.

(b) A time interval must of necessity elapse between acceptance of the quotation and the booking of cargo.

(c) As I have already explained, the difference between the two quotations was so wide that no question of preference to Indian shipping companies could therefore arise.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to present the report of the Select Committee on the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

THE BENGAL SUPPRESSION OF TERRORIST OUTRAGES (SUPPLEMENTARY) BILL.

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

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration."

The Bengal terrorist movement is very present to our minds. It was less than two months ago, that this House in Simla expressed its feelings of horror at the latest outrages which had been perpetrated by members of the Bengal terrorist party. Those outrages, as Honourable Members will remember, consisted of a senseless and cowardly attack on a harmless social gathering at Pahartali near Chittagong and a determined attack, fortunately for the second time unsuccessful, to assassinate the Editor of the leading paper in Calcutta, because apparently that paper had expressed views which were displeasing to the terrorist. I said, Sir, at the time when the House was considering the Motion for Adjournment last Session, that we should be inviting them in November to pass certain supplementary legislation in pursuance of an Act that had recently been passed by the Bengal Legislative Council. I said that I trusted those proposals, when put forward, would receive the full support of the House. I am confident, Sir, that that anticipation will be fulfilled. The Bengal

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Act, which it is the purpose of our proposals to supplement, was passed by the Bengal Legislative Council on the 6th September last. It replaced certain powers which have been conferred by a special Bengal Ordinance which expires on the 27th of this month and other powers derived from the main Special Powers Ordinance which expires at the end of the year.

As Honourable Members are aware, the Bengal Government already enjoy certain special powers conferred by the Bengal Criminal Law Amendment Act for dealing with this movement. But, in spite of the existence of those powers, the Bengal Legislative Council, consisting of those, who live in the very midst of this movement, who realise from day to day what it means in a way perhaps that it is a little difficult for us here to realise, that Council passed that Bill which is known as the Bengal Suppression of Terrorist Outrages Act, by a large majority, I think I am right in saying, a majority of 58 to 12. That, Sir, will, I think, convey to the Members of this House the importance that is attached by those who live in these conditions to the additional powers that the recent Bengal Act confers. The object of the legislation, which I am inviting the House to take into consideration this morning, is merely to supplement in certain special particulars the powers which the Bengal Legislative Council have already declared as necessary for them to possess.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Why, Sir, did half the number of Members run away without voting?

The Honourable Mr. H. G. Haig: Now, Sir, let me, in the first place, explain very briefly the nature of the powers contained in the Bengal Act. In the first place, there are certain emergency powers of an executive character and those powers enable certain officers, executive officers, to pass executive orders in certain special circumstances. I should like the House to realise that those powers are not conferred automatically on officers throughout Bengal, that, in fact, they are confined rigidly to particular areas where the circumstances demand this exceptional treatment. In fact, those powers have only been applied in the Chittagong district, the conditions of which, as Honourable Members are fully aware, are quite exceptional. That is the first class of powers contained in the Bengal Act, and these are emergency powers for use in a particular area where the terrorist movement has got unusual hold. The second class of powers conferred by the Act deal with the establishment of Courts of Special Magistrates. These apply to the trial of specifically terrorist offences throughout Bengal. They are closely analogous to the powers conferred by section 30 of the Criminal Procedure Code. In other words, the Special Magistrates, instead of being limited to the normal sentence of two years imprisonment, are authorised to give sentences up to seven years imprisonment. The justification for that is that in dealing with these terrorist offences, it is of the utmost importance that trial should be speedy, that there should not be the delays which unfortunately occur and, particularly in connection with these terrorist trials, we see so often taking place in other parts of India. The object of granting special powers of this kind to Special Magistrates is that they should be able to take up and dispose promptly of what one might call the lesser offences committed in pursuit of the terrorist movement. It is no substitute for the main Courts, the Special Tribunals, which deal with the most serious offences, but the Bengal

Government find these Courts useful for dealing with less serious offences under the Arms Act or political dacoities and cases of that kind in which murder has not been committed and capital sentences are not involved.

Now, Sir, the provisions of our Bill, which is a short one and a simple one and which, I hope, will be passed by this House without any elaborate procedure, are confined to three points. The first is in regard to appeals. The Bengal Act provides that there shall be an appeal in certain cases to the Court of Session from the judgments of the Special Magistrates. But the Bengal Government are not able to provide under their own powers for an appeal to the High Court. They cannot, therefore, provide for appeals in the case of trials held in the Presidency-town of Calcutta, and they cannot provide for appeals which would ordinarily go to a Court higher than that of the Court of Session, that is to say, cases in which a sentence of more than four years' imprisonment has been imposed. The first provision, therefore, of this Bill, clause 3, secures that in those cases in which an appeal does not go to the Court of Session, an appeal should go to the High Court. That is a provision which is not likely to meet with opposition in this House. The next provision, clause 4, extends the effect of section 19 of the local Act. The Bengal Council, in passing their Act, felt it necessary to provide that orders made under the emergency powers which are conferred by the first part of the Act should not be called in question by any Court, and I think it is obvious that if these powers are to be effective, they cannot be made subject to injunctions of the Courts. We propose that just as the Bengal Act has removed the jurisdiction of the lower Courts, so we should remove the jurisdiction in this matter of the High Court. The last provision is contained in clause 5 of the Bill and provides for the exclusion of interference of Courts with the proceedings in the Courts of the Special Magistrates; in other words, the High Court will not have power to entertain applications in revision. The reason for this provision is obvious from what I have already said to the House. The object of establishing these Courts of Special Magistrates is to provide a speedy form of trial for terrorist offences. If the accused are able at every stage of the proceedings to make applications in revision to the High Court,—applications, no doubt, which would eventually not be entertained but still which would serve their purposes of delay,—if such a procedure is permitted, then the object of speedy trial is defeated. At the same time I would like once more to emphasise that in every case an appeal from the sentence of the Special Magistrates is granted and, therefore, there should be no fear that any substantial injustice will be done.

Now, Sir, those are the provisions of this simple Bill. It is perhaps unnecessary, in view of the facts to which I called attention at the beginning of my speech, to enlarge on the terrorist movement. It is one that, with its callous disregard for human life, should not be able to command the sympathy of any right-minded person. The lurking assassin who shoots a defenceless person in the back or who throws a bomb into an unsuspecting and harmless gathering can be no subject of pride to any country. The contribution of the terrorists to the life of this country is the promotion of race hatred, the organisation of crime of a peculiarly repellent and callous description and the attempt to intimidate public servants and any public men that may oppose them, by threat of murder. There are, however, those who suggest that the terrorists are simply more than usually enthusiastic reformers, that their aims are the same as those of the

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nationalists, that they merely want Swaraj and that they will then settle down into ordinary law-abiding citizens, discarding the methods of political murder. Well, Sir, I know no facts which bear out that view. Even if their aims are precisely the same as those of the nationalists, history suggests that they would not discard their methods when their aims have been attained. They have based themselves largely on Irish models; let us take some warning by Irish experience. Only yesterday I saw a telegram in which one of the *ex*-Ministers at Dublin is stated to have protested strongly in the Dail against threats of murdering him and his colleagues if they opposed Government, specially referring to the speech of a certain editor who said that while they had fists, boots and guns, if necessary, they would not allow free speech to traitors. That, Sir, is the authentic mentality of the terrorists. Those who do not agree with them are traitors and must, if necessary, be murdered. But, Sir, the aims of the terrorists, according to my information, are widening. Even if it could have been maintained some years ago that their aim was merely the liberation of the country on the lines contemplated by more respectable bodies, I do not think that can be maintained now. I have studied a number of leaflets which have been issued by terrorist organisations within the last few months, and they are very instructive. They show that they are beginning to turn for their model from Ireland to Russia. If the House will bear with me, I should like to read out some quotations from these leaflets. The first is headed "The Cult of Revolution" and is issued by what calls itself "The Socialist Republican Party". In case any one suggests that that is not a terrorist organisation, I should explain, in the first place, that they begin the leaflet by a triumphant reference to the raid on the European Club at Chittagong and the attack on the life of Sir Alfred Watson; and then they explain what they are fighting for:

"We claim to represent the down-trodden masses. The masses are eager for revolution."

Their programme is that:

"Organizations should work among the masses with the object of preparing them for armed insurrection."

And what is the object to be attained? They say:

"We stand for the establishment of socialism and the abolition of exploitation of man by man."

And, finally, they refer to the Socialist Republican form of Government for which they are fighting. Now, that puts in a very elementary way the aims for which these atrocious crimes are being committed.

Mr. B. Das (Orissa Division: Non-Muhammadan): Is it not an old document of 1929?

The Honourable Mr. H. G. Haig: This is quite a new document, because, as I say, it refers to the raid on the European Club at Chittagong and the attack on the life of Sir Alfred Watson.

Mr. B. Das: Thank you.

The Honourable Mr. H. G. Haig: The next leaflet also refers to Chittagong affairs and makes an appeal to rebels and terrorists. Then it goes on to make some very interesting references to the Congress. It has no very high opinion of the Congress:

"The Congress wants capitalism through mutual arrangements, and we want to establish a Soviet through blood and revolution."

Then follows a violent denunciation of the policy of the Congress when Mr. Gandhi was at the Round Table Conference and describes the Congress as being a party of the rich

An Honourable Member: What is the harm in releasing Mr. Gandhi at this juncture?

The Honourable Mr. H. G. Haig: Then I come to another Bengali leaflet. Here, again, it is inspired by hostility to the aims of the Congress:

"We cannot deny this fact,"

—it says,—

"that behind all the doings of the Congress there lies the mentality of the tradesman. They want reforms,"

this is a charge against them—

"they want wider chances to satisfy their self-interest."

And then they go on in true terrorist style:

"The traitors of the country may sell the self-respect on any plea to the English. After attainment of freedom, their efforts will be to capture the reins of Government."

This is their attack on anything like constitutional progress:

"If these people,"

—that is to say, the traitors of the country, who are prepared to accept constitutional means,—

"if these people are not subdued with an iron hand, then all the efforts of the nation will turn into nothing."

And, finally, they end by saying that their object is to establish a revolutionary Government by a country-wide armed revolution and end up with blood-thirsty threats, which are not after all idle threats, against all those who oppose them.

There is much more, Sir. I have other leaflets which reiterate exactly the same point of view. The object is not anything like constitutional reform. They are inspired by the keenest opposition to any party that is prepared to accept ordinary constitutional reform or which bases itself on the present social organization.

There is one more leaflet to which I should just like to refer to explain what precisely they have in mind as the future of India:

"In the reign of the socialist form of Government,"

—and this, Sir, is not an ordinary Communist Association,—but it is an Association which describes itself as Bhagat Singh's Association—significant words—

"in the reign of the socialist form of Government, the land of the country will be divided in equal shares to all persons over which the person concerned will exercise full control"

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions; Muhammadan Rural): I would welcome it.

The Honourable Mr. H. G. Haig: I hope the Honourable Member will welcome the next sentence too:

"Moreover, tenants will have to pay no taxes or any sort of *begar* which is common in these days."

And, now, Sir, for my friends, capitalists:

"Mazdoors will have every right over factories and mills from which at the present moment the capitalists draw much profit. Mazdoors will get full advantage of their income and they will not be treated like beasts as at present. Representatives of Mazdoors will look after the arrangements and management of all departments such as Railway, Canal and sea routes."

Well, Sir, those are, in fact, the aims which are coming more and more to the front in this terrorist movement, and I would ask the House to reflect for a moment not only on the abominable methods of these men, but on the disastrous policy that they are attempting to pursue by those methods; and, possibly, Honourable Members, some of whom show much interest in the welfare of terrorists, may reflect that there is little gratitude in life when they hear what the terrorists think of them. These men, Sir, are the enemies of the country. They are a menace to all ordered constitutional progress in Bengal, and those who, like Honourable Members opposite, believe in constitutional progress and look forward to the orderly development of democratic institutions, should realise that it is as much to their interest as to ours, that it is as vital to the future, which is theirs, as to the present which is ours, that this movement should be extirpated. In order to extirpate it, effort is required from many directions. There is a whole chain of executive and judicial processes, of which the provisions of this Bill represent a small, though essential, link. Effort, I admit, is also required in other directions,—to stop recruitment of terrorists, by improving public opinion and by endeavouring to cure some of the conditions—economic and educational,—which have fostered the growth of the movement. From all directions pressure must be maintained steadily and relentlessly and success will be ensured. I do appeal very earnestly to the House to co-operate with us in this matter and to pass the measure which I have placed before them.

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

"That the Bill to supplement the Bengal Suppression of Terrorist Outrages Act, 1932, be taken into consideration."

Sir Hari Singh Gour (Central Provinces Hindi Divisions; Non-Muhammadan): I want to raise a point of order, and I am very sorry I have to do that. I am not at all speaking at the present moment on the merits of the Bill. The point of order that I wish to raise is as follows. Under clause 5 of this Bill, it is laid down:

"Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided in the local Act as supplemented by this Act, be no appeal from any order or sentence passed by a Special Magistrate under the local Act and save as aforesaid no Court shall have authority to revise such order or sentence, or to transfer any case from any such Magistrate, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Magistrate, or of any direction made under Chapter II of the local Act."

The intention of this clause is to take away the revisional power of the High Courts in matters dealt with under the local Act supplemented by this Act. Honourable Members will find, and you will find that a similar question was the subject of a prolonged debate and decision by this House as far back as 1928. In 1922, when we sat on the Select Committee to revise the Code of Criminal Procedure, we found ourselves confronted with section 435 of the Code which laid down that the High Courts had no power of revision over orders passed under sections 144 and 145 of the Criminal Procedure Code, namely, orders relating to urgency and to immoveable property. But though that was the state of the statutory law as enacted by the Indian Legislature, the Indian High Courts held that they were not fettered by the provisions of section 435 as they had jurisdiction to revise orders passed by any subordinate Courts or Magistrates under the Parliamentary Statute, section 107 of the Government of India Act. Therefore, they exercised their jurisdiction despite the restrictive provisions of section 435 which, before 1928, had taken away the revisional powers of the High Courts. So much for the powers of the chartered High Courts under section 107 of the Government of India Act. There remains the non-chartered High Courts,—Chief Courts and Courts of Judicial Commissioners whose powers are not the subject of protection under section 107 of the Government of India Act. They, therefore, were fettered in the exercise of their revisional jurisdiction by the provisions of section 435, the result being a startling anomaly, namely, that while in provinces subject to the chartered High Courts the High Courts had jurisdiction, in provinces not so subject to the chartered High Courts the High Court had no jurisdiction in a similar case. That was the anomaly that we removed in 1928. I find in this annotated edition credit is given to me for having drawn the attention of the Legislature, but I do not take that credit at all. I wish to repeat what is quoted here as a precis of the arguments which prevailed with the Legislature. It is stated here:

“The grounds for the omission of sub-section (3) have been thus stated by Dr. Cour : ‘The intention of this amendment is to preserve to the High Courts revisional jurisdiction in cases disposed of under sections 144, 145, etc. Honourable Members are aware that not only the chartered High Courts, but all the non-chartered High Courts, such as the Chief Courts and the Courts of the Judicial Commissioners do, under various local Acts, possess a statutory power of revision in such cases . . . Now, Sir, I ask the House a simple question. If it is a fact that all the Courts, chartered and non-chartered, possess this power, then I say clause (3) of section 435 is superfluous, nay misleading. If it is a fact that they do not possess that power, in that case I ask the House to endorse my opinion that this power is both salutary and necessary. It will not be denied that this power has in fact been exercised under section 107 of the Government of India Act and other local Acts. If so, this clause conflicts with the express provisions of section 107 of the Government of India Act.’”

‘And this is the view which the House endorsed.

Now, the short point which I want to make here is that the power of superintendence vested in the chartered High Court is a power over which this House has no jurisdiction. It is a power which this House cannot take away by any legislation. That power has been defined by the High Courts to be the power of revision over all Courts subordinate to the chartered High Courts. The only effect, therefore, of the enactment of clause 5 would be to take away the power of superintendence which has been vested in non-chartered High Courts by the Indian Legislature, and it would reproduce the anomaly which existed in 1922, namely, that

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against the same order the chartered High Court has jurisdiction, has power of revision under section 107 of the Government of India Act, whereas a non-chartered High Court will have no such jurisdiction at all. That is the anomaly that was created by the Act prior to 1923, and that anomaly will be reproduced if this clause 5 is enacted into law. As regards your power, I wish to recall another fact.

In 1923, if I mistake not, I introduced in this House a Bill for the establishment of a Supreme High Court in India, and on the objection raised by the other side that it would be *ultra vires* of the Indian Legislature to enact such a measure, your predecessor, Sir Frederick Whyte, decided that such a power did not exist in the Indian Legislature and he would not permit me to move my Bill. I ask you, Sir, to exercise the same power. If clause 5 is enacted into law, it would create a curious anomaly.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muham-madan Rural): It applies only to Bengal.

Sir Hari Singh Gour: My friend on the left points out that this law is only applicable to Bengal. It is so, but the point that I am making at the present moment is that if we enact clause 5 and take away the revisional jurisdiction of the High Court, as you will see that it does take away the revisional jurisdiction of the High Court, it would conflict with the revisional jurisdiction given to the Bengal High Court under section 107 of the Government of India Act. I may point out that I have not brought this objection upon this House by surprise. I have conveyed my doubts to one of the Honourable Members on the other side and I am told that it is not the intention of Government to take away the power of the High Court given to it by section 107 of the Government of India Act. If that be the case, if it is not the intention of the Government to take away the power of the High Court given to it by the Parliamentary Statute and the High Court has held that that power carries with it the power of revision, then I cannot understand why clause 5 has been enacted at all and what is the direct purpose with which this clause 5 has been enacted. That, I submit, is a point upon which the Honourable the occupants of the Treasury Benches may be pleased to enlighten you, Sir. For the present, I think the enactment of this clause 5, *pari passu* with the existence of section 107, would create a great deal of confusion and I think it is up to this Legislature not to create a confusion of this character and to do what might conceivably be held, as indeed it has been held by the Calcutta High Court under a previous Statute that no act of the Indian Legislature can derogate from the power which Parliament has given to the chartered High Court, the power of superintendence which carries with it the power of revision and more specifically you will find, Sir, that they have the power to direct the transfer of any suit or appeal from any Court to any other Court of equal or superior jurisdiction. They can direct that the appeal shall lie to one Court or the other Court and this power they have been exercising ever since the establishment of the chartered High Courts. Therefore, I submit, that you should rule that clause 5 is *ultra vires* and, in any case, if the Government wish to safeguard the provisions of section 107 of the Government of India Act, they must have a clause inserted to that effect.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair should like, in the first instance, to ask the Honourable Member whether it would not be better if he raised the point of order when clause 5 came before the House. When the Honourable Member got up to raise the point of order at this stage, my impression was that he was contending that the whole Bill was *ultra vires* of the Legislature. If that had been his contention, then the time chosen by him for raising the point of order was appropriate, but he does not do so. His contention is that clause 5 of the Bill is *ultra vires*. Is that so?

Sir Hari Singh Gour: Yes, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Then the proper time to raise the question would be when clause 5 is under consideration.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Clause 4 would also be open to the same objection.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The objection to each clause should be taken when that clause is under the consideration of the House. At present the Chair is quite prepared to consider any point of order contending that the whole Bill is *ultra vires* of this Legislature.

Mr. B. R. Puri: Practically it would be. So far as clauses 1, 2 and 3 are concerned, there is practically no difference of opinion. That only leaves clauses 4 and 5 and they are open to identical objection and criticism.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. When the Chair rose to deal with the point of order raised by the Leader of the Nationalist Party, it was restricted to clause 5 only and, that being so, the Chair wishes to point out that any point of order raised in regard to any clause of a Bill as being *ultra vires*, the proper time for doing so is when that clause is under the consideration of the House. If the Honourable Member has anything to urge in this connection, the Chair will be glad to hear him.

Sir Hari Singh Gour: The reason why I have raised this point of order at this stage is this. The Honourable the Home Member wants the Bill to be taken into consideration and I want to know from you, Sir, as to how much of the Bill is to be taken into consideration, the whole of it or only two-thirds, because if one-third is ruled out as out of order, we are left with nothing but two-thirds and, on that point, I shall advise my friends as to what they should do. That is the reason why I have raised this question. The fact is that clauses 4 and 5 are an integral part of the whole Bill.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): Might I submit, with great respect, with reference to your ruling that the proper time for raising this point of order would be when clause 5 is under consideration, that there will be very considerable practical inconvenience in the course which you have

[Mr. H. P. Mody.]

laid down? Clause 5 goes to the fundamentals of the whole Bill. A great deal of the discussion, practically, the whole discussion will centre round this clause, and it may turn out to be wholly unnecessary in the end. Therefore, Sir, if for nothing else, for the sake of convenience and the proper conduct of the debate, it is very essential that the Chair should give its ruling now on this clause. Otherwise what will happen will be that Members in criticising the Bill will merely fasten upon this clause, and it may ultimately be that the whole time and energy of the House has been wasted upon a clause which is not in order.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair recognises the force of what the Honourable Member has urged, and if it is the general wish that the point of order raised should be decided at this stage, the Chair will raise no objection.

The Honourable Sir Brojendra Mitter (Law Member): I have no objection.

Mr. President: A point of order has been raised and if any one Honourable Member wishes to speak on it, I will allow him to do so.

The Honourable Sir Brojendra Mitter: This point of order is nothing new. It was considered in the Bombay High Court in a recent case in connection with the Special Powers Ordinance, section 52. That section is in the same terms as clause 5 of the present Bill and runs thus:

"Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall, save as provided by this Ordinance, be no appeal from any order or sentence of a Court constituted under this Ordinance and, save as aforesaid, no Court shall have authority to revise such order or sentence, or to transfer any case from any such Court, or to make any order under section 491 of the Code or have any jurisdiction of any kind in respect of any proceedings of any such Court."

It was argued that section 52 of the Ordinance was *ultra vires*, and the Chief Justice of Bombay delivered a considered judgment on this point. What he said was this that that section was not *ultra vires*, but that that section did not affect the power of superintendence which the High Court had under section 107 of the Government of India Act. Sir, the High Courts derive their powers from three sources. The first is the Criminal Procedure Code, the second is the Letters Patent of the High Court, and the third is section 107 of the Government of India Act. There is no question that in so far as the Criminal Procedure Code is concerned, this House has the authority to alter the law. Section 65 of the Government of India Act gives this House the power to alter any law passed by any Indian Legislature. Therefore, in so far as clause 5 of the Bill seeks to alter the Criminal Procedure Code, there is no question of *ultra vires*. The Indian Legislature can also alter the Letters Patent. The Letters Patent themselves give the power. Therefore, so far as the powers given to the High Court by the Letters Patent are concerned, they can be altered by this House.

Now, there are these two sources and there is a third source, namely, section 107 of the Government of India Act. Section 107 of the Government of India Act begins by saying:

"Each of the High Courts has superintendence over all Courts for the time being subject to its appellate jurisdiction, and may do any of the following things . . ."

and what the Chief Justice has held is this, that since:

"we have got superintendence over a subordinate Court, that superintendence is not restricted merely to administrative matters but also extends to judicial matters and, therefore, by virtue of that power the High Court could still revise the decisions of lower Courts."

But the point is this. He decided against the argument that section 52 of the Ordinance was *ultra vires*: he says in effect that it is not *ultra vires* but *intra vires* in so far as the Criminal Procedure Code is concerned and in so far as the Letters Patent are concerned, but that that section does not affect powers given under section 107 of the Government of India Act. In this connection may I draw your attention to section 84 of the Government of India Act,—which says this:

"A law made by any authority in British India shall not be deemed invalid solely on account of any one or more of the following reasons . . ."

The relevant sub-clause is this:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall, to the extent of that repugnancy, but not otherwise, be void."

Therefore, it comes to this that if clause 5 purported to affect the powers of the High Court under section 107 of the Government of India Act, to that extent it would be void, that is, to the extent of the repugnancy but not otherwise. Otherwise it will be good. That is to say, that clause will be good in so far as the powers given by the Criminal Procedure Code are concerned, and also in so far as the powers given by the Letters Patent are concerned.

Apart from revision, clause 5 deals with section 491. Rights under Section 491 are not given by any Parliamentary Statute, but are given by the Criminal Procedure Code. Clause 5 will be good so far as that is concerned. Whatever powers are given by the Criminal Procedure Code or by the Letters Patent can be altered and they will be altered. It is not our contention that we have the power to affect section 107, or that clause 5 purports to affect section 107.

Mr. Lalchand Navalrai (Sind; Non-Muhammadian Rural): Well, if the powers are the same, then it will be nugatory?

The Honourable Sir Brojendra Mitter: I may inform the House that this point also arose in the Calcutta High Court, but it was not necessary to decide the question. Incidentally it was held that the clause in the Ordinance was not *ultra vires* but that the High Court's powers of superintendence were not taken away and could not be taken away by the Indian Legislature. That being so, my contention is this that clause 5 is *intra vires* of the Legislature,—but what its effect will be is a quite different matter. The effect will be that the powers given to High Courts by any

authority other than Parliament will be altered, but the powers of superintendence under section 107 of the Act will remain unaffected. It will apply to what is legally possible and not to what is forbidden.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Certain doubts have occurred to the Chair in view of what has fallen from the Honourable the Law Member, and the Chair wishes to put certain questions to him in order to appreciate the significance of what he has

1 P.M.

stated with regard to the Legislative powers of this Assembly. The Honourable the Law Member said that the sources of High Court's powers were the Criminal Procedure Code, the Letters Patent and section 107 of the Government of India Act and that under section 65, this Legislature can alter the Criminal Procedure Code. He has further stated that under the Letters Patent themselves those powers can be altered. He admits that this Legislature cannot touch the powers conferred by section 107. The main point of his argument appears to be that we may pass clause 5 as it stands and if there is anything in the clause which is repugnant to section 107, it will not take effect, that it will be void, and the High Court will not act on it. It is in regard to that point that the Chair wishes to ask for information. It is perfectly true that the Bombay High Court gave a decision on the Ordinance enacted by His Excellency the Governor General. This Legislature is not responsible for what the Governor General, in exercise of his powers under the Government of India Act, may decide to do. If there happens to be points in the Ordinances which go beyond the provisions of section 107, the High Courts are entitled not to act on them. That is perfectly intelligible; but when Government want the Legislature to enact a law, it is the obvious duty of the Legislature to see that no provision is passed which is *ultra vires* of section 107. (Applause from Non-Official Benches.) The Legislature cannot be expected to enact a law without satisfying itself that it does not encroach upon the limitations which an Act of Parliament has imposed. (Applause from Non-Official Benches.) Subject to any further explanation which the Law Member may give, the Chair should like to ask whether the best course for Government would not be to frame clause 5 in such a manner as to be within the powers of this Legislature. It cannot be right to leave it to a High Court to declare that any part of legislation enacted by this House is beyond its powers and is therefore void. I do not think that this Legislature should be allowed to be put in that position. (Hear, hear.) When the point has been specifically brought to the notice of this Legislature, it is our duty to be satisfied that the powers conferred upon the High Courts by section 107, which are quite clear and mandatory, should not be entrenched upon. The portion of section 84, which was read out by the Honourable the Law Member, is perfectly clear:

"A law made by any authority in British India and repugnant to any provision of this or any other Act of Parliament shall to the extent of that repugnancy but not otherwise be void."

This provision covers a case in which a Legislature, without being conscious of doing so, may enact a law which goes beyond their authority. In that case the High Court, in dealing with the matter when brought before it, would have to declare it void; but if the point is present to the mind of the Legislature, it is, I think, the obvious duty of the Legislature to satisfy itself that they are not doing anything which is beyond

their powers. (Applause from Non-Official Benches.) As the question raised vitally affects the powers and privileges of this Assembly, I do not wish to give a ruling at once on the lines I have explained. I have purposely put my points in the way of doubts so that there may be further discussion on this important aspect of the case before a definite ruling is given by the Chair.

The Honourable Sir Brojendra Mitter: Sir, I have stated that clause 5 does not purport to affect the powers of the High Court given by section 107 of the Government of India Act. If it be necessary that that should be specifically stated, I am quite prepared to table an amendment by way of explanation that this clause does not purport to affect the powers of the High Court under section 107 of the Government of India Act.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): May I interrupt the Honourable Member just for a minute. The following words in clause 5 require to be specifically explained.

"Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done."

That would include the authority of the Houses of Parliament. It is proposed to take away by these words not only the powers which are covered by the first two points which the Honourable Member made, but they are wide enough to cover all the powers the High Courts get under the Government of India Act from Parliament. I want the Honourable Member to explain that point.

The Honourable Sir Brojendra Mitter: As regards the distinction which you have been pleased to draw between the Ordinance and an Act of the Central Legislature, may I draw your attention to section 72 of the Government of India Act which says:

"the power of making Ordinances under this section is subject to the like restrictions as the power of the Indian Legislature to make laws."

Therefore, the restrictions imposed by section 84 of the Government of India Act apply equally well to the Ordinances as to anything done here. But I need not elaborate that point. The other point is this. Undoubtedly, the clause, as it reads, may, in the absence of section 84, draw within its ambit section 107 of the Government of India Act, but that is not the intention of the Mover of the Bill. I am quite prepared to table an amendment by way of explanation in these terms:

"This clause shall not be deemed to affect the powers of the High Court under section 107 of the Government of India Act."

Such an explanation ought to satisfy the House. That will clear up that doubt. It is an easy matter to add an explanation to the clause expressly stating that there is no intention to alter the powers given by section 107 of the Government of India Act.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I do not think the explanation given by the Honourable the Law Member would clear up the doubts that we are all feeling and which were so

[Sir Abdur Rahim.]

lucidly expressed from the Chair as regards the way this clause 5 has been drafted. If you look at the language, it will be found that it is so wide and sweeping that it brings in any law for the time being in force. The clause reads:

“Notwithstanding the provisions of the Code, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done no appeal from an order or sentence passed by a Special Magistrate under the local Act and save as aforesaid no Court shall have authority to revise such order or sentence or to transfer any case from any such Magistrate, or to make any order under section 491 of the Code, or have any jurisdiction of any kind in respect of any proceedings of any such Magistrate, or of any direction made under Chapter II of the local Act.”

If you retain language like that, it would surely be absurd drafting to have at the same time the explanation like the one suggested. Besides merely saying it will not alter the powers of the High Court will not do, you will have to go further and say, it will not in any way affect section 107 of the Government of India Act.

The Honourable Sir Brojendra Mitter: Is not that a matter of drafting?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I am going to suggest a way out after Sir Abdur Rahim finishes his speech.

Sir Abdur Rahim: There is also a point of substance I should like to know from the Honourable Member. If he is going to retain these drastic provisions, what will be left of the powers of superintendence. Can he tell us in definite language as to what will be the powers of superintendence left in the High Court. If he could define that, then, we shall be in a better position to understand that notwithstanding clause 5, if properly drafted, there will still be the powers of superintendence left in the High Court absolutely intact.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): In view of what has fallen from the Honourable the Law Member, the Chair takes it that he agrees that the wording in the Bill, as introduced, has the effect of encroaching upon the powers which are given under section 107 of the Government of India Act. On that admission, the Chair wishes to suggest that it cannot be beyond the drafting capacity of the Legal Department of the Government of India to reframe the clause in such a way as to leave no doubt to any one who reads it that it only covers the alteration in the Criminal Procedure Code and the Letters Patent, but that it does not touch in any manner whatever the powers of the High Court under section 107 of the Government of India Act. As it is Lunch time, the Chair proposes to adjourn the House, leaving it to the Honourable the Law Member to consider in what form he proposes to redraft the clause. As the clause stands at present, it does apply to section 107 of the Government of India Act and so far as it applies to that section, it is out of order. (Hear, hear.)

Sir Hari Singh Gour: Before the House adjourns for Lunch, may I make a suggestion? As you are aware, Sir, this House has appointed

a Committee of 15 Members to examine and report on the Ottawa Agreement. That Committee has been sitting from day to day and, as it is a very important Committee, I crave the indulgence of the House and your leave, Sir, that we be given an opportunity to sit on that Committee in the afternoons by adjourning the House for tomorrow and till we have concluded the labours of that Select Committee, I would equally ask your permission and the indulgence of the House that we should devote the afternoons to the transaction of the ordinary business of the House and the forenoons for doing the work on the Select Committee.

Some Honourable Members: No, no. The Select Committee should sit in the afternoons and the House on the forenoons.

Sir Hari Singh Gour: I know, Sir, there is some difference of opinion as to whether the House should sit in the forenoons or in the afternoons.

Some Honourable Members: The House should sit in the forenoons only.

Sir Hari Singh Gour: I am putting that point of view also to the Chair. The question, Sir, has not escaped your attention or mine. The only difference between forenoon sitting and the afternoon sitting is that while, in the case of forenoon sittings, we must close by 1-30 or thereabouts for Lunch, there may be a little longer sittings, if we sit in the afternoons and the work of the House might go on even after the period of five o'clock or half-past five, in accordance with the importance of the work and the wishes of the House. That is the reason why an afternoon sitting is preferable to a morning sitting. Otherwise, there is nothing wrong.

Some Honourable Members: No, no. We prefer a morning sitting of the Assembly.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Honourable Members should bear in mind that we have met here for the transaction of very important public business. (Hear, hear.) The suggestion made by the Leader of the Nationalist Party does not appeal to the Chair quite as much as some Honourable Members seem to imagine. Adjournment to the Delhi Session was specially made to deal with two very important subjects, the Ottawa Agreement and the Ordinance Bill. I should like Honourable Members to consider that if half-day sittings are agreed to, how long the House will have to sit.

Some Honourable Members: Till the middle of December.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Or it may go further beyond that date. It appears, therefore, having regard to the fact, if newspaper reports are to be believed, that a large number of witnesses have been asked to attend and give evidence before the Special Committee on the Ottawa Agreement.

Sir Abdur Rahim: No, not a large number; only a small number.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Large and small are relative terms.

Sir Abdur Rahim: Only four or five witnesses.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If 2, 4, 6, 7, 8 or 10—will that satisfy the Honourable Member?—witnesses are called and the lawyer Members of the Committee begin to cross-examine them, the Chair is not sure whether the Committee will be able to bring in their report by the 21st November as required by the Assembly Resolution.

Some Honourable Members: We doubt it.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If that is so, Honourable Members should consider, how long this Session will have to be prolonged. If the House wishes to go on indefinitely, the Chair will have no objection whatever. The reason why the suggestion for an afternoon sitting was made is this: The House meets at 11 o'clock and adjourns ordinarily at 1-15 or 1-30. That means about 2½ hours work, out of which one hour goes to questions.

Mr. S. C. Mitra: There are very few questions left to be answered.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): But all the same the question hour is there. The House has dealt with question No. 1180 today and I have already admitted questions numbering nearly 1700. That being so, a good debate is not possible if we have to adjourn the business of the House in a little over an hour. The effect of that will be further prolongation of the debate. The advantage, therefore, of an afternoon Session is that if we met at quarter past two of the clock, we can, in public interest, sit up to half past five or even six in the evening giving considerably more time for the transaction of public business. That was the reason why this suggestion was made. But if the House wishes to meet in the mornings only, then a better alternative would be not to meet on some days of the week, but to sit whole day on other days. I know that there is a strong feeling against afternoon sittings, and the Chair will bear that in mind. I take it that the House desires that I should adjourn the House now till tomorrow.

(Cries of "Yes, yes.")

Then I will adjourn till eleven o'clock tomorrow to meet the general feeling in the House. I should like Honourable Members to consider carefully the aspect which the Chair has brought to their notice, in order to determine whether we will meet in the afternoon or whether we will meet the whole day on some days and not sit at all on other days. I hope the Leaders of Parties will let the Chair know tomorrow in time so that further adjournments may be regulated accordingly.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th November, 1982.

APPENDIX.*

Khan Bahadur Makhdum Syed Rajan Bakhsh Shah (South West Punjab: Muhammadan): Sir, I would like to speak today for only three minutes. A number of forceful speeches have been made in English on the Ottawa Resolution during the last four days; but no speech has been made in the House in Urdu. Considering, therefore, that a speech in Urdu is equally necessary, I rise to make one so that the Resolution does not go without a speech in Urdu.

I sincerely differ from my Indian friends who have spoken for or against the Resolution from the point of view of India's interest. Every Indian desires the good of India. It would have been very pleasant if some of the Honourable Members—or at least my Honourable friend, Haji Abdoola Haroon—had made their speeches in Urdu. I am rather inclined to think that every Member of the Assembly has not fully understood the issue involved in the Resolution excepting, of course, the *bania* class, the Honourable the Finance Member or those associated with finances. We are not concerned with the people of Bombay or other provinces. What we are concerned with is the gain of the agricultural classes, *i.e.*, the zamindars. If, as a result of the adoption of this Resolution, the zamindars stand to gain in respect of the trade in foodstuff, cotton, etc., we would, by all means, support the Resolution. But, before we do so, we would like the Honourable the Finance Member to state in simple words—not in complicated words—to what extent the zamindars of India gain by this Resolution. If it is not possible for him to say anything just at present, he might as well place this information in detail before the Select Committee whose appointment is now under consideration by the House, so that we can decide our vote on the subject. The condition of us, zamindars, is going from bad to worse every day. If, therefore, the zamindars gain by this Resolution, we would strongly support it. The Mover should include the name of the Honourable the Finance Member in the Select Committee, and the motion for appointing a Select Committee should be adopted.

* Vide page 1960 of L. A. Debates, dated the 10th November, 1932.