

Wednesday, 30th September, 1936

THE
COUNCIL OF STATE DEBATES

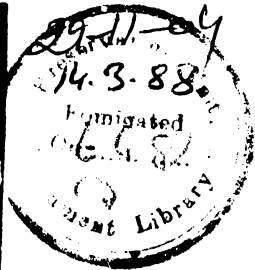
VOLUME II, 1936

(21st September to 17th October, 1936)

TWELFTH SESSION

OF THE

THIRD COUNCIL OF STATE, 1936



PUBLISHED BY MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.
1937.

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COUNCIL OF STATE.

Wednesday, 30th September, 1936.

The Council met in the Council Chamber at Viceregal Lodge at Eleven of the Clock, the Honourable the President in the Chair.

QUESTIONS AND ANSWERS.

NUMBER OF EUROPEANS AND INDIANS RECRUITED TO THE INDIAN CIVIL SERVICE DURING THE LAST FIVE CALENDAR YEARS.

75. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement giving the following information about Indian Civil Service officers recruited during the last five calendar years: number of Europeans, number of Indians, province of origin and community to which the Indian officers belonged?

THE HONOURABLE MR. M. G. HALLETT: I lay on the table a statement giving the requisite information.

Statement showing the number of Europeans and Indians* recruited to the Indian Civil Service during the calendar years 1931—1935 and the communities to which the Indian candidates belonged and their province of origin.

Year.	No. of Europeans recruited.		No. of Indians recruited.						Communities to which the Indian candidates belonged.									Provinces of origin of the Indian candidates.									Remarks.
	No. of Europeans recruited.	No. of Indians recruited.	Hindus.	Muslims.	Sikhs.	Indian Christians.	Anglo-Indians.	Paris.	Madræs.	Bombay.	Bengal.	United Provinces.	Punjab.	Bihar and Orissæ.	Central Provinces.	Assam.	Delhi.	Indian States.									
			71	26	3	4	2	1	29	12	9	22	15	4	5	1	4	6									
1931	24	23	12	8	1	2†	..	4	1	3	7	4	1	1	..	..	..	3	†One of them is an Armenian Christian.					
1932	14	24	15	6	1	..	..	5	3	..	5	4	1	1	4	..	1	1	‡Including one who died during probation.						
1933	17	20	15	3	..	2	..	7	3	3	3	1	..	..	..	..	2	1					
1934	13	19	14	4	..	..	1	9	1	2	3	2	2	..	..	..	1	1	§Including one who resigned during probation.			
1935	5	21	15	5	1	..	..	4	4	1	4	4	2	1	1	..	..	..						
Total	73	107	71	26	3	4	2	1	29	12	9	22	15	4	5	1	4	6									

*NOTE.—This statement contains information relating to candidates who are of Indian domicile only, i.e., information is not given about Burmans, Ceylonese and Anglo-Indian candidates of non-Asiatic domicile.

NUMBER OF OFFICERS WHO HAVE RETIRED FROM, AND RECRUITED TO, THE INDIAN CIVIL SERVICE DURING THE LAST FIVE YEARS.

76. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the number of Indian Civil Service officers, Europeans and Indians, who have retired from each of the provinces during the last five years? How many European and Indian officers have been appointed in their places?

THE HONOURABLE MR. M. G. HALLETT: Information is being collected as to the number of Europeans and Indians who have retired from the Indian Civil Service in each province during the last five years. I lay on the table a statement showing the number of Europeans and Indians appointed to each province during this period.

Statement showing the number of Europeans and Indians appointed to the Indian Civil Service during the last five years, i.e., 1931—1935.

Name of province.	Europeans.	Indians
Madras	7	21*
Bombay	11	20
Benga.	16	24†
United Provinces	16	26
Punjab	1	20
Burma	13	16
Bihar	7	13‡
Central Provinces	3	5
Assam	2	5

* Includes two Ceylonese.

† Includes one Anglo-Indian of non-Asiatic domicile.

‡ Includes one Ceylonese.

NUMBER OF EUROPEANS AND INDIANS RECRUITED TO THE INDIAN MEDICAL SERVICE DURING THE LAST FIVE YEARS.

77. THE HONOURABLE MR. HOSSAIN IMAM: Will Government lay on the table a statement giving the following information about the Indian Medical Service officers recruited directly during the last five years: number of Europeans, number of Indians, province and community to which the Indian officers belonged (temporary and permanent separately)?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I lay on the table a statement containing the information asked for.

Indian Medical Service Officers recruited during 1930—1935.

						Permanent.	Temporary.
<i>(a) Number—</i>							
(i) Europeans	..	..	..	..	..	147	..
(ii) Indians	..	..	..	..	..	47	84
<i>(b) Distribution of Indian officers by provinces and community :</i>							
<i>(i) Province—</i>						Permanent.	Temporary.
Madras	..	..	..	..	..	6	10
Bombay	..	..	..	..	..	1	1
Bengal	..	..	..	..	..	5	3
United Provinces	..	..	..	..	..	3	5
Punjab	..	..	..	..	..	25	35
Burma	..	..	..	..	..	2	2
North-West Frontier Province	..	..	..	..	..	2	4
Sind	..	..	..	..	..	2	1
Delhi	..	..	..	..	..	..	1
Indian States	..	..	..	..	..	1	2
<i>(ii) Community—</i>						Permanent.	Temporary.
Hindus	..	..	..	..	..	30	35
Muslims	..	..	..	..	..	9	16
Sikhs	..	..	..	..	..	3	10
Parsi	..	..	..	..	..	1	..
Anglo-Indians	..	..	..	..	..	2	..
Indian Christian	..	..	..	..	..	1	1
Burman	..	..	..	..	..	1	2

**METHOD OF APPOINTMENT TO VACANCIES IN THE PERMANENT CADRE
OF THE INDIAN MEDICAL SERVICE.**

78. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the method they propose to adopt to fill the vacancies in the permanent cadre of the Indian Medical Service?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The method of appointment to the vacancies in the permanent cadre of the Indian Medical Service is described in paragraph 2 of the Memorandum regarding appointment, &c, and conditions of service in, His Majesty's Indian Medical Service. A copy of the Memorandum is in the Library of the Indian Legislature.

**APPOINTMENT OF OFFICERS TO THE INDIAN MEDICAL SERVICE BY OPEN
COMPETITION.**

79. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether the Legislative Assembly adopted a Resolution recommending the

appointment of Indian Medical Service officers by open competition? If so, why did not Government adopt this method?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The reply to the first part is in the negative. The second part does not arise.

NAMES, QUALIFICATIONS AND PROVINCES OF CANDIDATES APPOINTED TO THE INDIAN MEDICAL SERVICE IN 1936.

80. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the names, qualifications and provinces of the candidates appointed to the Indian Medical Service during the year 1936? Were any of these posts advertised? If so, in what papers?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: From the use of the word "province" I presume that the Honourable Member is referring to Indian candidates. On this assumption the answer is as follows:

Three Indian officers have so far been appointed to temporary commissions in the Indian Medical Service during 1936. I lay a statement on the table showing their names, qualifications and province of origin. In addition seven Indians were selected for appointment to permanent commissions in the Indian Medical Service by the Selection Board which was held at Simla on the 19th August, 1936 and subsequent days. Their names have been submitted for the Secretary of State's approval and will be announced in due course. The vacancies were advertised in the *Indian Medical Gazette* and the *Indian Medical Record*, and also in a press communique on the 10th June, 1936.

Name.	Qualifications.	Province.
Lieutenant Z. H. Khan ..	M.B.B.S. (Punjab)	Punjab.
Lieutenant A. G. Khan ..	L.R.C.S., L.R.C.P. (Edin.), L.R.F.P. & S. (Glas.).	North-West Frontier Provinces.
Lieutenant T. Maung ..	M.B., B.S. (Rang.) M.R.C.S. (Eng.). L.R.C.P. (Lond.).	Burma.

ACTION TAKEN ON MR. DARLING'S REPORT ON THE CONSTITUTION OF AN AGRICULTURAL CREDIT DEPARTMENT BY THE RESERVE BANK OF INDIA.

81. THE HONOURABLE MR. HOSSAIN IMAM: (a) Will Government state (i) the action so far taken on Mr. Darling's report on agricultural credit by the Reserve Bank and Government, (ii) the date on which Mr. Darling submitted his report to the Bank and (iii) the date on which the Bank submitted their report to Government.

(b) Will Government state the date on which they propose to lay before the House the report referred to in reply to my question No. 108 of 23rd

September, 1935 regarding the amount sanctioned for each province for rural uplift. Will the report be open for discussion by the House ?

THE HONOURABLE MR. J. C. NIXON : (a) Mr. Darling's report on the constitution of the Agricultural Credit Department was received by the Bank in June, 1935 and after examination by the Bank's executive was considered by the Central Board in November, 1935. I have nothing at present to add to the replies given to the Honourable Sir Phiroze Sethna's question No. 56 on the 11th March, 1936 and the Honourable Rai Bahadur Lala Ram Saran Das's question No. 61 during the current session.

(b) I shall during the present session place on the table of this House a copy of the report promised by the Honourable Finance Member to the other House. As this report merely describes the progress made by the provinces in spending the grants of last year, Government do not propose to open a discussion in the matter.

STERLING LOANS.

82. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement giving the particulars of the Sterling Loans contracted since 1921 for purposes other than repayment of existing loans and the Sterling Loans repaid without contracting fresh Sterling Loans ?

THE HONOURABLE MR. J. C. NIXON : The information is contained in the Honourable the Finance Member's Budget speeches and the Financial Secretary's explanatory memoranda.

IMPORT OF IRON AND STEEL GOODS AND THE CUSTOMS DUTY REALISED THEREON.

83. THE HONOURABLE MR. HOSSAIN IMAM : Will Government lay on the table a statement giving information about the quantity imported, and the customs duty realised, on the following items of iron and steel goods imported from (a) United Kingdom, (b) non-Empire countries : structurals, bars, plates, black sheets and galvanised sheets ?

THE HONOURABLE MR. H. DOW : The latest available information is contained in Volumes I and II of the Annual Statement of the Sea-borne Trade of British India for the year ending 31st March, 1935, the Monthly Accounts relating to the Sea-borne Trade and Navigation of British India for July, 1936 and the *Indian Trade Journal*, dated the 10th September, 1936. Copies of these publications are in the Library.

IMPORT OF IRON AND STEEL GOODS FROM THE UNITED KINGDOM AND NON-EMPIRE COUNTRIES.

84. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state whether it is a fact that between the years 1931-32 and 1935-36, the value and the quantity of protected iron and steel goods imported from the United Kingdom has greatly increased while the value and quantity of such goods

imported from non-empire countries have heavily fallen? Will Government lay on the table a statement showing the actual figures?

THE HONOURABLE MR. H. DOW: The Honourable Member is referred to the special statistics of imports of protected descriptions of iron and steel materials into British India published in the *Indian Trade Journal*, copies of which are in the Library.

VALUE OF PREFERENCE TO THE UNITED KINGDOM ON IRON AND STEEL GOODS IMPORTED INTO INDIA IN 1935-36.

85. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the value of preference to the United Kingdom on iron and steel goods imported into India during the last financial year (as evaluated in the reports on the working of the Ottawa Agreement)?

THE HONOURABLE MR. H. DOW: The items of iron and steel manufactures on which preferential duties are levied are relatively small in value and as they cover a great variety of miscellaneous items for some of which separate figures of imports are not available in the Trade Returns, the amount of advantage cannot readily be calculated.

LOSS IN CUSTOMS INCOME ON IRON AND STEEL GOODS DUE TO REDUCTION IN RATES OF DUTY BY THE IRON AND STEEL DUTIES ACT, 1934.

86. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state the loss in customs income on iron and steel goods due to reduction by the 1934 Act as estimated by the Tariff Board, as estimated by the Commerce Department and the actuals of the last two financial years?

THE HONOURABLE MR. H. DOW: I would refer the Honourable Member to paragraph 119 of the Tariff Board's Report on Iron and Steel Industry, 1934. Taking the year 1932-33 as a basis of comparison, the Board estimated that the total loss in revenue per annum would be roughly Rs. 60 lakhs but they disclaimed any finality for this estimate. During the discussions on the Iron and Steel Duties Bill, the Government of India estimated the loss at Rs. 25 to Rs. 30 lakhs. The customs revenue collected from protected iron and steel in the year 1932-33 amounted to Rs. 1 crore 10 lakhs. The collections in the last two financial years were Rs. 79 lakhs and Rs. 91 lakhs respectively. It may be mentioned that the revised rates of duties came into force only from the 1st November, 1934.

GROSS CIRCULATION OF CURRENCY ON 1ST APRIL, 1935, 31ST MARCH, 1936 AND 30TH JUNE, 1936.

87. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether the total gross circulation of currency on 1st April, 1935, 31st March, 1936 and 30th June, 1936, was about the same? If not, what are the facts? Was the currency in active circulation on 30th June, 1936 less than

on 1st April, 1935? Will Government state the corresponding currency position in England?

THE HONOURABLE MR. J. C. NIXON: I am afraid that the total currency in circulation in India or in England is not known. The facts about the *paper* currency circulation in both countries are published regularly.

EXPANSION OF CURRENCY BY THE BANK OF ENGLAND AND EXCHANGE VALUE OF THE STERLING.

88. THE HONOURABLE MR. HOSSAIN IMAM: Will Government state whether the Bank of England has expanded currency by about ten per cent. during the first four months of the current financial year and increased its gold assets by over twenty-one per cent.? Do Government propose to follow the Bank of England? Has the sterling improved in terms of gold dollar and franc.

THE HONOURABLE MR. J. C. NIXON: The Honourable Member will find the figures of the circulation of notes in England and of the exchange value of sterling in the *Economist* or any other financial paper of repute. The expansion or contraction of currency in India is a matter for the Reserve Bank.

1. REDUCTION OF THE BANK RATE BY THE RESERVE BANK OF INDIA.

89. THE HONOURABLE MR. HOSSAIN IMAM: Will Government inform the House as to the steps, official and demi-official, taken by the officers of the Finance Department in the matter of the reduction of the Bank rate by the Reserve Bank last year?

THE HONOURABLE MR. J. C. NIXON: The fixation of the Bank rate is the concern of the Reserve Bank of India under Section 49 of the Reserve Bank Act. Consultations between the Finance Department and the Reserve Bank on matters of this kind are informal and confidential. I am, therefore, unable to give any information on the subject.

POST OFFICE CASH CERTIFICATES.

90. THE HONOURABLE MR. HOSSAIN IMAM: (a) Did the Government introduce a new issue of Post Office five-year cash certificates with effect from the 1st July, 1936?

(b) Is the purchase value of these cash certificates higher than that of the previous issue of cash certificates?

(c) Did the Government issue a confidential order regulating the procedure to be followed in the matter?

(d) Were some cash certificates of the previous issue of higher denominations sold from the Jalpaiguri Head Post Office after receipt of Government's confidential communication in connection with the new issue of cash certificates?

(e) Is one of the purchasers of the previous issue of cash certificates an officer of the Postal Department at Jalpaiguri who was supplied by the Postal Department with a copy of Government's confidential communication?

(f) Was the previous issue of cash certificates purchased by the postal officer referred to above and others before the stock of these cash certificates was returned to the Office of the Deputy Accountant General of Posts and Telegraphs, Calcutta by the Postmaster of the Jalpaiguri Head Post Office ?

THE HONOURABLE MR. A. G. CLOW : The reply to all the parts of the question is in the affirmative ; but I should like to add that the circular referred to in part (c) did not give the purchase-price of the new certificates and that the old certificates were available for public purchase for some time after the issue of the circular.

NON-OBSERVANCE OF THE CONFIDENTIAL CHARACTER OF THE ORDER IN CONNECTION WITH THE FIRST ISSUE OF CASH CERTIFICATES BY POSTAL OFFICERS IN JALPAIGURI.

91. THE HONOURABLE MR. HOSSAIN IMAM : Will Government please state whether the confidential character of their order in connection with the first issue of cash certificates was not observed by the postal officers of Jalpaiguri (Bengal) and whether it was also communicated to other purchasers ? What steps do Government propose to take against the officer responsible for the divulgence of official secrets causing loss of Government money ?

THE HONOURABLE MR. A. G. CLOW : As regards the first part, Government have at present no evidence to show that the confidential character of the order was not observed. The latter part of the question does not therefore arise.

AMOUNT OF CASH CERTIFICATES SOLD AT THE JALPAIGURI POST OFFICE BY THE END OF JUNE, 1936.

92. THE HONOURABLE MR. HOSSAIN IMAM : Will Government please state :

(a) What is the amount of cash certificates sold from Jalpaiguri Post Office in the last week of June, 1936 after the receipt of the Government communication referred to in the preceding question ?

(b) What is the amount of cash certificates sold in the corresponding period of the three previous months from Jalpaiguri Post Office ?

(c) What is the reason for the rush of sale of cash certificates in the last week of June, 1936 ?

THE HONOURABLE MR. A. G. CLOW : (a) Rs. 4,088-4-0.

(b) March, 1936—Rs. 15,525-0-0.

April, 1936—Rs. 862-0-0.

May, 1936—Rs. 2,156-4-0.

These figures relate to the period from the 24th of each month to the end of the month.

(c) The figures do not show that there was any special rush in the sale of cash certificates during the last week of June.

EXTENSION OF THE CANTONMENT ACT TO CERTAIN VILLAGES IN THE NEIGHBOURHOOD OF JHELUM CANTONMENT ?

93. THE HONOURABLE RAJA GHAZANFAR ALI KHAN : (a) Will Government be pleased to state whether it is contemplated to extend certain provisions of the Cantonments Act to the villages in the neighbourhood of the Jhelum Cantonment ?

(b) Are Sailsa and Idgah villages included in the above proposal ? Will Government be pleased to state how much land owned by the agriculturists of these two villages has already been acquired by the Cantonment ?

(c) Is it a fact that these villages are under the jurisdiction of the District Board, Jhelum, and when Government asked the aforementioned Board to express their opinion whether there was any objection to the Act being applied to these villages, the District Board unanimously resolved that the provisions of the Cantonments Act should not be applied to these villages ?

(d) Will Government be pleased to state whether in view of the unanimous opinion of the elected representatives of these villagers the idea of applying the Act to these villages has been dropped ? If not, will Government be pleased to state the reasons for not accepting the opinion of the District Board ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : With your permission, Sir, I would reply to questions Nos. 93 and 94 together.

The information has been called for from local authorities and a reply will be laid on the table in due course.

CANTONMENTS IN THE NORTHERN COMMAND AND UNDER THE JURISDICTION OF DISTRICT BOARDS AND MUNICIPAL COMMITTEES TO WHICH THE CANTONMENTS ACT HAS BEEN EXTENDED.

94. THE HONOURABLE RAJA GHAZANFAR ALI KHAN : (a) Will Government be pleased to state how many cantonments in the Northern Command have extended the provisions of the Cantonments Act to the villages which are under the jurisdiction of other local bodies such as district boards and municipal committees ?

(b) Will Government be pleased to ascertain whether the residents of these villages can financially afford to comply with the provisions of the Cantonments Act ?

(See reply to question No. 93.)

RECRUITMENT OF SAYYADS IN THE INDIAN ARMY.

95. THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Will Government be pleased to state how many Sayyads have been recruited in the Indian Army since His Excellency the Commander-in-Chief announced in the Council of State that there was no restriction to Sayyads being enlisted in the army ? If the answer be in the negative, will Government state why no practical step has been taken after the announcement by His Excellency on the subject ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The reply to the first part is that 85 Sayyads have since been recruited to the Indian Army. The second part does not arise.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Are these 85 Sayyads enlisted in the infantry or cavalry or in some non-combatant units?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: I need notice of this question but I think the reply to one of the later questions will probably provide the answer.

NUMBER OF REGIMENTS WHICH ENLIST PUNJABIS HAVE SAYYADS AS A SUB-CLASS.

96. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Will Government be pleased to state how many regiments which enlist Punjabis have included the Sayyads in their sub-caste?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: With your permission, Sir, I will reply to questions Nos. 96 and 102 together. I lay on the table a statement showing the information asked for.

From the numbers serving in the Indian Army on 1st January, 1936 it appears that the units enlisting Punjabi Musalmans who include Sayyads in their sub-class composition are as follows:

Indian Cavalry—

Hodson's Horse.

Artillery—

Royal Artillery Training Centre.

Sappers and Miners—

K. G. O. Bengal Sappers and Miners.

Royal Bombay Sappers and Miners.

Indian Infantry—

1/14th Punjab Regiment.

2/16th Punjab Regiment.

4/16th Punjab Regiment.

Royal Indian Army Service Corps—

Nos. 13, 29 and 31 A. T. Coys. (Mule).

Indian Army Veterinary Corps—

POLICY WITH REGARD TO THE RECRUITMENT OF PUNJABI MUSALMANS.

97. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Will Government be pleased to state whether Army Headquarters have an agreed quota for each sub-caste of the Punjabi Musalmans regarding their total strength in the army? If so, what is the quota for Sayyads? If not, why not?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The general policy with regard to the recruitment of Punjabi Musalmans is as stated by my predecessor in the debate in this House on 14th March, 1935 regarding the enlistment of Sayyads in the Indian Army. The question of fixing a quota for sub-classes does not therefore arise; nor has any been fixed.

NUMBER OF REGIMENTS WHICH HAVE ASKED FOR SAYYADS DURING THE LAST FIVE YEARS.

98. **THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Is it a fact that the Officers Commanding various regiments when requiring fresh recruits write to the recruiting officers of various circles to supply men from those sub-castes only which they mention in the letters. If so, will Government be pleased to state how many regiments, if any, during the last five years asked the recruiting officers of the various recruiting circles in the Punjab to enlist Sayyads? If not, what are the reasons?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The answer to the first part is in the affirmative. An answer to the second part would entail a reference to all the recruiting officers concerned. This would involve an expenditure of time and labour which would be incommensurate with the value of the result.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Will His Excellency the Commander-in-Chief kindly ask only from the Recruiting Officer, Rawalpindi?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I see no harm in this. I will do so.

RULING OUT PARTICULAR CLASSES FROM ENLISTMENT IN THE INDIAN ARMY BY OFFICERS COMMANDING REGIMENTS.

99. **THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Will Government be pleased to state if it is within the powers of the Officers Commanding to practically rule out particular classes from enlistment in the army not by virtue of written orders but by merely refusing to enlist them?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I would again refer the Honourable Member to my predecessor's speech in this House on 14th March, 1935.

POLICY WITH REGARD TO RECRUITMENT FOR THE INDIAN ARMY.

100. **THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Will Government be pleased to state whether the general policy of the Military Department with regard to the recruitment in the army is to narrow down the circle of their choice for getting recruits or to extend it? If the policy is in favour of the former method will they please give reasons?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The policy is to recruit those classes which have proved themselves in the past.

STEPS TAKEN TO SUPPLY TO OFFICERS COMMANDING REGIMENTS GIST OF THE DEBATE ON THE RESOLUTION *re* ENLISTMENT OF SAYYADS IN THE INDIAN ARMY.

101. **THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Will Government be pleased to state what steps, if any, were taken by Army Headquarters to communicate to the Officers Commanding of the various

regiments a gist of the debate which took place on the Resolution regarding enlistment of Sayyads in the Army during the Delhi Session of 1934 ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : For the reasons given in reply to question No. 145 in the Council of State on 30th March, 1936, Government did not communicate the gist of the debate which took place in this House on the Resolution regarding enlistment of Sayyads in the army during the Delhi Session, 1935, to which, I presume, the Honourable Member is referring.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Will the Government be pleased to state how did the Officers Commanding various units come to know that His Excellency the Commander-in-Chief has declared that there is no restriction on the enlistment of Sayyads ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : The only answer I can give is that Commanding Officers are already well aware of the full orders on the subject.

NUMBER OF PUNJABI REGIMENTS WHICH ENLIST SAYYADS.

102. **THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Will Government be pleased to state the names and the number of Punjabi Regiments who in the normal course enlist Sayyads in the army ?

(See reply to question No. 96.)

NUMBER OF REGIMENTS THAT USED TO ENLIST SAYYADS BEFORE AND DURING THE WAR BUT WHO DO NOT NOW DO SO.

103. **THE HONOURABLE RAJA GHAZANFAR ALI KHAN :** Will Government be pleased to state whether there are some regiments who used to enlist Sayyads before and during the war but have since ceased to do so ? If so, for what reasons ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : I lay on the table a statement showing the units which used to enlist Sayyads before and during the war but have now ceased to do so. The non-enlistment of Sayyads is due in some cases to revision of the main class composition ordered by Army Headquarters. In other cases the Officers Commanding units are acting under the discretionary powers vested in them, as mentioned in the answer given to question No. 99.

List of units which used to enlist Sayyads before and during the war but have ceased to do so now.

Indian Cavalry—

5th and 7th Groups.

Indian Infantry—

- 1st Punjab Regiment, 1st and 2nd Battalions.
- 2nd Punjab Regiment, 1st and 5th Battalions.
- 4th Bombay Grenadiers, all Battalions.
- 8th Punjab Regiment, 2nd and 5th Battalions.
- 10th Baluch Regiment, 2nd and 5th Battalions.
- 11th Sikh Regiment, 1st and 3rd Battalions.
- 12th F. F. Regiment, 1st, 2nd and 4th Battalions.
- 13th F. F. Rifles, 1st and 5th Battalions.
- 14th Punjab Regiment, 3rd Battalion.
- 15th Punjab Regiment, 1st Battalion.

SEPARATE PLATOONS FOR SAYYADS IN PUNJABI REGIMENTS.

104. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Do Government propose to consider the desirability of having separate platoons for Sayyads in a few Punjabi regiments ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The segregation or otherwise of sub-classes into separate sub-units is a matter for decision by the Officer Commanding the unit concerned. Army Headquarters do not propose to interfere in the detailed organisation of units, since the necessity for such interference is not apparent.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: If it is brought to the notice of Government that a particular sub-caste has not been enlisted by any Officer Commanding a regiment, will they please consider the desirability —

THE HONOURABLE THE PRESIDENT: Order, order. That is a hypothetical question and I disallow it.

ENLISTMENT OF MUSLIM JATS AND GUJARS IN THE INDIAN ARMY FROM THE RAWALPINDI RECRUITING AREA.

105. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Will Government be pleased to state whether Muslim Jats and Gujars are enlisted in the army from the Rawalpindi recruiting area ? If not, why not ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: The answer to the first part of the question is in the affirmative.

The second part does not arise.

SALT MINING IN THE JHELM DISTRICT.

106. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Will Government be pleased to state whether they contemplate starting salt mining in the hills round Jotana (Jhelum District) ? If so, when do they propose to begin the work ?

THE HONOURABLE MR. J. C. NIXON: Government are carrying out certain preliminary investigations to ascertain whether the area in question can be exploited with profit.

DAMAGE CAUSED TO AGRICULTURAL LANDS BY THE KHEWRA SALT MINES.

107. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: (a) Are Government aware that as a result of the working of the Khewra Salt Mines considerable damage has been caused to the area around Khewra ? If so, do they propose to take every possible precaution to prevent the mischief from extending to the area where new mining is to be started ?

(b) Will Government please give a definite assurance that no dust salt will be allowed to accumulate outside the mouth of the mines which is carried away by floods during the rainy season and spoils agricultural land ?

(c) Will Government be pleased to consider the desirability of giving employment in the new mines to the residents of neighbouring villages ?

THE HONOURABLE MR. J. C. NIXON : (a) and (b). The question of the precautions to be taken in connection with any new mines will be considered along with the general question of salinification of agricultural lands when the Government of India have received the Punjab Government's views on the report of the expert officer who has investigated the matter.

(c) The Honourable Member's suggestion will be brought to the notice of the Commissioner, Northern India Salt Revenue.

DAMAGE CAUSED BY THE SALT RANGE AND KHEWRA SALT MINES TO AGRICULTURAL LANDS.

108. THE HONOURABLE RAJA GHAZANFAR ALI KHAN : (a) Will Government be pleased to state whether a report of the debate which took place in the Council of State during the Delhi Session, 1934, regarding damage caused by the Salt Range was forwarded to the Punjab Government? Is it a fact that the Punjab Government appointed an expert, Dr. Landers, to investigate into the matter and report?

(b) Will Government be pleased to state whether the said officer has submitted his report? If so, will Government please circulate copies of this report or place a copy of the same on the table?

(c) Will Government be pleased to state whether the Punjab Government have formulated their own views on Dr. Lander's report? If so, what are those and whether the Government of India concurs in their views?

(d) Will Government be pleased to state whether Dr. Lander's report reveals that the mines are directly responsible for a certain amount of damage? If so, what compensation do Government propose to pay to those people who have been affected by the damage caused by the mines?

THE HONOURABLE MR. J. C. NIXON : (a) to (d). The Honourable Member is presumably referring to the debate in the Council of State on his Resolution on this subject which took place in March, 1935. If so, his attention is directed to the answers given by the Honourable Mr. A. J. Raisman to his question No. 156 and to his supplementary questions on the 30th March, 1936. The Government of India are still awaiting the results of the Punjab Government's examination of Dr. Lander's report. I may add that the Government of India intend to place at the disposal of the Punjab Government from the Rural Development Fund, in addition to the ordinary grant allocated to that province, a special grant to be devoted to the improvement of conditions in the area in question.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Will the Government be pleased to give an undertaking that they will make the report of that officer available to Honourable Members of this House?

THE HONOURABLE MR. J. C. NIXON : I can give no such undertaking at this stage, Sir.

NUMBER OF MINERS' BOOKS CONFISCATED DURING THE LAST THREE YEARS.

109. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: (a) Will Government be pleased to state how many books of the miners were confiscated during the last three years?

(b) Is it a fact that during the last 12 months the penalty of taking away books has been more common than heretofore?

(c) Will Government be pleased to state whether there are any particular offences for which a miner is turned out of the mines, or is it done arbitrarily by the officer concerned?

THE HONOURABLE MR. J. C. NIXON: (a) During the past three years only one miner's book has been confiscated and that was for continued unsatisfactory work followed by disorderly conduct. The case is still under consideration.

(b) No.

(c) A miner may be turned out of the mine temporarily for misconduct, disobedience of orders or breach of mining rules. The penalty of dismissal is only resorted to in extreme cases, and as will be seen from the answer to (a) and (b) above such extreme action is rare. Disciplinary action against the miners is only taken after thorough investigation and due consideration of all the facts of the case by the highest local authority.

GENERAL DESIRE OF MINERS THAT THE NAME "LABOUR UNION" BE CHANGED TO "MINERS UNION."

110. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: (a) Will Government be pleased to state if there is a general desire among miners that the name "Labour Union" be changed to "Miners Union"?

(b) Will Government please state whether they have any objection to this change?

(c) Will Government be pleased to state whether there are any rules written or unwritten under which a lambardar or a contractor cannot join the Union?

THE HONOURABLE MR. J. C. NIXON: (a) So far as Government are aware no request for changing the name has been submitted by the Labour Union.

(b) Subject to the provisions of the Indian Trade Union Act, it is unlikely that Government would object to the change.

(c) I am not aware of any such rules.

GRANT OF PROVISION PASSES TO EMPLOYEES IN THE RAWALPINDI DIVISION, NORTH WESTERN RAILWAY.

111. THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Will Government be pleased to state if it is a fact that the Anglo-Indian and European staff in the Railway Department (Rawalpindi Division) are given passes for Rawalpindi or Lahore to get provisions, but the same concession is denied to the Indian staff even if they are senior subordinates? If so, will Government state the reasons for this racial distinction?

THE HONOURABLE SIR GUTHRIE RUSSELL : Provision passes are issued to employees for certain stations which have been fixed as centres of supplies according to their respective requirements. Under a long-standing arrangement, Rawalpindi and Lahore are the centres of supplies for the European and Anglo-Indian staff stationed at certain roadside stations on the Rawalpindi Division, as at the time these stations were selected, their requirements could readily be obtained only at these stations. Rawalpindi is also a centre of supplies for the Indian staff posted at certain roadside stations on the Rawalpindi Division, but Lahore is not, as there are other stations situated nearer than Lahore at which the requirements of the Indian staff can easily be obtained.

The increase in the last few years in the number of stations at which supplies can be obtained for all classes has led the Administration to make an examination of the existing centres of supply throughout the system. This examination is now in hand.

STATEMENTS LAID ON THE TABLE.

OBJECTS ON WHICH THE AVIATION SHARE OF THE PETROL TAX FUND WAS EXPENDED DURING 1935-36.

THE HONOURABLE MR. A. G. CLOW (Industries and Labour Secretary) : Sir, I lay on the table a statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during 1935-36.

Statement showing the objects on which the Aviation share of the Petrol Tax Fund was expended during 1935-36.

Object.	Expenditure.
	Rs.
1. Financial assistance to four ground engineer apprentices and scholarship to a research scholar, in England	*14,460
2. Lighting of W/T masts at Mingaladon (Rangoon)	2,598
3. Provision of a sun beacon at Jodhpur	1,862
4. Provision of an Osira floodlight at Safdar Jang's tomb near the New Delhi aerodrome	3,929
5. Provision of a beacon at Hyderabad	15,000
6. Purchase of an altigraph	175
7. Training of Indians in wireless telegraphy	3,697
8. Purchase of spares for the wind T indicator installed at Karachi Air Port	468
9. Experimental floodlighting of the obstructions to the west of the Civil Aerodrome at Bombay (Juhu)	267
10. Provision of portable Neon lights for trial at certain aerodromes (New Delhi and Karachi)	2,560
11. Provision of loud speakers in the buildings at New Delhi aerodrome	1,648
12. Experimental equipment of an aeroplane with armourplate glass wind-screens	100
13. Grant for additional travelling allowance and miscellaneous expenses to ground engineer apprentices	130
14. Provision of a Westinghouse beacon at Sukkur (Experiment abandoned)	12
15. Installation of a G. E. C. Neon beacon at New Delhi	1,850
Total	48,756

*Revised estimate ; actual expenditure not yet known.

REPRESENTATION OF MINORITY COMMUNITIES IN THE OFFICE OF THE DIRECTOR OF ARMY AUDIT.

THE HONOURABLE MR. J. C. NIXON (Finance Secretary) : Sir, I lay on the table the information promised in reply to questions Nos. 178 and 179 asked by the Honourable Mr. Mahmood Suhrawardy on the 17th April, 1936.

Question No. 178.—(a) It is a fact that owing to various causes there is a large proportion of Hindus in the Defence Services, Audit Branch : it is not a fact that the rights of minority communities are not properly safeguarded.

(b) The rules regarding communal proportions are strictly observed.

Question No. 179.—(a) No ; but the Headquarters staff of the Director of Audit Defence Services, draw compensatory allowances.

(b) Government do not consider any special directions necessary.

NUMBER OF INDIANS APPOINTED TO THE SUPERIOR SERVICE IN THE TRAFFIC AND AUDIT DEPARTMENT, ASSAM BENGAL RAILWAY.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner of Railways) : Sir, I lay on the table the information promised in reply to question No. 105 asked by the Honourable Mr. Jagadish Chandra Banerjee on the 18th March, 1936.

Government are informed as follows :

(a) One in the Traffic Department, but none in the Audit Department.

(b) The appointment was made by the Agent and confirmed by the Board of Directors of the Assam Bengal Railway. The qualifications of the man appointed are as follows :

(i) Brunel Medalist, Railway Department London School of Economics and Political Science, University of London, 1931.

Obtained the following diplomas :

(ii) First class First-Railway Law, 1931.

(iii) First class Operating Railway Economics, 1931.

(iv) First class Commercial Railway Economics, 1930.

Practical training with the London Midland and Scottish Railway, Great Britain, in course of which passed very creditably the Railway Accounts (Passenger and Parcel and Signalling Block Telegraph Rules) Examinations.

(c) The Financial Commissioner, Railways, forwarded the application of an Indian trained in England to the Agent, Assam Bengal Railway, in 1933. The reply to the latter part of the question is in the affirmative.

GOVERNMENT CARGO SHIPPED ON THE INDIAN COAST.

THE HONOURABLE MR. H. DOW (Commerce Secretary) : Sir, I lay on the table the information promised in reply to question No. 171 asked by the Honourable Sir Phiroze Sethna on the 15th April, 1936.

(a) and (b). A statement giving the required information is attached.

(c) Yes, but the passage quoted had reference to naval, military and marine stores only and not to all Government and railway stores as appears to be implied in the question. The position regarding the other classes of stores, viz., (1) stationery stores, (2) telegraph stores and (3) railway stores was also explained in the letter referred to.

(d) and (e). The question has been receiving careful consideration but the present is not considered to be an opportune time to make any change in the existing arrangements. The position will be reviewed at an early date.

Statement showing the quantity in tons of stationery ; telegraph ; naval, military and marine ; and railway stores shipped in Indian and non-Indian ships on the Indian coast during the period 1931—1936.

Year.	Stationery stores.			Telegraph stores.			Naval, military and marine stores.			Railway stores.		
	Indian ships.	Non-Indian ships.	Total.	Indian ships.	Non-Indian ships.	Total.	Indian ships.	Non-Indian ships.	Total.	Indian ships.	Non-Indian ships.	Total.
1931-32	Ni	287	287	} Figures not available.			230	3,915	4,145	Ni	2,32,840	2,32,840
1932-33	Ni	322	322				58	5,016	5,974	Ni	2,03,500	2,03,500
1933-34	8½	243½	252	1,411	6	1,417	104	4,702	4,806	Ni	1,77,950	1,77,950
1934-35	27	289	316	1,391	471	1,762	45	4,390	4,435	Ni	1,83,846	1,83,846
1935-36	13	294½	307½	3,620	910	4,530	18	6,165	6,183	Ni	2,20,864	2,20,864

TECHNICAL AND SPECIAL POSTS.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, I place on the table two statements containing the information promised by Mr. Sloan on the 28th September, 1935 in reply to the Honourable Rai Bahadur Lala Mathura Prasad Mehrotra's question No. 131 regarding technical and special posts.

Statement showing Technical posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935.

Department or Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Service on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
D. G., I. M. S.	Mr. C. D. Solomon	Technical Assistant, Medical Stores Section.	X Standard. Had training at the Medical Store Depot, Rangoon.	200—12—440	Rs. 404	Y. M. 25 3	Transferred from the Medical Store Depot, Rangoon.
	Mr. D. D. Mathur	Photographer	Matriculate. Had special training in photography.	150—5—250	210	14 0	Direct.
D. G. A. in India.	Mr. G. Sufi	Draftsman	I. A.	Do.	200	8 11	Do.
	Mr. Suffri Ram	Photo printer	Practical knowledge of photography.	30—1—50	50	29 0	Promoted from Jemadar's post.
Central Standards Office (Railway Board).	Mr. D. W. Runciman	Head Mechanical Draftsman.	Possesses practical drawing office and Railway workshop experience.	400—15—550	505	5 3	Advertisement followed by test in Central Standards office.
	Mr. K. P. Chatterjee	Head Structural Draftsman.	Do.	300—25/2—400	300	1 3	Do.
Central Standards Office (Railway Board).	Mr. P. Oliver	Senior Draftsman	Do.	300—15—450	450	6 2	Do.
	Mr. W. Collins	Do.	Do.	Do.	315	6 1	Do.
	Mr. Ram Singh	Do.	Do.	Do.	345	23 3	Do.

STATEMENTS LAID ON THE TABLE.

Mr. Mohsin Ali	Do.	Do.	Do.	315	9 7	Do.
Mr. Mohd. Khalil	Do.	Do.	Do.	300	11 4	Do.
Mr. G. B. Sahas	Do.	Do.	250-10-350	250	Joined on 7th August 1935.	Do.
Mr. K. McEwen	Junior Draftsman (A).	Do.	160-6-220	160	3 3	Do.
Mr. B. L. Padar	Do.	Do.	Do.	160	1 3	Do.
Mr. J. S. Bhalla	Do.	Do.	200-10-280	200	8 6	Do.
Mr. R. Krishnaswamy	Do.	Do.	Do.	200	4 9	Do.
Mr. Wasig Mohd.	Do.	Do.	Do.	200	17 3	Do.
Mr. A. M. Mengon	Do.	Do.	Do.	200	Joined on 21st Au- gust, 1935.	Do.
Mr. Noor Mustafa	Junior Draftsman (B).	Do.	100-8-260	122	6 1	Do.
Mr. K. B. Gupta	Do.	Do.	Do.	240	14 3	Do.
Mr. Kishen Singh	Do.	Do.	Do.	228	17 9	Do.
Mr. Mirza Mohd. Sarwar	Do.	Do.	Do.	228	16 9	Do.
Mr. Abdul Rahim	Do.	Do.	Do.	164	8 1	Do.
Mr. G. Perabed	Do.	Do.	Do. (provisional).	100	Joined on 21st Au- gust, 1935.	Do.

Statement showing Technical posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935—contd.

Department or Office.	1	2	3	4	Grade.	Pay.	Service on 1st September, 1935.	Mode of recruitment.
Central Standards Office (Railway Board)— contd.	Mr. Rur Singh ..	Tracer ..	..	Rs. 75-5-150	Rs. 150	Y. M. 22 4	Advertisement followed by test in Central Standards Office.
	Mr. Abdul Hafiz Khan ..	Do. ..	Do. ..	Do.	125	10 3	Do.	
	Mr. Ronald Savedra ..	Do. ..	Do. ..	Do.	110	8 1	Do.	
	Mr. Robert Savedra ..	Do. ..	Do. ..	Do.	110	8 1	Do.	
	Mr. Madan Mohan Lall ..	Do. ..	Do. ..	Do.	100	8 4	Do.	
	Mr. D. N. Banerjee ..	Do. ..	Do. ..	Do.	100	5 1	Do.	
	Mr. Devi Ram ..	Do. ..	Do. ..	Do.	100 (6 P.P.)	17 9	Do.	
	Mr. Mohd. Din ..	Do. ..	Do. ..	Do.	150	16 1	Do.	
	Mr. Deulat Singh ..	Do. ..	Do. ..	Do.	130	11 0	Do.	
	Mr. Abdul Rahman Khan ..	Do. ..	Do. ..	Do.	115	8 4	Do.	
	Mr. Nasir Ahmad ..	Do. ..	Do. ..	Do.	110	8 1	Do.	
	Mr. Gurbaksh Singh ..	Do. ..	Do. ..	Do.	110	8 1	Do.	

D.I.B., (G.E.Q.-D.'s Office).	Mr. S. L. Ghose	..	Do.	..	60-2-80-3	62	1 2	Do.
Defence Department.	Mr. G. Gaynor	..	Do.	..	125.	62	1 2	Do.
	Mr. A. R. Khan	..	Do.	..	Do.	62	1 2	Do.
Commerce Department.	Mr. W. R. Wilkhu	..	Do.	..	Do.	62	1 2	Do.
	Mr. Mohd. Yusuf Shah	..	Do.	..	Do.	60	0 3	Do.
D. C. A.	Mr. Ram Lok Sud	..	Do.	..	Do.	60	0 1	Do.
	Mr. Nand Lal	..	Photographer	..	Do. (provisional) 100-7-240	121	3 5	By selection from among several applicants. Appointed direct prior to the issue of the existing recruitment order. Transferred from the office of the Indian Stores Department.
D. C. A.	Mr. G. A. Beg	..	Draftsman	..	75-5-150	120	10 6	By selection from amongst several candidates.
	Mr. Bhag Mal	..	Do.	..	100-7-275	156	10 6	
D. C. A.	Mr. Baij Nath	..	Do.	..	100-5-160 8-200	185	9 4	

Matriculate. Studied photography privately.

Had practical knowledge of the work required of a draftsman.

Studied up to Matric. International Corra. School of London. Studied as a Mech. draftsman. 6 years' practical experience as draftsman in the Survey of India Drawing Office.

Studied up to Inter. Diploma holder from H.E. School, Lucknow, as overseer. Had 9 months war service at his credit as overseer in Iraq. Served from 1922-1930 in the Punjab P. W. D. as overseer in Buildings and Roads Branch and as Road Inspector and Overseer in Irrigation Branch.

Statement showing Technical posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935.—contd.

Department or Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Service on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
D. C. A.—contd.	Mr. Balrishna	Draftsman	F. Sc. (non-Medical). Passed as Upper Grade Overseer (with credit) from the Government School of Engineering, Nagpur. Worked for about two years with a railway contractor and in an Engineering Firm as supervising overseer and draftsman. Studied upto the 8th Class. Possesses practical experience as draftsman extending over several years.	Rs. 80-4-100— 5-150	Rs. 94	Y. M. 1 8	By selection from amongst several candidates.
D. G. R. and T.	Mr. Ghulam Hoosain	Do.		55-5-155	155	7 6	Recruited from a subordinate office.
C. C., I. S. D.	Mr. S. M. Nasir	Head Draftsman	B.Sc., (Civil Engineering, Durham), Member of Royal Sanitary Institute (London) Apprentices for about a year with P. W. D. (Health Services) and for about two months with Messrs. George Kent Ltd., Engineers, Luton and London.	250-10-350	250	0 6	By advertisement.

Mr. Laxer Singh ..	Senior Draftsman ..	Middle School Examinations Trained Mechanical Draftsman, Amara Bengal Railway Workshop, Bahartali.	120-8-200	200	10 9	Direct.
Mr. A. K. Bakshi ..	Do. .. (Officiating as Examiner of Stores).	B.Sc. (Engineering) ..	Do.	160	4 9	By advertisement.
Mr. S. K. Musumdar	Senior Draftsman	Mechanical Engineering Course of Bengal Technical Institute.	Do.	160	4 9	Do.
Mr. A. C. Musumdar	Senior Draftsman (Officiating as Senior Draftsman vice Mr. Bakshi), Shyampur.	Matriculate. Full course certificate in Mechanical and Electrical Engineering from B. E. College, Shyampur.	95-5-120	128 (as senior draftsman).	11 9	Do.
Mr. Ahmad Ali ..	Officiating Junior Draftsman vice Mr. A. C. Musumdar.	Completed the course of Mechanical Draftsman from the International Correspondence School of England. Practical training in Workshop for two years. Experience in different Government Departments for 20 years as a Head and Assistant Draftsman.	80-4-100	84	1 0	Direct to fill an officiating vacancy.
Mr. Musaffar Ahmad ..	Junior Draftsman ..	Trained Draftsman, East Indian Railway.	95-5-120	120	11 2	By promotion.
Mr. Ganpat Singh ..	Ferrotypist ..	....	45-3-75	48	16 10	Do.

Statement showing Technical posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935—*contd.*

Department or Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Service on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
C. C., I. S. D. — <i>contd.</i>	Mr. Som Dutt Dossaj ..	Tracer ..	Metric and S. L. C. Certificate in Mechanical Engineering of the V. D. J. Technical Institute, Lahore. Apprentice with Messrs. Siemens (India), Ltd., for one year.	Rs. 40—2—70	Rs. 40	Y. M. 1 0	Direct.
	Mr. S. M. Sen Gupta ..	Technical Assistant	M.Sc. (Cal.) Apprentice with the Tata Iron and Steel Co., Ltd., Jamshedpur for one year.	150—10—300	150	0 9	Selected from the List of candidates recommended by the P. S. C. for the post of Physical Assistant and Chemical Assistant.
	Mr. S. D. Sunawala ..	Do. ..	M.Sc. (Bombay), Associate of the Indian Institute of Science, Bangalore. Holder of certificate in soap-making awarded by the Director of Industries, Madras.	Do. ..	150	Joined on 16th September, 1935.	Do.

Statement showing Special posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935.

Department or of Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Services on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
Legislative Department.	Mr. Madan Gopal ..	Librarian ..	Read upto F. A. Holds a Punjab University Diploma of Library training and a London Library Assistant Librarian Certificate in Library routine. 15 years previous experience as Librarian in Army Headquarters.	Rs. 200—15—500	440	Y. M. 14 6	Transferred from the post of Librarian in the General Staff Branch, Army Headquarters, with the concurrence of the P. S. C.
	Mr. S. C. Roy ..	Assistant Solicitors' Branch.	Read upto Entrance Examination. Previous experience of 11 years in a Solicitors office.	200—15—500	410	15 7	Recruited direct by the Department from a Solicitor's office in Calcutta prior to the restriction of recruitment, to passed candidates.
	Mr. M. B. Ghose ..	Head of the Printing Branch.	Read upto F. A. 15 years previous experience in Government presses.	200—15—500	275	27 11	Promoted from the II Division of the Legislative Department with the concurrence of the P. S. C.

Statement showing Special posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935—contd.

Department or Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Service on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
Legislative Department— <i>contd.</i>	Mr. N. H. Ansari ..	Translator ..	M. A. (in Persian) B. T. and previous experience in translation work in the Archaeological Department.	200—10—400	230	Y. M. 3 0	Candidate selected by the Department and approved by the P. S. C.
	Mr. E. P. J. De'Sousa ..	Clerk, Solicitor's Branch.	Studied up to Matriculation. Previous experience of 12 years in the Solicitor's office.	80—4—120— 5—200	135	3 3	Do.
Legislative Assembly Department.	Mr. Abdul Majeed Hairat.	Translator ..	B. A. 5 year's experience as English Translator on the editorial staff of the <i>Faujji Akhbar</i> , G. S. Branch, A. H. Q., Simla.	120—10—325	225	11 5	Transferred from the <i>Faujji Akhbar</i> , G. S. Branch, A. H. Q., Simla.
Public Service Commission.	Miss L. S. Weller ..	Confidential Stenographer.	Senior Oxford Certificate. Trained in shorthand, typing, and computer knowledge at Fitzman's College, Southampton Row, London.	150—10—300— —12½—400	280	8 1	Direct.

	Mrs. M. Mansfield	Confidential Assistant.	Senior Oxford Certificate. Took a training in shorthand typing, book-keeping and commercial correspondence at Kensington College, London.	Rs. 100 (pro- bation) 140— 10—310—15 —400	140	1 10	Do.
Military Finance Department.	*Mr. E. J. Menzies	Clerk (with knowledge of stenography).	Passed Senior Cambridge Certificate Examination. Efficient stenographer.	60—2—80— 3—125	60	1 6	*Direct. Out of three posts only two have been filled.
	†Mr. Ganesh Das Katalyal.	Do.	Passed Post Matriculation of the Punjab University. Possesses knowledge of shorthand and type writing.	60—2—80— 3—125.	60	4 0	†Direct. Appointed in the Military Finance Department with effect from 6th December 1935.
Military Accountant General.	‡Mr. M. A. Khan	Do.	Passed I. A. examination of the Delhi University. Passed the stenographer's course examination from the Delhi College of Commerce.	75—80—4— 170.	90	4 3	‡Direct. (As present, on temporary transfer to the Office of the Auditor General.)
Department of E., H. and L.	Mr. R. Gopalan	Librarian (Imperial Library).	M.A., F. L. Z. (Trained Librarian).	200—15—500	290	10 5	Through the P. S. C.
	Mr. M. Ahamjan	Assistant Librarian	Studied up to Matriculation.	100—8—300	252	22 10	Was in service before the formation of the late Staff Selection Board and the P. S. C.
	Mr. Brij Bhushan	Do.	B.A. (Trained Librarian)	100—8—300	172	10 2	Through the P. S. C.
	Mr. Abdus Subhan	Do.	B.A., F.L.A. (Trained Librarian).	60—2—80— —125.	66	3 2	Do.
	Mr. Naurhis Ram	Assistant‡	M. A.	140—10—310 —15—400.	140	2 4	With the concurrence of the Home Department.
							‡Vacant since 14th January 1936.

Statement showing Special posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935—contd.

Department or Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Services on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
D. G. A. in India.	Mr. D. R. Sharma ..	Librarian ..	M.A., M.O.L., Had training in library work.	Rs. 120—8—160— 10—350.	190	4 3	Outside. Appointed with the approval of the Government of India.
Railway Board	Mr. Jetha Nand ..	Rates Assistant ..	Special training in Railway rates work.	140—10—310 —15—400.	370	* 1 0	Recruited from the Indian Railway Conference Association.
	Mr. S. K. Misra ..	Rates Clerk ..	Do. ..	100—8—260	280	17 0	Transferred from A. H. Q., M. G. O. Branch. *He was also in Government service 17th July 1911 to 31st December 1932 when he was permanently transferred to I.R.C.A.s non-Government office. He remained in that office from 1st January 1933 to 31st August 1934.

I. C. A. R.	Mr. Mohd. Shafi ..	Librarian ..	B.A., LL.B. ..	200—15—600	395	5 1	Through the P. S. C.
	Mr. P. S. Sundaram ..	Assistant in-charge Publication section.	B.A., M. Sc. ..	Do. ..	260	4 11	Do.
	Mr. M. Y. Burney ..	Clerk in-charge Publication section.	M.A. ..	100—8—300	116	3 11	Do.
	Mr. V. Padmanabhan ..	Do. ..	B.A. ..	Do. ..	204	13 4	Was employed in the Publication Branch I. I. A. R., Pusa and was transferred to the I. C. A. R. consequent upon the transfer of that Branch to this Department.
Defence Department.	Mr. Ajit Prasad Dube ..	Assistant for Special work connected with Cantonment water supply.	M.A. Received practical training in the work of an Executive officer of a Cantonment.	200—10—400	210	2 4	Appointed with the concurrence of the P. S. C.
	Mr. H. C. Banerjee ..	Compiler, Indian Army List.	Matriculate. Has had long and practical experience of the work connected with the compilation of the I. A. List, which is of a special nature.	300—25—500	500	23 4	Do.
	Mr. S. Avasthi ..	Assistant Compiler, Indian Army List.	M.A. Appointment to understudy the Compiler, whose work as stated above, is of a special nature.	170—12—350	242	7 3	Appointed direct prior to the issue of the existing recruitment orders.

Statement showing Special posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935—contd.

Department or Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Service on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
Military Adviser in Chief, Indian States Forces.	Mr. W. J. Broadbridge.	Assistant	1st Class Army Certificate of Education.	Rs. 200—10—400	Rs. 210	8 6 (including military service).	Through P. S. C. the
F. and P. Department (Cypher Bureau).	Mr. J. B. D'Souza	Assistant	Matriculate	200—15—500	380	26 0	}
	Mr. Goodwin	Do.	Studied upto the High School.	Do. ..	350	22 11	
	Mr. G. P. Rubie	Do.	Senior Cambridge, S. S. B. Lower Division (Secretariat).	Do. ..	320	14 0	
	Mr. R. C. Homer	Do.	F.A., S.S.B. Lower Division (Secretariat). Has also been attached to the Cypher Sections of India and Foreign Office, London.	Do. ..	245	10 4	
	Mr. J. Bailey	Stenographer ..	High School, Shorthand writer.	175—12½—375—15—450—25—500.	420	23 10		By selection from

									among suitable European and Anglo-Indian candidates.
									7 10
Mrs. F. A. Atkinson	..	Clerk	..	Studied for Senior Cambridge but did not appear for examination. S. B. Lower Division (Exemption Certificate).	100—8—300— 25—350.	164			
Mr. O. Grant	..	Do.	..	Senior Cambridge. S. B. Lower Division (Secretariat).	Do. ..	180			11 6
Miss P. E. Baxter	..	Do.	..	Studied upto the Senior Cambridge but did not appear for examination.	Do. ..	156			7 9
Mrs. B. C. Lowe	..	Do.	..	Studied upto the Junior Cambridge.	100—125 ..	100			2 7
Mrs. L. Dempster	..	Do.	..	Studied upto the Senior Cambridge but did not appear for the examination.	100 (on probation) 120— 170.	122			2 4
Mrs. G. Rees	..	Do.	..	Business and Secretariat Training at Sydenham and Pimman's College, London, Shorthand certificate 120 words per minute, typewriting 45 words per minute. Studied upto Matriculation (London).	100—125	100			2 9
Mr. C. R. delmagry	..	Do.	..	Senior Cambridge. Typewriting 47 words per minute.	60—2—80—3 125	60			0 8
Mrs. M. S. Holey	..	Do.	..	Studied upto the High School but did not appear for the examination.	100—125 ..	100			2 9

Statement showing Special posts requiring special knowledge in the Government of India Secretariat and its Attached Offices on 1st September, 1935.

Department or Office.	Name of incumbent.	Designation.	Educational and special qualifications.	Grade.	Pay.	Service on 1st September, 1935.	Mode of recruitment.
1	2	3	4	5	6	7	8
Controller of Printing and Stationery.	Mr. Fazal Karim	Assistant	Possesses knowledge of printing and conversant with the various qualities of paper used in Government printing.	Rs. 120—8—160—10—350.	Rs. 210	20 7	Promoted to the special posts with the approval of the P.S.C.
	Mr. V. Ramachandran	Do.	Conversant with compiling work. Long experience in such work in the Office of the Controller of Printing and Stationery, India.	Do.	190	10 19	
	Mr. Ram Rakhmal Soni.	Do.	All round knowledge of printing. Mr. Ramachandran is an I. A. and Mr. Soni a Matriculate.	Do.	190	14 10	
D.G., P. and T.	Mr. V. D. Chawls	Librarian	B.A. Holds degree of Proficiency in Library Science from the Punjab University. Also possesses a diploma in the knowledge of French Language from the Y.M.C.A., Lahore.	60—2—80	60	1 5	Recruited with the concurrence of the Home Department.

BILL PASSED BY THE LEGISLATIVE ASSEMBLY LAID ON THE TABLE.

SECRETARY OF THE COUNCIL : Sir, in pursuance of rule 25 of the Indian Legislative Rules, I lay on the table copies of the Bill further to amend the Cantonments Act, 1924, for certain purposes, which was passed by the Legislative Assembly at its meeting held on the 28th September, 1936.

CONGRATULATIONS TO MR. T. A. STEWART ON HIS APPOINTMENT AS A MEMBER OF THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL.

THE HONOURABLE THE PRESIDENT : Honourable Members, before we proceed with the business which we have before us today, I must refer to the gratifying news which the Council of State has heard about the appointment of Mr. T. A. Stewart as a Member of the Executive Council of the Governor General in succession to the Honourable Sir Frank Noyce. (Applause.) I refer to this matter with great gratification specially because Mr. Stewart was a Member of this Council for a period of nearly four years before he was translated a few weeks ago on special duty for the performance of some more onerous and responsible work. Many of us have known him for a long time. He came out to India and joined the Indian Civil Service in 1912 only and his rise since then has been very rapid, and I may say, almost phenomenal. In 24 years' time he has attained to one of the highest positions in the Government of India which His Majesty has been pleased to confer on him. During the first six years of his office, he was serving in the United Provinces as Assistant Commissioner and also for some time as a Joint Magistrate. Later on, in 1918, he was transferred for the first time to the Government of India and he joined the Customs Department; he also served as Rice Commissioner in Rangoon. Later on, during the period between 1925—1931, he occupied the important office of Collector of Customs both in Madras and Bombay, and in that capacity he rendered valuable services to the Finance Department of the Government of India. Early in 1932, he was transferred to the Commerce Department of the Government of India and he there performed as Additional Secretary useful work. But in 1933 he was appointed to the Commerce Secretaryship in the Government of India and since then his work has been very prominent before the public gaze.

He belonged, I may say, to that small band of young Civilians who have made their mark in the Civil Service of India by their great genius, their rare talents and their proved ability. In his work as Secretary in the Commerce Department as, you are all aware, he was the right hand man of Sir Joseph Bhore and that period of Sir Joseph Bhore's office as Commerce Member was one of the most important and anxious periods in the recent history of the Government of India. You know that at that time he was specially delegated in connection with the negotiations relating to the trade agreement with Japan, where he brought his natural talents to bear on several delicate matters and rendered excellent service to the Government of India. Further, in

[Mr. President.]

connection with the Ottawa Pact his services were highly appreciated not only in England but all over India. There have been two opinions about the justice of the Ottawa Pact but one thing remains certain that in the discussion of all important questions relating to India the final decision was based not only on the studied and expert advice given by Mr. Stewart but also by the able and prominent representatives of India who went to Ottawa to discuss those grave problems.

Further, Mr. Stewart has been again deputed to conduct the negotiations in regard to the renewal of the Trade Agreement with Japan and is doing excellent work in that connection, the result of which we will know later. After the completion of that work he will go to England for some well-earned rest till April next and after he takes charge of his new office we shall probably have frequent opportunities of meeting him again in this Council. On behalf of you all I express our heartfelt gratification and offer to Mr. Stewart our congratulations on his good fortune. (Applause.)

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House): Sir, it gives me the greatest pleasure to welcome Mr. Stewart as a colleague. I am sure he will be as great a success in his new office as he has been in the many offices which he has so far filled. As a resident of the United Provinces, I hope I shall not be accused of provincial partiality, if I say that the early training which Mr. Stewart received in my province will be of the greatest benefit to him as a Member of the Executive Council. I join with you, Sir, in offering him my sincere congratulations.

RESOLUTION *RE* NEW RAILWAY STATION AT HARDWAR.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan): Sir, I rise to move the following Resolution :

“ This Council recommends to the Governor General in Council to make provision for the building of a new railway station, with all modern conveniences for passengers, at Hardwar.”

Sir, it would have been more appropriate if this Resolution had been moved by an orthodox Hindu Member of this Council. Sir, Hardwar is, as we know, one of the most sacred places of India. It is a place of great pilgrimage. The Kumbh mela, the biggest religious fair of Hindu India, is held there after every twelfth year. Dead men's ashes are thrown into the sacred waters of the Ganges and hundreds and millions of pilgrims go to Hardwar every year for the purpose of bathing in the sacred Ganges. Now, Sir, the Resolution, therefore, affects the convenience of millions who visit Hardwar during the Kumbh mela and who visit it during all periods of the year. Sir, I have often felt that the faith of these millions who visit Hardwar is very touching and if it could be harnessed to some social purpose, we could make this a very great country. However, Sir, be that as it may, the point that I wish to emphasise is that the station at Hardwar is in a very bad condition. Now, Sir, there is a Hardwar Improvement Advisory Committee and I find from the Report of that Committee that it recommends that the Hardwar railway station should be remodelled. The Committee approached the Railway Administration and I think

the Municipal Board of Hardwar also approached the Railway Administration in this matter. Sir, the main platform according to them—(I have just been once to Hardwar myself for a short time and I cannot say anything about the railway station from personal experience—I am taking these facts from the report of the Improvement Committee)—the main platform there, Sir, needs widening. There is, except in front of the main building, no shed over it and all over the island platform, so that pilgrims are put to great inconvenience. Sir, during the rainy season the passengers and their luggage get wet. In hot weather the passengers have to bear the scorching heat of the sun. Therefore, Sir, the suggestion that the Committee make is that the platform should be covered with a tin shed.

Then, Sir, before the arrival of the trains, the pilgrims have to wait in open pens where, with the exception of a few trees, there is no shelter. The suggestion that the Committee make is that these pens should be covered as soon as possible. There is a third class waiting room but that is situated about 200 feet away from the main platform. It is not usual to allow the passengers to get on the platform until after the arrival of the train, so in their anxiety to get on the platform as quickly as possible passengers prefer to stay in the open pens which adjoin the platform. The Improvement Committee point out that the Railway Administration were asked to provide a covered shed in each of the third class waiting pens but that the railway authorities have done nothing so far. There is an overbridge there which is situated on the southern end of the platform. That is meant to connect the island platform with the main platform. This bridge is too narrow and when the rush is great it takes long to clear the passengers. Then, Sir, on the northern end there is an underground passage which was constructed in 1921. The Ardh Kumbh Mela was held in that year at Hardwar. This is used only in Kumbh and Ardh Kumbh melas.

Another complaint is that the Railway Administration have provided no steps for the parking of hackney carriages. There is no enclosure or park or road inside the railway station, and pilgrims have to walk a long way to reach the platform. Sir, Hardwar railway station pays the Railway Administration very well. The passenger traffic at Hardwar is very great. I asked some questions the other day here about the earnings from passenger traffic at Hardwar and certain answers were given by my Honourable friend, Sir Guffrie Russell. My submission would be that the Railway authorities ought to provide some conveniences for these pilgrims. It is necessary that the entire station should be remodelled at the earliest possible date, and until this is done a covered shed should be provided in each of the pens and on the island platform. The shed in front of the railway station should also be extended.

Then, Sir, I would invite the attention of the Honourable the Chief Commissioner to the proceedings of a meeting between the Divisional Superintendent of Moradabad, the Chairman of the Hardwar Municipal Board and certain members of the Hardwar Improvement Advisory Committee on September 16, 1935. At that meeting certain proposals were put forward and they were unanimously accepted. Those proposals, I understand, are now under the consideration of the Railway Administration. We should like to know, Sir, whether the stage of consideration in regard to these proposals is over and

[Mr. P. N. Saprū.]

whether the Railway Administration have arrived at any definite conclusions in regard to those proposals. Sir, the proposals which were put forward were 15 in number and with your permission, I will read out the proposals so that the House may know what they were. I am reading out from the Report :

“ 1. Filling up of the III class pen adjacent to the station entrance providing a circulating area for upper class passengers with booking and parcel offices, so that such passengers can drive right up to the station entrance instead of having to walk from the present booking office. The present practice is necessary as the station is on built-up ground, and there is no room to allow vehicles to come right up to the station.

2. Provision of an ekka stand and tonga parking ground opposite the III class waiting room together with a road to enable vehicles to circulate. This will necessitate shortening the mela platform and making other arrangements for admitting Kumbh and Ardh Kumbh passengers on to such platforms.

3. Provision of shedding over the pens.

4. Raising the level of the pens to that of the platform or if this be impracticable, to ease off the steepness of the ramp to the platform.

5. Remodelling and extension of the overbridge to allow passengers to leave the station direct on the road.

6. Removal of the police office and tea stall from their present position to ease off the congestion when passengers detrain.

7. Extension of the shedding on either side of the station building to the end of the platform.

8. Shedding to be put on the island platform.

9. New upper class waiting rooms to be constructed at one of the platforms, and the present ones used as inter class waiting rooms.

10. Indian type bath rooms and latrines with flushing system to be put in the waiting rooms. The bath rooms and latrines to be in separate rooms.

11. Waiting room floors to be tiled.

12. If it is not possible to fill up the pens to improve the upper class entrance, the upper class booking office should be in the same building as the parcel office, so that tickets and luggage can be booked in the same place. This will mean that the Railway Magistrate's Court must be moved elsewhere, possibly in a room adjacent to the present inter class waiting room.

13. Flushing system to be introduced in all station latrines and latrines to be remodelled.

14. Bhimgoda halt to be converted into a station. The Divisional Superintendent has already got a scheme for this in connection with the extension of the Rishikesh branch, but it is held up for want of funds.

15. Removal of the goodshed to the other side of the station. This will entail the giving up of a mela siding but it will give an additional platform and reception lines in the main station. This scheme was discussed, but it will be treated separately as being one for railway convenience and not included amongst the proposals put forward.”

Sir, I know that our railway finances are in a bad way just now. But, Sir, so far as Hardwar is concerned, the case is a little different. There will be millions of people visiting Hardwar early in 1938 when the Kumbh mela will take place, and the Railway Administration will make a good sum of money from these pilgrims. Something ought to be done for the conveniences of those poor people who will visit Hardwar from all parts of the country. The Hardwar railway station has been a paying proposition for us, and therefore Hardwar has a certain claim on the Railway Administration. Sir, I would

like all sections of the House to support this Resolution. It is not a controversial Resolution. It is a Resolution which touches the happiness and lives of millions of people who visit that place, rich and poor alike. My Honourable friend the Raja Saheb of Monghyr—a very orthodox man—must have been to Hardwar several times. I am sure he will be able to tell us from his personal experience what the condition of the Hardwar railway station is. My respected friend, the Honourable the Maharajahdiraja of Darbangha is the head of the orthodox section of the Hindu community and he will be able to speak with much greater authority than I can about the sanctity of Hardwar, and about the place of Hardwar in the hearts of the Hindus of India, and he will also be able to tell us from his personal experience what the inconveniences of the passengers at Hardwar are. Similarly, Sir, there is my respected Leader, the Leader of the Opposition, and he too is of orthodox views and he will be able to tell us all about Hardwar from personal experience. But, Sir, apart from these distinguished leaders of the Hindu community, I would also make an appeal to my Moslem and my European friends and I hope, Sir, that I shall have the support of the entire House in regard to this non-controversial Resolution.

Sir, with these words, I move the Resolution.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal: Non-Muhammadan): Sir, Hardwar is the name of a place which needs no special introduction. It is one of the most sacred pilgrimages of the Hindus and as such every year crores of Hindus from Cape Comorin to the Himalayas flock to Hardwar. The place owing to its scenic grandeur is also visited by tourists from the Western countries of Europe as well as from the other hemispheres of the world. It is really a surprise to me that even at such an important place where the third class pilgrim traffic alone brings in an enormous income to the railways, there is no shed on the platform and there is only an apology of a third and inter class waiting hall. Sir, a few years ago being an eye witness myself of the miseries and troubles to which specially the third and inter class passengers are subjected to, I cannot but narrate some of them for enlightening the House. There is a small tin shed covered at the top but open on all sides. It allows rain and dust storms to have full play over the lower class passengers who are expected to wait there for their trains with women and children huddled together. There is no denying the fact that the ladies of this country go in larger numbers on pilgrimage to Hardwar than men. The tin shed which is the waiting hall is outside the main platform and the third and inter class passengers are not allowed even to come on to the platform unless and until the trains actually arrive at the station. On the arrival of a train a small iron gate is opened through which thousands of pilgrims including women and children are expected to pass between two ticket collectors checking tickets before the passengers are allowed to entrain within a minute or two for which the trains stop. Sir, had there been a covered platform and regular third and inter class waiting rooms both for men and ladies with arrangements for electric lights and fans inside the platforms, the miseries of the passengers would have been reduced considerably.

THE HONOURABLE THE PRESIDENT : Are you speaking from personal knowledge ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : I speak, Sir, from personal knowledge.

There should also be provision for flushed latrines and regular separate bath rooms with water taps fitted, for men and women alike. There should be a large number of water taps on the platforms for the continuous supply of drinking water. From what I have said about the lower class passengers my friends who have never been to Hardwar, might think that probably conveniences are available for upper class passengers at that station. But, Sir, I may tell them that at Hardwar station the treatment of upper class passengers by the railways are also as bad. There is an apology of a first and second class waiting room with some broken and old rickety furniture. There is provision of separate waiting rooms for men and ladies. This state of affairs is being continued from time immemorial and the Hindu pilgrims are treated as usual like so many animals and cattle. I cannot but impress on the Government that this is also one of the reasons why the road motor competition has also become so acute on that line. If the railways like commercial concerns want to regain their clients they must make attractive offers to their passengers by way of better accommodation in the trains and by providing all modern amenities for them in the station as suggested by my friend. I therefore wholeheartedly support the Resolution.

THE HONOURABLE RAJA SIR RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I wholeheartedly support the Resolution just moved by the Honourable Mr. Sapru. I have myself twice visited Hardwar and have felt the great lack of modern conveniences for passengers there. As a large number of pilgrims visit Hardwar annually I think Government should make all provision for modern conveniences at the station.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution which has been so ably moved by my Honourable friend Mr. Sapru. Hardwar is a place where pilgrims from the Punjab go in very large numbers and now it has become the usual practice for people to spend a short time there whenever they can get leave or when an opportunity offers. The attention which Hardwar station receives from the Railway authorities is very meagre. At junctions like Tundla, Lala Musa, Kundian, and such places, where the traffic does not justify heavy expenditure, there are spacious buildings and big waiting rooms and other amenities and facilities. And I cannot see why the Railway authorities should ignore the claims of Hardwar where the traffic is very much heavier.

THE HONOURABLE THE PRESIDENT : Was any complaint made to the Railway authorities ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, when complaints are made by us who are the mouthpiece of the masses, I think that should be quite enough for the authorities. I have been visiting Hardwar, if not every year, once every two years or so, and I can speak from personal experience and tell you that people there suffer great hardships.

THE HONOURABLE THE PRESIDENT : Have you ever made a formal complaint yourself ?

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, formal complaints receive very little attention. The reply always is that they are receiving consideration and there the matter ends. I know that people from the Punjab and from Sind flock there in very large numbers and they all feel hardships, and I can assure the House that I speak not only on my own behalf but on behalf of others who have to go there. Even for first class passengers there is no amenity and there is no provision for conveyances coming near the station. People have to walk about 200 yards before they can get a conveyance.

THE HONOURABLE THE PRESIDENT : That is not the fault of the Railway authorities.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Sir, the station approaches have been barricaded by the Railway authorities and it is they who regulate and control traffic in the station premises. There are two small waiting rooms—one for gentlemen and one for ladies—which are always packed. The passengers are treated like sheep and whenever there is a big gathering, sticks and other kinds of force are used. I have seen it with my own eyes. These are the things which so far have not received the proper attention of the Railway authorities. At the time of the Kumbh and other melas, arrangements are comparatively better than they are in ordinary times. But, Sir, it is in ordinary times that matters should be put right and the sooner it is done the better. I would further add that the opening of gates to the platform ought to be increased whenever there is a rush. Now, we find when the train arrives, only one gate is opened for third class passengers and hundred and thousands of passengers who are waiting in the sheds make a big rush and people generally suffer much inconvenience, sometimes they are hurt. Sir, this Resolution fully deserves the approval of this House and should be given effect to.

With these few words, I strongly support the Resolution.

***THE HONOURABLE KHAN BAHADUR NAWAB CHAUDRI MUHAMMAD DIN (East Punjab : Muhammadan) :** Sir, Hardwar is a most important station in India and I have visited it four times and I have always felt that having regard to the convenience of pilgrims Government should do more for improvement of the railway station there. The North Western Railway of course have been doing a lot for the convenience of passengers and they are running a special Hardwar train, but still when so many people visit Hardwar and there is not sufficient accommodation there on the railway station there is always some trouble and difficulty. I hope therefore that it will be possible for the Government to do more and I therefore support this Resolution.

THE HONOURABLE LIEUTENANT-COLONEL NAWAB SIR MAHOMED AKBAR KHAN (North-West Frontier Province : Nominated Non-Official) : Sir, I think not only the Muhammadan Members of this House but the Muhammadans throughout India would welcome it if the railway could do anything to improve Hardwar station for the benefit of the sister community, the Hindus.

* Not corrected by the Honourable Member.

[Sir Mahomed Akbar Khan.]

I have had experience of Hardwar when I was at Dehra Dun and I think the Honourable Mr. Sapru is quite justified in bringing his Resolution. At the time of the mela huge crowds go there and there is hardly room for their accommodation on the station or other conveniences. I think, Sir, if the Government can do anything, the Muhammadan Members would welcome it so far as improving the condition of the station at Hardwar is concerned.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces-General) : Sir, I rise to support the Resolution moved by my Honourable friend Mr. Sapru. After hearing the debate on this Resolution, I have come to know that there are grievances and the grievances have not been redressed by the railways till now. I did not go to Hardwar by railway, but from the reports which I have heard from my friends, it seems that there is insufficient accommodation for third class passengers in the waiting room. Moreover, there are complaints about proper platforms on the station. Various grievances have been brought before this House just now by Honourable Members and I therefore think it necessary to impress upon the Government and the Railway authorities in particular that they should have taken measures long ago to improve the state of affairs there. As they have not done it, I think it is now time for the Railway authorities to accept the Resolution moved so ably by my Honourable friend Mr. Sapru and redress the grievances.

THE HONOURABLE MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARBHANGA (Bihar and Orissa : Nominated Non-Official) : Sir, I rise to support the Resolution which has been so ably moved by my Honourable friend Mr. Sapru and identify myself with the remarks of Honourable Members who have preceded me. I hope, Sir, that the Government will agree to this Resolution and remove the great discomforts to which innumerable pilgrims are put to while visiting Hardwar, which is one of the most sacred places of Hindu pilgrimage. I further hope that it will be possible to build a station with all modern amenities before the Kumbh mela in 1938.

With these few words, Sir, I give my wholehearted support to this very modest Resolution of my Honourable friend Mr. Sapru.

* THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I wholeheartedly support the Resolution. Since enough has been said about the Resolution, I do not want to make a long speech. Recently there has been remodelling of railway stations on all the railways. Therefore it would not be difficult for the North Western Railway to accede to the request which has been made by my Honourable friend Mr. Sapru. Hardwar, as all Honourable Members are aware, is a very important place of pilgrimage. Through this station a large number of passengers pass not only on occasions of mela but at all times of the year and the traffic during the mela season is really enormous. In view of all this and in view of the necessity to provide for the convenience of passengers and to popularise the railway which is now in serious competition with motor traffic, I hope the North Western Railway will see its way to give effect to the suggestion made.

* Not corrected by the Honourable Member.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner of Railways): Sir, I would have had no difficulty in accepting my Honourable friend's Resolution if I thought for one moment that his estimate of traffic to Hardwar was correct. As far as I remember—I may have misunderstood or misheard him—he said every year hundreds of thousands of millions of passengers went to Hardwar. Now, of course, he himself realises that that can hardly be correct. The other day talking to me in the lobby he said that his estimate of the number of passengers who attend the Kumbh mela was five millions. I thought that it would be interesting to make some calculations as to what railway facilities we would have to provide to deal with that amount of traffic. I have worked it out that if we provided one train carrying a thousand passengers every five minutes during the 24 hours, it would take $16\frac{1}{2}$ days to deal with that number of passengers. Now, if you added together the capacity of three of the largest railway stations in the world together, even they would fail to deal with that number. Fortunately for us I have actually got figures showing the number of passengers dealt with at Hardwar. In reply to a question of my Honourable friend Mr. Sapru the other day I told him the number of passengers was 1,200 a day or 438,000 a year. During the Kumbh mela of 1927 the passengers carried to Hardwar including Rishikesh was 356,473 and the number of passengers who left was 335,728. So I do not think the number of passengers is as enormous as suggested by my Honourable friend. However, I am quite prepared to admit that the facilities at Hardwar are not quite what they should be, and this has been realised by the East Indian Railway Administration though they may not be able to put things right straightaway at present. As my Honourable friend Mr. Sapru has admitted, our finances are not quite as sound as we would like them to be. We do, however, want to put Hardwar station right but it will take a little time. The work has been started this year. The extra work which the East Indian Railway propose to undertake at once are:

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- (1) Widening down main platform by about 20 feet;
- (2) Converting the existing goods-shed platform into an island platform.
- (3) Removing the existing island platform.
- (4) Improving entrance to station and waiting rooms.
- (5) A new overbridge.
- (6) Conversion of the building lying below the bank into upper and inter class waiting rooms.

The East Indian Railway Administration have been in close touch with, I think it is called the Advisory Committee for the Improvement of Hardwar, and they have also had the advantage of a conference with Pandit Hriday Nath Kunzru, President of the Servants of India Society. He has given very valuable advice. He has put forward quite a number of suggestions, all of which are not practical but many of which the East Indian Railway admit should be carried out when finances improve. Now, I can assure the Honourable mover that we shall make adequate arrangements for the Kumbh

[Sir Guthrie Russell.]

mela of 1938. We may not have permanent arrangements by then but adequate temporary arrangements will be made and if he will make a slight alteration in his amendment I am prepared to accept it on behalf of Government. I suggest an amendment on the following lines :

“ This Council recommends to the Governor General in Council to make provision for the improvement of Hardwar railway station to enable it to deal efficiently with the large pilgrim traffic offering.”

If my Honourable friend is prepared to agree to that, I am prepared to accept his Resolution in the amended form. But I cannot at the present moment accept the Resolution as it stands; it demands a modern railway station straightaway, and I do not think the expenditure would be justified.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Is there no provision for new waiting rooms ?

THE HONOURABLE SIR GUTHRIE RUSSELL : I have already said they are making provision for new waiting rooms now.

THE HONOURABLE MR. P. N. SAPRU : Sir, I have no objection to the amendment proposed by the Honourable Sir Guthrie Russell, and am prepared to accept it. So far as the question of finance is concerned, I would just say one thing, Sir, and it is this, that nearly Rs. 50 lakhs have been spent over the Cawnpore railway station and nearly Rs. 50 lakhs over the railway station at Lucknow.

THE HONOURABLE THE PRESIDENT : Conditions vary. You cannot make a hard and fast rule.

THE HONOURABLE MR. P. N. SAPRU : Well, Sir, I accept the amendment proposed by the Honourable Sir Guthrie Russell.

THE HONOURABLE THE PRESIDENT : Resolution moved :

“ That this Council recommends to the Governor General in Council to make provision for the improvement of Hardwar railway station to enable it to deal efficiently with the large pilgrim traffic offering.”

The Motion was adopted.

RESOLUTION *RE* CHEAPER GHEE AND MILK FOR URBAN AREAS.

THE HONOURABLE RAJA SIR RAGHUNANDAN PRASAD SINGH (Bihar and Orissa : Non-Muhammadan) : Sir, I move the following Resolution :

“ That this Council recommends to the Governor General in Council to take such early measures as may be suitable to ensure, by progressive stages, a cheap supply of pure unadulterated ghee and milk to urban areas throughout British India till a maximum rate of 1½ seers in the rupee for such ghee and of 16 seers in the rupee for such milk is reached at the end of seven years.”

As I am one of those confirmed believers of the best nutritive value of milk, ghee, butter, cheese and all other milk products, I have brought this Resolution before the House.

Milk is a thing which is one of God's creations and which has got life-giving and strength-giving properties admitted from time immemorial. Its nutritive value is not a new exposition of the modern science in this world of ours. Even the sages of all countries from olden times have admitted its life-giving properties. It is for these reasons that we find either in our Shastras or Smritis, or our epics like those of Ramayana and Mahabharata the mention about the care and veneration with which cows used to be reared by the Aryan Hindus. Even in the Old Testament we find a description as to how cattle used to be the standard of wealth of men in those days and with what care the cattle used to be reared and maintained by the men of those days. Sir, milk is a food required by living beings as soon as they are born, and it is also a food in old age, before departing from our sojourn in this world. God's creation of beings without teeth, and the loss of teeth in old age, is a proof positive, that the Creator's will is that people must fall back on milk when they are incapable of taking any other food. Sir, in all other countries of the world no effort is spared to increase the average *per capita* milk supply of men, and for cheapening the price of milk and other milk products, so that they may be brought within easy reach of men of all classes. In India even, a few decades ago, we used to get milk at the rate of one maund a rupee, but it has, in the present age, become as dear as four seers for a rupee in big cities like Calcutta, Bombay, and, in other smaller towns, it is available at an average rate of eight to ten seers for a rupee. The net result is that on an average, the *per capita* milk supply has dwindled down to .05 gallon or in other words to a few ounces of milk per head. According to the calculation of a great statistician like Mr. Blackwood the average milk supply per head of men in India is *three seers* per month. Now a question may be asked as to why and how this deplorable state of affairs has been reached in India? The causes are too multifarious and too numerous for me to detail here, but I will be failing, Sir, in my duty if I do not touch at least a few of the most important amongst them. Firstly, the extermination of prime and milch cattle in the slaughter houses of cities like that of Calcutta, Bombay, and other places. This indiscriminate slaughter of prime milch cattle are not only carried on for the purposes of supply of fresh meat to the public and to the army in India, but also carried on for the purpose of continuous supply to the exporter of dry meat out of India. I am glad, Sir, to know from the reply to a question of mine on the 21st September this year that in Bombay the Government have taken steps to levy a charge of Rs. 15 for every buffalo that is being slaughtered in that city, and I understand from the same reply that steps are being taken in the same direction in Calcutta as well. I heartily thank the Government for trying these remedial measures by which the slaughter of milch cattle may be reduced. But, Sir, I do not understand why a charge has been fixed only for the slaughtering of buffaloes and not for milch and prime cows in Bombay. I would like to know whether in Calcutta, the Government is going to levy a fee for the slaughtering of prime and milch cows and buffaloes as well. Here I cannot resist the temptation of mentioning one fact. From the records and statistics available, it is found that more than a lakh of cows are slaughtered every year in the Tangra slaughter house of the Calcutta Corporation. The Superintendent of that particular slaughter house once reported that of the cows that are slaughtered there 90 per cent. of such cows are of the finest breeds and in the

- [Sir Raghunandan Prasad Singh.]

prime of their lives. Such is the state of affairs only in one slaughter house of one Corporation only. It can better be imagined than statistically proved, as to the innumerable number of prime milch cattle that are being annually slaughtered. Sir, as far as I am aware, in Western meat-eating countries, the slaughtering of prime good breed milch cows and other cattle are either punishable by law or are prevented by strong public opinion.

The second cause to my mind for the reduction of the milk supply in India is the want of adequate pasture lands and the want of the proper supply of fodder for cattle. In this direct on I will invite the attention of the Government to devise suitable measures by which the fodder supply may be increased and more pasture lands provided in urban and the rural areas. I think steps should also be taken to educate the men of rural areas for growing fodder for cattle which will be a paying proposition in the long run. Sir, it is strange that for the purposes of army requirements, vast tracts of lands are being reserved for producing fodder for horses and mules but for the purpose of fodder supply of milch cattle there is not even proper arrangements for free pasturage.

The third cause for the dearth of the milk supply in India is the want of proper and easy facilities for the prompt and effective treatment of cattle diseases, and this causes at times heavy cattle mortality from rinderpest and other diseases. Therefore the cumulative effect of all these causes and many others is that the milk supply in the country has become scanty, resulting in the reduction of vitality of men, women and children of the soil. In this connection I may quote the authority of Colonel McTegart, an eminent European physician who stated as follows :

“ If the cost of milk is reduced in our municipalities to a figure within the reach of poorer classes, it would be more effective in reducing infantile mortality than the presence of any number of trained *dhais* would accomplish ”.

I would go a step further and would bring to the notice of the House that instead of taking steps and giving facilities for the people in municipal areas to keep cattle of their own for a good and cheap milk supply, the New Delhi Municipality under the very Government of India in the name of sanitation is making stringent laws, so that it will be impossible for any ordinary man to keep cattle in houses within municipal limits and that men are being compelled to fall back on milkmen who supply gutter water mixed with stale milk in the name of milk meant for the use of children, invalids and the old. Sir, can anybody question the nutritive value of milk ? Is there anybody who can deny the fact that the want of a pure and abundant supply of milk has made the people of India poorer in physique and more amenable to attack by disease. Is there any denying the fact that a scanty and impure milk supply has raised the general mortality of the people by the prevalence of wasting diseases like that of tuberculosis and the like ? Now, Sir, the death rate of the Indian population, especially the rate of child mortality, is higher than in many civilised countries in the world, but the death rate of women in India between the ages of 15 to 30 when they are expected to be mothers, is higher than the death rate of the women of corresponding ages in all the Western countries of Europe. To my mind, Sir, it is mainly due to the want of a supply

of cheap milk and ghee which are special diets required for their sustenance during the period of motherhood. Sir, in this connection the whole of India is deeply indebted to His Excellency the Viceroy for taking a keen interest in advancing the cause of the supply of milk to the poorer children in schools and also for giving a lead to the country for the carrying on of an incessant propaganda in the cause of improved cattle breeding in this country which has for long been neglected. Such neglect has also contributed not a little to the decrease in the milk supply in the country. In almost all European countries, including England, the lords and princes and even the kings themselves take delight in possessing the finest specimens of cattle which carry away the best trophies and prizes in cattle exhibitions and cattle shows which are very commonly held in such countries. The breeds of cattle in England and Denmark are much superior in health and in their yield of milk. It is probably unknown to many of us that the average daily yield of milk per head of cattle in those two countries is about 20 lbs. as compared to the average yield of two and four lbs. per day per head of cattle in India and Burma respectively. In the United States the yield of milk per day per head of cattle is higher still and is about 10·2 lbs. Sir, it is very gratifying that due to His Excellency's kind lead in this direction, the Agricultural Research Council is striving hard to popularise the breeding of good cattle and the industry of dairy farming. My Provincial Government of Bihar is none the less active in achieving this object. They have now made arrangements for the supply of stud bulls from Government farms to all municipalities at a price of Rs. 50 only, though the actual price of such stud bulls is Rs. 250 each. Further, the Government of Bihar have issued orders to the Director of Agriculture and the Director of Veterinary Services that all selected cows and their progeny by pedigreed bulls should be vaccinated against rinderpest and that all inferior males castrated.

Sir, I think I have proved that milk is essential for adults and babies alike. I have further proved what are some of the main causes of the scanty milk supply in India at present. I have also proved how the fodder problem should be tackled and how the good breed milch cattle may be saved and their number increased in the country. I therefore earnestly request this House to adopt my Resolution recommending Government to take measures by which the supply of milk may be increased and the price of milk cheapened to 16 seers for the rupee and the price of ghee to 1½ seers for the rupee.

Before I conclude, Sir, I may remind the House that my demand is not unreasonable as even at the present moment in several towns and villages in some of the provinces, ghee is obtainable at the rate of about 17 chittaks for the rupee and milk is also available at the rate of about 10 to 12 seers for the rupee. So it is not very difficult to reduce by progressive stages the price of milk to 16 seers for the rupee and of ghee to 1½ seers for the rupee in urban areas in the course of seven years. I hope and trust the House will unanimously adopt the Resolution.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member): Sir, my Honourable friend Raja Sir Raghunandan Prasad Singh in moving his Resolution gave us a vivid description of the value of milk as a food. I heartily join with him in singing the praises of milk. I quite agree that it is a most valuable food product. But I hope,

[Sir Jagdish Prasad.]

looking at the form of the Resolution, that my Honourable friend has no intention of standing as a candidate from a rural constituency ! If he has any such intentions he should transfer his allegiance to an urban constituency ! What does the Raja Sahib propose ? He proposes that the price of ghee should be one and a half seers to the rupee, that milk should sell at 16 seers. A calculation has been made that if you want to sell ghee at one and a half seers you must buy milk at 30 seers to the rupee. All our efforts, of all those who happen to own land, have recently been in the direction of raising the price of prime commodities. That has been one of our chief difficulties, that the value of the produce of our tenantry has gone down. My Honourable friend the Raja Sahib wants that his tenantry, instead of being able to sell their ghee at 12 or 13 chittaks to the rupee, should now be forced to sell it at a seer and a half ! Therefore I hope the House will not accept the Resolution as it stands, because that will practically kill the dairy industry. If people are told that within seven years they must sell milk at 30 seers to the rupee and ghee at one and a half seers, I am afraid that all the efforts we have been recently making to improve the breed of cattle and to increase their numbers will end in failure.

I will now take up the other points of his speech. He said that one of the reasons for an inadequate supply of milk was that a certain number of milch cattle are being slaughtered in the cities of Calcutta, Bombay, and Madras ; he further stated that the fodder supply is not adequate, that sufficient steps have not been taken to preserve cattle, that is to say, the veterinary part of the work has not been satisfactorily performed. He has acknowledged the stimulus which has recently been given by the example of His Excellency the Viceroy towards the improvement of cattle. I shall take up these points *seriatim*. As regards the destruction of milch cattle in towns, I agree that this is a matter which is to be examined. We sent out an Animal Husbandry Expert, Colonel Olver, to visit Calcutta and Bombay and to discuss this problem with the Governments concerned. In reply to a question which the Raja Sahib put to me the other day, I gave him information as to what was being done. He asked during the course of his speech why a fee had been levied on buffaloes and not on cows in Bombay. I think the reason is that most of the milk supply of Bombay comes from buffaloes and the object was to preserve the buffalo rather than the milch cow. Then, I think the House would like to know as to what the Government of India has been doing in regard to these very important questions. Honourable Members probably know that we have an Imperial Veterinary Institute at Muktesar which investigates questions of serum and of vaccines, that is to say, how to preserve valuable cattle against disease, and very valuable work has been done in this direction. They have been able to find a very efficacious remedy against rinderpest. Therefore, so far as the Central Government is concerned, we are fully alive to the need of taking measures in order to protect cattle. I agree that a good deal has to be done in the provinces. I think within their resources they are trying to do what is possible and I am sure that as the pressure of public opinion increases, more and more will be done in that direction. As regards the fodder supply, I will not repeat what I said in regard to this ; only

the other day we had a full debate on this question of increasing the supplies of fodder both in forests, in dry land and in irrigated areas. In the province of Bihar, as my Honourable friend knows, the problem of fodder is not connected with that of forests; there it is a question of increasing the fodder supply apart from the question of forests. Then, we have recently taken measures to have an Imperial Dairy Institute and also a Creamery at Anand. It will examine questions as to how milk can be dealt with by the rural population on a commercial scale, the question of tinning and condensing milk and milk products. We import a large quantity of tinned and condensed milk from abroad and these points will be examined, also the handling and processing of milk. The question of marketing is extremely important and our Marketing Section is going to examine as to how it is possible to improve the marketing of milk. As Honourable Members already know, we have asked a very eminent dairy expert from England to come and examine what we have been doing ourselves here and to advise us as to lines of future policy. I hope, therefore, Honourable Members will agree that the Government of India have been fully alive to the importance of this question, that the stimulus which the example which His Excellency has given has had effect and that the matter is now prominently both before the Local Governments and before people who can help, prominent landholders like my Honourable friend the Raja Sahib himself. He has said during the course of his speech what the Bihar Government have done. Action on somewhat the same lines is being taken by other Local Governments, so that I can assure my Honourable friend that we are fully alive to the necessity of increasing the supply of pure milk and ghee, but I cannot possibly accept the Resolution as it has been moved, that the prices should be reduced to these figures, because that will cause a great hardship to the rural population in whose welfare I am sure the Raja Sahib is as much interested as we are on this side of the House. I hope in view of what I have said my Honourable friend will not consider it necessary to press his Resolution to a division.

THE HONOURABLE SRIJUT HERAMBA PROSAD BARUA (Assam : Non-Muhammadan) : Sir, I rise to support the Resolution moved by my Honourable friend, Raja Sir Raghunandan Prasad Singh. After the most welcome and momentous announcement made by His Excellency the Viceroy the other day that the question of nutrition of men and cattle will be of "continued and abiding personal interest" to His Excellency, my Honourable friend has moved his Resolution not a day too soon. The vital importance of the question of nutrition of men and cattle cannot be exaggerated too much. To quote His Excellency :

"The problem of nutrition is at all times one of vital concern, and on its solution hinges essentially the future of India as a whole".

Sir, it is certainly a happy augury of the times that the attitude of the present Government is all very sympathetic to the all-important problem of nutrition. I need hardly say, Sir, that the question of nutrition of men and that of cattle are always inter-dependent. It is not a whit of exaggeration to say that the public health of our land is entirely dependent upon the adequate supply of pure milk and milk products in the country. Today India suffers badly from an inadequate supply of milk. A sufficient supply of pure

[Srijut Heramba Prosad Barua.]

milk is not available even for the sick and the sucklings and babes in arms, not to speak of the adult population; and the rate of infant mortality from rickets and like diseases is high and simply appalling. What we badly want is more milk in the country and more pure milk at a cheap price so that it might be easily available for the average man. But what supply of milk can be expected from ill-fed, starved, weak and sickly cows? An adequate supply of pure milk is not available in the country and the public health in India has become alarmingly poor. The public health, as I have said, is entirely dependent on the welfare of the cattle and starved and sickly cattle with a low yield of milk and low and poor public health are badly working in a vicious circle today. We are aware, Sir, that the question of animal husbandry and animal nutrition has come to the forefront today. It ought to have been taken up with all seriousness and earnestness very much earlier. Animal husbandry and cattle nutrition, I need hardly say, are of vital concern to India, not only on account of the question of an adequate supply of pure milk but also because 90 per cent. of her people are agriculturists by occupation and the main power which is brought to the aid of agriculture is cattle.

Sir, the Resolution before the House seeks that early measures be taken to ensure an adequate supply of pure milk and milk products at a cheap price so that they may be available in the country easily. I do not know if the millenium could be had at the end of seven years as contemplated by the Resolution. But, Sir, it is high time that a start should be made now in that direction. We are aware that at the instance of the Imperial Council of Agricultural Research an experimental Creamery is going to be established at Anand for the enlargement of facilities of dairying in India. We are also aware that an Animal Nutrition Research Institute is going to be shortly established at Izatnagar. It is all well and good and I certainly cannot under estimate the value of scientific researches that are being done by these institutions today. But, Sir, all the nutrition research work and dairy and veterinary research work will not ensure an adequate supply of pure milk in the country if sufficient pastures or sufficient fodder are not available for the cattle. In spite of the e veterinary and nutrition researches, cattle in thousands are daily dying of various diseases consequent upon starvation and an inadequate supply of fodder costing the poor peasant all that he possesses and badly aggravating the situation with regard to the rural indebtedness in the country. Is it any wonder then that pure milk is not sufficiently available in the country today and the public health is at a low ebb? We are extremely grateful to His Excellency for the very noble desire he has expressed to issue good bulls to the villages to ensure a good breed of cattle and good supply of milk in the country and the Government has already made a good effort in that direction. But, Sir, I am afraid, it will detract from the usefulness of issuing such bulls if adequate facilities for grazing and feeding of their cattle are denied to the peasants. We were told the other day, when we were discussing the question of the reduction of the grazing tax, that the Provincial Governments were entirely responsible for it. Whatever the policy of the Provincial Governments might be, I am sure a sympathetic gesture from the Centre will go a great way in shaping the policy

in the provinces in this direction. In my part of the country in Assam this grazing tax has become a great burden on the already overburdened shoulders of the poor ryots and is standing in the way of an adequate supply of pure milk. Sir, in the interests of such a vital problem as the nutrition of men and cattle it is high time that such handicaps were removed.

The Honourable mover has already referred to the question of stopping the indiscriminate slaughter of milch cattle and I do not want to say anything more about it. I would like to refer to one more question—the question of transport of milk and milk products. In this connection the Government can do immense good to the country by directing the railways to prescribe concession freights for milk and milk products and to provide carriages with cold storage equipment and other facilities.

Sir, the Resolution is a very modest one. It simply asks the Government to take such measures, by progressive stages, as may be suitable to ensure a cheap supply of milk and milk products to the people and I do not think it is asking the Government too much, for, in the memorable words of His Excellency the Viceroy :

“ No effort that can be made to ameliorate the conditions and to assist in the solution of this problem can be too great ”.

Sir, I most heartily support the Resolution.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution moved by my Honourable friend the Raja Sahib of Monghyr. Sir, the Honourable the Leader of the House has made certain observations which in my humble opinion are not quite in order.

THE HONOURABLE THE PRESIDENT : They are perfectly in order.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : They may be in order, but they are not based on facts. Sir, as far as the Punjab is concerned, from the information that I have, the Punjab produces about 40,000 maunds of ghee yearly. There was a time, some 20 or 25 years ago, when the rural population did not use ghee in appreciable quantities. But, Sir, since the last 20 years, the rural population has begun to consume ghee and now the result is that the Punjab has to import from 10,000 to 15,000 maunds of ghee per year from other provinces. Sir, I might also mention that the price of ghee is generally regulated by the demand. The Army Department used to take about 28,000 maunds of ghee before rationing the army began, but since rationing of the army began, they are using very much more ghee. Sir, in case Gwalior, Central India, and the United Provinces had not met the Punjab demand, perhaps in the Punjab the price of ghee would have gone up to Rs. 2 per seer, that is, Rs. 80 a maund. Then, Sir, my Honourable friend the Leader of the House has said that in case we want to bring the price of ghee down to 1½ seers per rupee, the milk will have to sell at 30 seers to the rupee. There also, with due deference, I disagree, because the price of ghee last year was about three-quarters of a seer for the rupee; this year the price is about one seer to the rupee although there has been no appreciable change in the price of milk. Sir, during war time when the demand of ghee for the army rose very high, India could not meet the demand of the Army

[Raj Bahadur Lala Ram Saran Das.]

Department, although it produces, as far as my information goes, about 5,00,000 maunds of ghee per year. In order to meet the demand of the army in war time ghee was imported from Mesopotamia, Egypt, Turkey and Persia. Sir, it is Central India which nearly regulates the price of ghee, because Central India produces 1,00,000 maunds of ghee yearly and itself consumes very little. Sir, we are very grateful to our present Viceroy, His Excellency Lord Linlithgow, who has taken a right step in the matter of the improvement of milch cattle; thereby I think the yield of milking cows will increase and that may tend to bring down the price of ghee. As far as the Punjab and the United Provinces are concerned, ghee is our staple food and an indispensable article of diet. To keep up the physical strength of the people and particularly of the children and students it is essential that they should get an adequate supply of pure ghee. I think, Sir, in case Government interests itself in this matter seriously, they can play a good part in bringing down the price of ghee. In the Punjab in the *shamat deh* villages the grazing areas have been reduced by colonisation of vast tracts of land. It is a question which vitally affects the health as well as the strength of the people and I think that Government should see its way to accept the Resolution and I hope all Honourable Members will give it their full support.

THE HONOURABLE RAJA SIR RAGHUNANDAN PRASAD SINGH : I have just received a suggestion from Government—

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : Sir, I have suggested to my Honourable friend that if he is prepared to omit the last portion, *i.e.*,

“till a maximum rate of 1½ seers in the rupee for such ghee and of 16 seers in the rupee for such milk is reached at the end of seven years”,

I am quite prepared to accept the Resolution, which will then read :

“This Council recommends to the Governor General in Council to take such early measures as may be suitable to ensure, by progressive stages, a cheap supply of pure unadulterated ghee and milk to urban areas throughout British India.”

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : And rural areas.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : That would undoubtedly be better.

THE HONOURABLE RAJA SIR RAGHUNANDAN PRASAD SINGH : I accept the suggestion of the Government and am prepared to delete the words from “till a maximum rate” to the end, and to add the words “and rural” after “urban”.

THE HONOURABLE THE PRESIDENT : Resolution moved :

“This Council recommends to the Governor General in Council to take such early measures as may be suitable to ensure, by progressive stages, a cheap supply of pure unadulterated ghee and milk to urban and rural areas throughout British India.”

The Motion was adopted.

RESOLUTION *RE* POPULARISATION OF THE USE OF QUININE AMONG THE MASSES.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay: Nominated Non-Official): Sir, the Resolution that I have the honour to move reads thus :

“ This Council recommends to the Governor General in Council to appoint a Committee of medical, financial and agricultural experts to devise a scheme for the manufacture in India of an efficient, cheap and safe remedy from the Cinchona bark for the treatment of malaria and to suggest ways and means for popularising its use among the masses ”.

Sir, on more than one occasion during the course of the last four years, I have invited the attention of this House by resolution, speeches and questions, to the deplorable condition of the population of this malaria-ridden country, who have no suitable remedy within their means to ward off the ravages of malarial fevers. It is intended by this Resolution to enable Government to attain a settled policy for the purpose—a policy that would go a great way to ameliorate the health of the masses and increase their working and earning capacity. It is true that last year, Government released over 60,000 lbs. of quinine from their surplus stock for free distribution in the provinces. But that indeed has been the sum total of recent progress in this direction. The budget for the current year has however provided for a grant of Rs. 10 lakhs to the Indian Research Fund Association. The amount to be devoted mainly to schemes connected with the prevention and cure of malaria. Colonel Sinton, Director, Malaria Survey of India, says that 100—200 millions suffer from malaria, but not more than one-tenth ever receive treatment.

Malaria exacts such a heavy toll of life that one death out of every three in our public hospitals is due to this disease or its after effects. Periodic attacks affect their general health, lessen production, resulting in poverty and thus they become easy prey to other infirmities with consequent high mortality. India's annual economic loss from malaria has been computed at Rs. 33 crores by Colonel Chopra. Large amounts of money spent upon education are wasted as malaria-stricken children are incapable, either physically or mentally or both, of taking full advantage of the facilities afforded for instruction, says Colonel Sinton. Their retarded development is a serious obstacle to the social and economic progress of the people and so to prosperity and increased national wealth.

The late Sir Ronald Ross said that malarial fever inflicts misery, retards civilisation and is the principal and gigantic ally of barbarism. No wild deserts, no savage races, no geographical difficulties have proved so inimical to civilisation as this disease.

Such, Sir, in brief is the gravity of the problem facing India. These were the considerations that led me to move two years ago a Resolution in this House for associating an enquiry into the health conditions of the people in conjunction with the then projected economic enquiry by experts. I was then assured that Government had full sympathy with the Resolution and will bear in mind such an enquiry when the economic enquiry would be taken in hand. Today's Resolution however recommends investigation of the subject by three sets of experts for reasons that I shall now proceed to state.

[**Sir Nasarvanji Choksy.**]

In the first place, medical experts have to determine what product of the cinchona bark is likely to produce an efficient, cheap and safe remedy for malaria. It is 70 years since the cultivation of the cinchona plant was introduced into India. Is it not all the more surprising that after the lapse of almost three-quarters of a century we should still be groping in the dark for a remedy combining the above requisites? True it is that in quinine we possess a sheet anchor of recognised value whose place has yet to be supplanted by another remedy of equal efficacy. Its prohibitive cost however places it beyond the reach of the poor. It was this consideration that led Government to introduce a cheaper product—the cinchona febrifuge which is nothing more than the residue left after extraction of quinine from the bark. Some of its components however have been found on investigation to possess distinct anti-malarial properties. It was placed upon the market as a cheaper and more accessible remedy. There were however some drawbacks to its general use inasmuch as not being a standardised preparation its composition, and effects greatly varied. Nor was it palatable; and therefore it did not find much favour with the masses. Subsequently in 1934, the Malaria Commission of the League of Nations suggested after due investigation a preparation named totaquina as more likely to fulfil the above requisites. It appeared to be a half-way remedy between quinine and the febrifuge. It can be prepared either by adding 25 per cent. of quinine to the cinchona residue or from the bark of the two hardier species of the cinchona plant, that unlike the quinine-producing plant do not require certain optimum conditions for their growth. Totaquina has been found to be cheaper than quinine, as it costs about Rs. 13-8-0 per lb. against Rs. 18-8-0 for quinine. The retail price of the febrifuge varies between Rs. 10 and Rs. 12. These three products thus hold the field at present. It would be for the medical experts to determine how far the relative claims of the two comparatively cheaper products can be adjusted to the needs and purchasing capacity of the masses; or that another substitute could be made available. Sir, the help of the Medical Research Council of Great Britain may perhaps be invoked to elucidate this subject as I believe it will throw considerable light upon it. It is an imperial problem affecting not India alone but the British Dominions and Colonies as well.

It is beyond the scope of this Resolution to refer to the newer synthetic remedies. However potent they may be their cost per treatment varying as it does from Rs. 1-12-0 to Rs. 2-4-0 places them beyond the purchasing capacity of the masses.

Secondly, Sir, turning now to the role of the financial experts, it appears that certain financial and commercial considerations involved in this question require elucidation. The tussle for ultimate superiority lies between a standardised febrifuge with or without the addition of quinine or totaquina. The former if standardised as suggested is likely to cost more than at present. And if Government should ultimately decide upon one or the other, there is the probability of lowering of the price of quinine through lesser demand. Then again foreign manufacturers would manufacture these products and thus enter into competition with locally made products. Or a new cheap synthetic remedy may be discovered. Or again, India may not be able to produce the

requisite quantity of the bark needed for the manufacture of totaquina as it is said that it takes sometimes 10 years. These weighty factors have thus to be considered before final determination of the drug can be made. "It is not a question of what is the drug procurable, but of what drug will give the greatest benefit to the greatest number for the money available". In this connection, I would suggest that if the cost of the drug thus selected were to be found to be greater than what the masses could afford, it should be so reduced as to place it within their reach and the difference debited to the Department of Public Health as a preventive measure.

Thirdly, Sir, without adequate research by a body like the Imperial Council of Agricultural Research, there can be no progress. It will be for that institution to investigate improvement in the present methods of propagation of the quinine-producing plant and its congeners in other parts of India. The hardier varieties may possibly be grown at other places. India is such a vast country with such a great variety of climates that it should not be difficult to discover those more suitable for the cultivation of the latter and as well to determine the shortest period after planting when the bark would be ready for use. Deterioration of the bark by storage for long periods also requires investigation. The Council would further undertake technological research into the methods of cultivation, suitability of the soil, its analysis, etc., and thus place India in the fore-front of this investigation.

Such are some of the factors complicating this vital question. It is only by the conjoint efforts of a Committee as suggested that Government would be able to lay down their policy for alleviating this chronic infirmity of the masses of India. It is in this connection that the grant of Rs. 10 lakhs provided this year will be of great use.

Lastly, Sir, there is the question of popularising the use of the approved remedy. I have been told that the masses have a rooted repugnance to quinine. That is surely due to ignorance and prejudice combined with the absence of suitable propaganda. The effort hitherto made to introduce pice packets of quinine at post offices, etc., has not been a success. And Government did not approve of the tubes treatment tablets as suggested by Sir John Megaw, late Director General of the Indian Medical Service. Nothing short of a wide and extensive propaganda and even actual demonstration of treatment and making the remedy available at each village shop would be able to overcome the apathy and reluctance among the masses.

Sir, may I, before I conclude, quote one pregnant paragraph bearing upon this subject from the Report of the Royal Commission on Agriculture in India :

"Of all the diseases of India, malaria is the most widespread and its effects on the efficiency of the rural community are disastrous. The principal prophylactic in the treatment of this disease is quinine and cinchona febrifuges and not the least of Government's responsibilities in the control of malaria is connected with its policy in regard to the manufacture of this drug. At present all the cinchona plantations with one exception and the factories for the manufacture of quinine are owned by the Provincial Governments of Bengal and Madras. If the question of malaria is to be seriously tackled we are strongly of opinion that the development of cinchona cultivation in all provinces which contain areas suitable for its growth, the manufacture of quinine and the control of its distribution, so far as the price within India is concerned should be taken over by the Government of India. In view of the all-India importance of the question

[Sir Nasarvanji Choksy.]

it is not one that should be left to Local Governments, however efficiently they may in the past have carried out their obligations in the matter. In view of the great importance of extending cinchona cultivation and cheapening quinine, we consider that much more scientific investigation is called for than has been undertaken in the past."

No better support for this Resolution can be forthcoming than the above. It puts in a nutshell the theme I have elaborated and points the way to the elucidation of a policy subsequent upon further scientific investigation.

May I hope, Sir, that the facts I have placed before the House will convince it of the great urgency of this problem and the Resolution will receive the support of the Honourable the Leader of the House ?

Sir, I move.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, I think we are all very grateful to the Honourable Sir Nasarvanji Choksy for bringing this very important question of the effects of malaria on the health of the Indian people before this House. As he has already stated during the course of his speech, he raised this question three years ago. Many of us know from personal experience the havoc that malaria causes among the people of India. The Honourable Member has in the course of his speech made certain suggestions as to how his object can be achieved. While I have every sympathy with many of his proposals, I hope I will be able to convince him before I sit down that the particular suggestion he has made is not perhaps the most effective. He has suggested the appointment of a committee. Well, Sir, I do not think that the committee would be able to add very much to our knowledge or would be able to suggest means about which we are ignorant at present. The main problem here is that at present we are not able to produce quinine at a price which the people can afford. That is really the crux of the problem. My Honourable friend has explained to the House that apart from quinine there are two other remedies, all derived from the cinchona bark which have been proved by experiment and investigation to be efficacious in dealing with malaria. They are cinchona febrifuge which the Honourable Sir Nasarvanji Choksy has already described. It is the residue left after quinine has been extracted from the cinchona bark. Then there is the standardised form of this febrifuge which is now called totaquina. I need not trouble the House about the formula which applies to totaquina. The formula has been worked out by the Health Section of the League of Nations and it is now recognised as a very potent specific against malaria. But as the Honourable Sir Nasarvanji Choksy has already informed the House, even the price of totaquina, which is, I think, just a few rupees less than that of quinine—it is Rs. 13 as against Rs. 18 for quinine—even that is high. Now, Honourable Members may like to know as to how the Government of India have dealt with this difficult problem. It has had a somewhat chequered history. The Honourable Member has mentioned the recommendations of the Agricultural Commission. The recommendation made by that Commission was that the production, laying down the price and the manufacture of quinine should be made a central subject. That point was investigated and it was found difficult to carry out that recommendation for two reasons—partly because of certain objections that were

raised by a certain Local Government which was intimately concerned with the production and manufacture of quinine and partly because a very considerable sum would have had to be spent before Government could acquire the provincial plantations and the provincial factories. For these reasons this

idea of making the whole thing Central was given up. But we
1 P.M. have been examining recently as to whether it is possible to reduce the commercial price of the production of quinine.

These inquiries are still incomplete. We are not yet in a position to say whether it will be possible to produce quinine in India at a price which the people in their present economic condition would be able to pay. I am also prepared to investigate the question whether the particular types of trees from which the alkaloids are derived, from which totaquina is prepared, cannot be more extensively planted. I would merely say that we are prepared to investigate this. I do not know what the results of our investigation will be, but I quite realise that this is an extremely important question. Here is a large population which is afflicted with malaria. We know that synthetic productions are so expensive, as has been explained by Sir Nasarvanji Choksy, that it is not possible for the common people to utilise them. We find that the present prices of the other two specifics mentioned, cinchona febrifuge and totaquina are also high. We have therefore to see whether it is possible in India, with our climatic conditions and other factors, soil and temperature and so on, to produce quinine or these other substances at a lower cost than at present. Another suggestion made by my Honourable friend was that we might utilise the services of the Medical Research Council in England. I understand from my expert advisers that the whole question as to the uses that can be made of cinchona bark have been so thoroughly investigated that perhaps that suggestion will not throw any further light on the problem. I hope that what I have said will convince my Honourable friend that we are fully alive to the urgency and importance of the question. I hope that my Honourable friend will not consider it necessary to press his Resolution to a division.

THE HONOURABLE THE PRESIDENT : Do you wish to press your Resolution ?

THE HONOURABLE DR. SIR NASARVANJI CHOKSY : No, Sir.

The Resolution was, by leave of the Council, withdrawn.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL (Amendment of Section 406).

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) :
Sir, I move :

“That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the Legislative Assembly, be taken into consideration.”

I should like to give to the House a short history of this Bill. This Bill seeks to eliminate a proviso to section 406 of the Criminal Procedure Code, which runs :

“Any person who has been ordered under section 108 to give security for keeping the peace or for good behaviour may appeal against such order, if made by a Presidency Magistrate to the High Court, if made by any other Magistrate, to the Court of Session”.

[Mr. V. V. Kalikar.]

This is the normal rule, but there is a proviso which says :

“ Provided that the Local Government may by notification in the local official Gazette direct that in any district specified in the notification appeals from such orders made by a Magistrate other than a District Magistrate or Presidency Magistrate shall lie to the District Magistrate and not to the Court of Session ”.

This Bill relates to the elimination of this proviso. Before 1923, appeals under sections 107, 108, 109 and 110 lay to the district magistrate. But when the Criminal Procedure Code was recast in 1923, the rule was laid down that appeals from orders passed under these sections should lie to the sessions judge and not to the district magistrate. Sir, section 107 relates to the taking of security for keeping the peace, section 108 to taking of security for good behaviour, section 109 to taking of security for good behaviour from vagrants and suspected persons, and section 110 to taking of security for good behaviour from habitual offenders. As I have said before, after the recasting of the Criminal Procedure Code in 1923, appeals under these sections are made to lie to the sessions judge and not to the district magistrate. Only it was laid down by this proviso that if the Local Government thought it necessary they could by notification direct appeals to be decided by the district magistrate. If my information is correct, only in four provinces, the Punjab, Burma, North West Frontier and a part of Bihar and Orissa, are these appeals so decided by the district magistrate and do not go to the sessions judge. I do not know why the Punjab or Burma should be put on a different level from other provinces. When the Act was recast in 1923, all of us connected with the profession of law felt glad that these appeals would in future go to the sessions judge and not to the district magistrate. But when immediately a notification was issued in the Punjab after the passing of the amended Act in 1923, directing that these appeals should go to the district magistrate and not to the sessions judge we thought that there was something abnormal in the Punjab. But, Sir, from the debate that took place in the other House on this Bill and the support that this Bill received in that House, I infer that there is nothing abnormal in the Punjab. The Punjab is not more criminal than other provinces.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : It is less.

THE HONOURABLE MR. P. N. SAPRU : It is more.

THE HONOURABLE MR. V. V. KALIKAR : I cannot agree with my friend Mr. Sapru, but I am very glad to endorse the view of my Honourable friend Raja Ghazanfar Ali Khan.

Also, Sir, from my acquaintances with friends who come from the Punjab I do not get any information as would lead me to believe that there is something abnormal in the Punjab so that these summary powers should be exercised there and the ordinary rule of law should not be brought into practice. Sir, in this picture, I shall explain as briefly as possible the part that is played by the district magistrate. Sir, I think those who have to do with the Bar will know how these cases come up before courts. My experience at the Nagpur Bar for about 10 years has confirmed me in my view that in these cases the accused do

not get fair and impartial justice. The procedure is—and it is always followed or followed in most cases—that the police constable or the head constable reports about some persons to the sub-inspector of police and the sub-inspector of police reports to the district superintendent of police and in some cases the district superintendent of police in consultation with the district magistrate asks the police to file a chalan in a certain court, and these chalans are filed in the courts of sub-divisional magistrates, and in those trials, which more or less are of a summary nature, orders are passed. So naturally, Sir, the district magistrates have to take some interest in that matter. I do not mean to say that in all cases he does take an interest, but in some cases he is naturally consulted and therefore according to his order the cases are filed and judgments are given by the subordinate magistrates who are subordinate to the district magistrate. My point is, that in this picture the district magistrate comes as a prosecutor as well as a judge. It is against the elementary principle of British jurisprudence that a prosecutor and a judge should be the same man. If, Sir, it is intended to create more confidence in the administration of justice, it is better that these two functions should be separated. We, Sir, in India have been agitating since the inception of the Indian National Congress about the separation of judicial from executive functions. There are no two views on this point and in almost all the provinces resolutions to this effect have been carried in the local Councils. In introducing this Bill the sponsor of the Bill in the Lower House has made an attempt to take a step in that direction and to achieve the object of severance of judicial functions from executive functions in a partial way. From that point of view also, I submit that this Bill should be accepted. If the normal rule of law is followed, in other provinces, for instance, Bengal, Madras, the Central Provinces and Bombay, I do not see any reason why in the Punjab alone or in Burma this provision should be followed and an appeal should lie to the District Magistrate. Sir, in all these cases, a suspicion always lurks in the mind of the accused that he will not get proper justice from the hands of district magistrates to whom the appeal lies in such cases. I do not mean to say, nor is it my intention to say, that all the district magistrates are not impartial. I know of cases in some parts of my province, the Central Provinces and Berar, where district magistrates were equally impartial as sessions judges. But my point is, that it is not only that you ought to be impartial, but the accused must have the consciousness that he will get impartial justice. Justice ought to be above suspicion as Caesar's wife. If this provision is not eliminated, then the accused in these cases have ground, and real ground, to think that when these cases come up before courts after consultation with the district magistrate they would not get fair justice in appeal if the appeal lies to the district magistrate. The proceedings that take place in a sub-divisional magistrate's court in these cases, as I said, are of a summary nature. Even hearsay evidence of his character is admitted. Now, my point is that the Legislature in 1923 decided that the sessions judge is more competent to bring to bear a judicial mind in sifting evidence in these cases and is capable of meting out fair and impartial justice. If that is so, I am really surprised to find that the Punjab should be singled out. In the Punjab no sooner was the Act passed, than a notification was issued that all these appeals should go to the district magistrate. Am I to understand that in the Punjab there are no sessions judges or additional sessions judges competent to try these appeals?

[Mr. V. V. Kalikar.]

From my information, I infer that in ordinary cases in the Punjab the appeals from first class magistrates always go to sessions judges. Then, Sir, if ordinary appeals from first class magistrates can be fairly decided by sessions judges, why should exception be made in cases of this kind ? Are the sessions judges incompetent or the district magistrates more competent to decide these appeals in the Punjab ? Sir, it is an anomalous position and I cannot understand why this distinction is made. The Legislature has given the right to the accused to file an appeal and make that appeal effective. So, if you want an accused person to go in appeal if he be in the right, then let that right be used effectively. It is no use giving the right of appeal with one hand and taking it away with the other. It is not my desire to cast any aspersions on district magistrates but I take my stand on the elementary principle of British jurisprudence that a prosecutor and a judge should not be the same. I, therefore, Sir, recommend that this Bill be accepted.

The Council then adjourned for Lunch till Three of the Clock.

The Council re-assembled after Lunch at Three of the Clock, the Honourable the President in the Chair.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, I oppose this Motion. As was explained by the Honourable the Home Member in the Assembly, although Government did not challenge a division on the third reading of this Bill, yet he regarded the Bill as undesirable, if not objectionable. The Honourable mover of this Motion has referred briefly to the earlier history of this section. I may somewhat elaborate his description and may tell the House that when the amendment of the Criminal Procedure Code was under consideration in the year 1922-23, the whole question was examined by a committee sitting under the presidency of the then Law Member, Sir George Lowndes. It was intended to extend this section so as to give some right of appeal in these security cases. Actually, when the Bill was before the Assembly, this section was extended still further to give a right of appeal in practically all such cases and it also provided that the right of appeal should in all cases lie to the sessions judge ; that is to say, the proviso to this section had not been inserted. Government at that time thought that this section as it stood, providing an appeal only to the sessions judge, was undesirable, and therefore, in the Council of State, they moved an amendment to include in the section the proviso which the Honourable mover now desires to repeal. That proposal was carried by, I think, 22 votes to nine. I trust this present Council of State will reaffirm the decision of the Council of State that passed this amendment and will allow this proviso to continue as part of section 406 of the Criminal Procedure Code. That, briefly, is the history of this section. The proviso merely gives power to Local Governments in certain cases to say that the appeal shall lie not to the sessions judge but to the district magistrate. Actually, as the Honourable mover has stated, only some Local Governments have made use of that power. It has been done in the Punjab, it has been done in the North-West Frontier Province, it has been done in Burma and it has been done also in the Chota Nagpur

Division of Bihar. It is also, I believe, the practice in the Chief Commissioner's Province of Delhi. When the Punjab Government considered this question in 1923, they consulted the High Court on the point and the High Court fully agreed that it was desirable in that province for appeals in these cases to lie to district magistrates.

THE HONOURABLE MR. P. N. SAPRU : Was the High Court unanimous ?

THE HONOURABLE MR. M. G. HALLETT : I will read the Honourable Member the letter of the High Court. This is a letter from the Registrar of the High Court in November, 1923 :

“ In reply to your letter on the subject of the hearing of security appeals under section 406 of the Criminal Procedure Code, I am directed to say that the matter was considered by the Judges in their meeting held on 2nd November, 1923, and they resolved to recommend that a notification should be issued under section 406, Criminal Procedure Code, empowering all district magistrates in the province to dispose of security appeals under that section on the distinct understanding that such appeals are heard by the district magistrates themselves and not by additional district magistrates ”.

There is no doubt in my mind, from that letter, that that was the unanimous opinion of the meeting of the Judges of the High Court of Lahore. I do not know exactly what happened in other provinces—whether the High Courts were consulted or not—but presumably they were, as the matter affects the work of their subordinate courts, and it was probably after consulting their High Courts that the Provinces of Bihar and Burma gave these powers to district magistrates.

The advantages of giving these powers to district magistrates are, I think, threefold. Possibly there are four advantages. One thing is—and this point was stressed when this amendment was proposed in the Council of State in 1923—that it involves a saving of expenditure. That is an important point in most of the provinces because they are most of them faced with almost deficit budgets. I do not wish however to lay too much stress on this point. The actual extra expenditure that would be incurred if these appeals went to sessions judges would not be very great. I have got figures here showing the total number of appeals. In the Punjab, where they are numerous, the transfer of these appeals to sessions judges would necessitate the employment of at least one additional sessions judge in the province, involving expenditure of roughly Rs. 18,000. Rs. 18,000 is not a very large sum, but most of these provinces have got to husband their resources and they have to consider carefully every proposal of this kind and its financial implications. There is another point I would like to make at this stage, and that is, that though the only provinces in which action has been taken under this proviso to this section are the Punjab, Burma, Bihar and the North-West Frontier Province, yet in those provinces there has been no complaint whatever about the action taken by Government in issuing that notification. The matter has never been raised in any Legislative Council so far as I know and I have tried to look into that question. The Legislative Council of the Punjab could easily have raised the matter either by means of a resolution asking Government to withdraw the notification or by raising the point when they were discussing the budget, or on some other occasion. In Bihar the question has never been raised and I do not think it has ever been raised in

[Mr. M. G. Hallett.]

Burma. Also I learn from a letter I got from the Punjab Government the matter has not even been raised in the press. That shows that there is no very strong feeling in the matter, and it is after all a matter which should be decided by the province itself. There is no reason why we should interfere and take away a power which has been exercised with due discrimination and discretion and say to these provinces, "Though you find it useful to exercise that power, you must not use it in future". That seems to me to be entirely wrong.

As I have said, one of the advantages in this procedure is a certain amount of saving of expenditure. A second one is that in nearly all provinces, and particularly in the Punjab the district and sessions courts are very much overburdened with work. There is constant complaint that district and sessions judges have to devote too much time to criminal work and cannot devote enough time to civil work. There are some observations made on this point during the discussion in the Assembly by a non-official Member which I think are fairly relevant to this point. What the Honourable Member said was :

"Sir, I hold no brief for the Punjab Government, but as a practising lawyer in Lahore all I can say is that in 1923-24 when this notification was issued the congestion of work in the High Court and in the District Judges' Courts was so colossal that Government were compelled to issue this notification. Civil cases in the High Court were four years in arrears, and cases in the districts were two years in arrears. At the present moment there has been some improvement, but the congestion is still great, and if these 4,000 or 5,000 criminal cases are tagged on to the sessions judges' files, the congestion will be infinitely greater".

That I think is an argument of some practical importance, that it is desirable to relieve the sessions courts of work which is not really very important especially when you can get it done with equal efficiency and equal justice by some other agency.

The third point I would make is that this arrangement which is in force in these provinces conduces to the convenience of the parties. That is certainly the case in Bihar. There, as I have said, the notification only affects the five districts of the Chota Nagpur Division. In those five districts there is a Judicial Commissioner and one sessions judge. That means that if a person from whom security has been demanded under any of these sections wants to appeal, he has the inconvenience and expense of having to go off to a district which may be 100 or 200 miles away. I am sure the people of Chota Nagpur would be only too glad to have their cases disposed of by the local Court of the district magistrate and thereby save both time and expense.

Those seem to me to be the advantages of this procedure and those are the arguments which have influenced Local Governments in issuing this notification.

I now deal with the objections which have been very moderately put forward by the Honourable mover of the Motion. I am grateful to him for admitting that the charge against the district magistrates of not being impartial is one which is not really justified. He argued however that an apprehension exists in the mind of a person from whom security is demanded that the Court who is hearing his appeal is not impartial. That is an argument

which is frequently put forward in criminal courts when a petition is being considered for the transfer of the case. But, Sir, on one point I disagree with him. He contended, and the contention is often made, that the objections to a district magistrate hearing these appeals is that he is both a prosecutor and the appellate court. I think he referred to the fact that he had practised for about 10 years at the Bar. I can claim to have practised for about 10 years as a district magistrate and to have seen a good deal of security cases in various districts in which I have carried out those duties, and I can say truly, and I think those in this House who have also held the post of district magistrate will agree with me, that actually in the institution of these cases the district magistrate does practically nothing. It may occasionally happen that the district magistrate when he is going round his district may find that in a particular area crime has increased and may suggest to the police the desirability of instituting section 110 proceedings. But having done that he leaves it entirely to the police to draw up the proceedings and to decide whether any particular person shall be proceeded against under this section. In cases under section 107 it is very seldom that the district magistrate personally interferes and in cases involving a breach of the peace the proceedings under this section are generally drawn up by one of his subordinate magistrates on their own motion. So that argument falls to the ground. That certainly has been my experience. I have never told the police to run a case against a particular person. Occasionally possibly proceedings have been shown to me informally, but if I knew I might have to hear that appeal I certainly would not have expressed a definite opinion on the matter, and I think that is the attitude of most district magistrates invested with these powers.

That I think is the main argument in favour of this Bill, apart from the academic argument of the necessity and desirability of a separation of judicial from executive functions. But, Sir, I look at this question from the practical point of view, from the point of view of the convenience of Government, from the point of view of the convenience of the parties, from the point of view of the expenditure involved, and I think that, looking at it from all these points of view, in those provinces where this notification has been issued by the Local Governments it is a suitable notification.

I do not think I need say anything more. As I say, this section was put in by the Council of State. It has been used by a few Governments without the least objection from any of the local people and certainly, in one case, with the full support of the local High Court. If there is any grievance surely we can leave it to the local Councils concerned to raise the point. After all, there is nothing mandatory about this section. It is simply permissive, and I submit that the Governments which have used this section have done so with due discretion. I trust therefore this House will support me once again and will defeat this Motion by a large majority, as in the year 1923 when they carried this amendment.

Sir, I oppose.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, the Bill which has been introduced by the Honourable Mr. Kalikar seeks to eliminate a proviso to section 406 of the Code of

[Mr. P. N. Saprú.]

Criminal Procedure. Now the present position is that Local Governments can direct an appeal under this section to be heard by a district magistrate. There is, as the Honourable Mr. Hallett said, an academic principle certainly involved in this Bill. But that academic principle, if I may say so, is of far-reaching importance. I think, Sir, it is not enough that justice is done. It is also necessary that the accused and the public should feel that proper justice is being done. Why do we allow transfer of cases? Why do we give the High Courts power to transfer cases? I am perfectly certain that most of the transfer applications are frivolous. That is one's experience; the allegations in most of the transfer applications are groundless. But the law has given power to High Courts in order that there may be no apprehension whatever in the minds of the accused and the public that justice is not being done. Justice, Sir, like Cæsar's wife should be above suspicion. That is one of the basic principles of British jurisprudence and I think, Sir, we are quite justified in saying that that principle should be followed in the Provinces of Bihar, the Punjab and Burma.

Now, Sir, it is said that district magistrates do not take any particular interest in these proceedings, that these proceedings are not initiated by district magistrates. That is perfectly true, Sir. I have a great deal of respect for district magistrates; but I also believe in the unconscious or subconscious mind. When one has been an executive officer for a long time one acquires a certain bias and one's experience is that executive officers are not—I am speaking with all respect to executive officers—one's experience is that executive officers are not proper persons for dealing with judicial matters, Sir, a sessions judge has had a considerably larger experience of judicial matters; he can take a lawyer's point of view and therefore it is right that the power should be vested in sessions judges. Then, Sir, the point is that a district magistrate should not be placed in the invidious position of being the prosecutor and the judge at the same time. He may not actually be the prosecutor, but in the public mind he is associated with being the prosecutor. Now, Sir, there were some reasons given by the Honourable Mr. Hallett as to why this proviso could not be accepted. One reason that he gave was that if this proviso was accepted it would involve the Punjab Administration and the other Administrations in some expenditure. Now, Sir, what will be the expenditure incurred? Rs. 18,000 in the Punjab. Well, Sir, if we can have the Lee concessions at this time of economic distress, I do not see any reason why we should grudge this small sum of Rs. 18,000 for a salutary judicial reform, for a judicial reform which will help to purify our system of administration. Then, Sir, it was said that in the Punjab, Burma and the North-West Frontier Province there is no demand that there should be this reform and that no resolution that a change of this character should be made in the Code of Criminal Procedure has been moved in the local Legislature. Well, Sir, the Code of Criminal Procedure is an All-India Code. How could the local Legislature recommend that the Code of Criminal Procedure should be amended? It would certainly have been beyond the province of the local Legislature of the Punjab to move for an amendment.

THE HONOURABLE MR. M. G. HALLETT : Sir, the local Legislature could amend the Criminal Procedure Code with the sanction of the Governor General in Council.

THE HONOURABLE MR. P. N. SAPRU : The proviso, or the amendment to this proviso, was moved by a Punjab Member and I am certainly entitled to infer from that that the Punjab Member who represents a large constituency has public opinion behind him. In any case, Sir, the question of the separation of judicial and executive functions has formed one of the main planks in the platform of Indian political parties ; legal circles have always been of the opinion that the judicial and executive functions should be separated and I think, Sir, that it is not correct to say that public opinion in the Punjab does not favour this change. I do not know, Sir, what public opinion is ; if public opinion means the opinion of papers like the *Tribune* certainly public opinion favours this change ; but if public opinion means opinions which district officers can gather from their sycophants and from those who flock to them in the morning to salaam them, then of course public opinion is against this measure. Then, Sir, it was said by the Honourable Mr. Hallett that district and sessions judges are very much overworked. I know that our judicial officers are very much overworked ; in our own province, our judicial officers have got to work long hours and I have got a very great deal of sympathy with them ; they are a hard worked class. But, Sir, would my friend, the Honourable Mr. Hallett, say that district magistrates are not overworked ? Sir, I thought—

THE HONOURABLE MR. M. G. HALLETT : Sessions judges unfortunately very often get into arrears with their work ; district magistrates do not get into arrears with their work.

THE HONOURABLE MR. P. N. SAPRU : I have not the statistics before me, but I thought that one of the duties of a district magistrate was to get himself in touch with the public of his district ; he has got to see many people ; he has got to take interest in the local activities of the district over which he is presiding. If he is a good district magistrate he must take some interest in the social services of the district also, so that, Sir, in that way, he is very much overworked and if we gave him some relief in this direction, he would be able to take some more interest in these beneficent activities of the district. Therefore, Sir, as one who wants our district magistrates to take some more interest in nation-building activities, I would favour this change. Then, Sir, it was said by the Honourable Mr. Hallett that this arrangement conduces to the convenience of the parties. He pointed out that in Bihar five districts would be affected—districts in the Chota Nagpur Division. If you push this argument to its logical conclusion then why not have a separate High Court for these five districts ? Why not have a High Court for each district because it is certainly inconvenient for a man living, say, in Dehra Dun to go to Allahabad. Dehra Dun is about 500 miles from Allahabad and it would be more convenient if the district magistrate of Dehra Dun were converted into a High Court Judge. If you push that argument to its logical—

THE HONOURABLE SIR DAVID DEVADOSS (Nominated : Indian Christians) : The Bar would be very pleased to have a High Court in every town!

THE HONOURABLE MR. P. N. SAPRU : I do not know. The Dehra Dun Bar might be pleased, but certainly the Allahabad Bar would not. If you push this argument to its logical conclusion, it comes to this, that you must give the accused really no right of appeal at all. An appeal means going to a district or town which is not your own ; the appellate court is sometimes situate in a place far removed from the place where you are living. If you were to consult, Sir, the parties, they would certainly prefer to be tried by sessions judges and the reason for that is obvious. If I were an accused I would like my case to be tried by the most competent and the most impartial agency that I could think of. Certainly as the accused, I would consider a sessions judge who has had judicial experience to be more impartial and to be more competent than a district magistrate. I mean no reflection on our district magistrates, but after all a district magistrate is not a judicial officer ; his training is not judicial ; his training is executive, and I would like, if I were an accused, to have my case tried by an officer who has a judicial bent of mind, whose mind is not saturated with certain executive ideas.

Therefore, Sir, I think if we analyse the argument advanced by Mr. Hallett there is in fact no force in it. Then, Sir, we have in our province—I do not know the exact position in the Punjab—we have in our province assistant sessions judges. Now, these assistant sessions judges are also subordinate judges. They do civil work and they do criminal work and they do it quite well. Now, why cannot this power be vested in these assistant sessions judges ? If the sessions judges are overworked, why not utilise the services of our Provincial Service men—the new nomenclature for subordinate judges in our province is civil. Why not utilise the services of these civil judges for this kind of work ? I think, Sir, the greatest contribution which Britain has made to the progress of this country is the establishment of the rule of law and I think, Sir, this question of the separation of judicial and executive functions raises a fundamental question of principle which we cannot dismiss as academic. Sir, one's experience is that there is a tendency in this country to support the police, right or wrong. I am quite prepared to recognise, Sir, that there has been an improvement in the quality of the police force during the last 15 or 16 years. But, Sir, we have had cases in which police officers have been commented upon by the High Court and no action has been taken by Government against them. Sometimes there has been scathing condemnation of them by the High Court and nothing has been done by the Local Government. And the reason for that is obvious. The reason for that is that in the political circumstances which exist in this country the tendency to support the police whether the police is right or wrong is very natural and that being so the police very often feel that they are the masters of the situation. In England the police look upon themselves as the servants of the people. Here the police have a different opinion of themselves. In England the policeman is respected and he is liked ; he is very often the best friend of the poor and the oppressed. Well, Sir, here he is unfortunately very often the oppressor of the poor and the oppressed. Well, that is one's

experience of the police force in this country and I think, Sir, that sometimes great *zulum* is done under these security sections. A man is inconvenient to the district authorities for some reason or other and they cannot find any definite charge against him, then a charge is brought under sections 109 and 110, and it is easy to have evidence in this country. You can have any number of witnesses to support any complaint that you file. Witnesses can be hired unfortunately in this country and sometimes we have convictions which are not really justified by the evidence on the records. Therefore, Sir, it is necessary that these appellate powers under these sections should be exercised by experienced men, by men who have a judicial habit of mind and whom the public trusts. For these reasons, Sir, I support this Bill and I would ask this House to revise its earlier view in the light of the experience that this House has gained during the last 10 or 15 years. Very soon, Sir, we shall have some sort of autonomous administrations in the provinces and I think it would encourage these semi-autonomous Governments if this House were to remove a blot from the Code of Criminal Procedure.

With these words, Sir, I support the Bill.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON (Punjab: Nominated Non-Official): Sir, the object of the proposed amendment in the existing law is to take the appellate powers of the district magistrates which they exercise under the security section of the Criminal Procedure Code in certain provinces in India. Of those provinces, as far as this work is concerned, the Punjab is the most important. Now, I have been magistrate and again district magistrate in the Punjab for a number of years, and I speak from personal experience. (*An Honourable Member*: "That disqualifies you"!) You may think so. I think otherwise. As a district magistrate I do not remember even a single instance in which the police tried to influence my decision of such appeals. In the Punjab, Sir, a very large number of such appeals is disposed of by the district magistrate. I am sorry the exact number of appeals is not available but I can mention the number of people who have been dealt with under these sections. In 1932, Sir, 9,777 persons were bound down under section 107, C. P. C., and 5,882 under sections 109 and 110. In 1933 the number of persons dealt with under these sections was 16,205. I do not know, Sir, how the Government has come to this estimate that one sessions judge will be able to cope with all such work in the Punjab but personally I think they will need more than one officer. If in future this appellate power is to be taken away from the district magistrate, the Government shall have to appoint a sessions judge or assistant sessions judge or two sessions judges for this purpose, which will involve a certain amount of expenditure. That amount may not be very big, as suggested by the Honourable Member, still, conceding that we will soon have provincial autonomy in the provinces, we have to be cautious about incurring additional expenditure.

Besides, Sir, in the Punjab in several districts we have no sessions court and the sessions court work from these districts has to go to the sessions courts which are located in other districts. So, if these appeals are to be heard by the sessions judges, the result will be that, where there are no sessions courts in the districts, the appellants will have to go far away from their

[Sir Mohammad Hayat Khan Noon.]

headquarters to other districts where the courts are located, and this will mean considerable expense to the men. As far as I know, Sir, there were no serious complaints by the press or by the public against the present procedure. Nor have the Honourable Judges of the High Court of the Punjab condemned the present system or declared that the appellate work of the district magistrates under these sections were unsatisfactory. I presume, Sir, that the High Court have recommended no change. Nor has there been any protest against the present procedure in the Punjab Council. Sir, such being the case, why any change at all? It may be, Sir, that some district magistrates in some rare cases might have committed error of judgment or irregularity of procedure but that does not prove that the system is bad. With due deference to the sessions judges, I will say that in a sessions court in murder cases some men are sentenced to death by certain judges and are then acquitted by the High Court, so it does not show that sessions judges are not competent to try murder cases.

I said before, Sir, that the proposed change, if carried out, will necessitate the appointment of some additional sessions judges or assistant sessions judges. In the Punjab, Sir, we have a system of assistant sessions judges. The assistant sessions judges are appointed from amongst the magistrates. That has been the practice in the Punjab. The district magistrates are also appointed from amongst the magistrates. Is there any justification to presume that if a magistrate is appointed assistant sessions judge, the quality of his work improves and he becomes more judicial minded but if a magistrate is promoted to the post of a district magistrate, the quality of his work deteriorates and he bids good-bye to his conscience and spirit of justice? Most of these sections are used to prevent crime being committed and a very small percentage of the persons dealt with under such sections are sent to jail. Most of those ordered to furnish security do furnish security and are set free. I cannot understand, Sir, why so much importance should be attached to this work? If a district magistrate cannot be trusted to dispose of this work with fairness, why is he authorised to try important cases under the Indian Penal Code? The only other thing to do is to take away all the magisterial work from the district magistrate and have sessions judges for the trial of all cases, big or small.

My Honourable friend Mr. Kalikar has stated that one of the reasons why he wants this change is that in all other provinces in India these appeals are heard by sessions judges. He asks why this should not be so in the Punjab also. I think that is not the question. The question is whether the present procedure in the Punjab is so defective or wrong as to necessitate a change. The mover of the Bill has not been able to prove that there is anything seriously wrong with the procedure in vogue in the Punjab. In my opinion if the proposed change is carried out, it will result in inconvenience and will prove expensive to all concerned. But, Sir, there is one exception. The gentlemen of the legal profession may be able to charge a higher fee for appearing in the

sessions court than what they charge now for appearing in the district magistrate's court.

Sir, I oppose the Bill.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab: Non-Muhammadan): Sir, I rise to support the Honourable mover in this Motion. The Honourable mover and my Honourable friend Mr. Sapru have dealt with the subject exhaustively and have not left much for me to say. But I will try to cover the ground which they have not covered. In the first place, I think I can assure the Honourable the Home Secretary that as far as the Punjab is concerned, the work of deputy commissioners and of district magistrates has increased abnormally. If I understand aright, Sir, they have been ordered to be on tour so many days every month, and to devote a great deal of their time to rural uplift. Over and above that, political and communal agitation is on the increase, and in the Punjab, unfortunately, crime is also on the increase. We find that all the Punjab jails now are crowded and Government are finding difficulty in finding accommodation for convicts. Sir, rural uplift has thrown heavy touring work on district magistrates. They are now so over-burdened with work that we cannot expect them to go through all the security cases that are put before them. The Honourable the Home Secretary observed that no representation has been made by the province in this regard. I might say that the Punjab has got its elected representatives in both the Houses of the Central Legislature and they are giving expression to the views of the public of the Punjab. The Honourable the Home Secretary also observed that the sessions judges are over-worked and that there is a lot of arrears of cases which remain undisposed of. Arrears will increase now from time to time because of the reasons I have already given. Sir, the person who deals with the case first as the executive head ought not to try that very case on appeal. I cast no slur or discredit on the district magistrates. I have got very great regard for most of them. But as they are now being very heavily over-worked, we cannot expect that they will do justice to security cases which are increasing heavily. The Honourable Nawab Sir Mohammad Hayat Khan Noon has told us that there are no sessions courts in all the districts of the Punjab. I might tell you, Sir, that even now, the deputy commissioners and the district magistrates are generally on tour and are not generally available at headquarters.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON: These are generally heard at headquarters.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is not a fact now. In the city of Lahore, the Punjab Government went so far as to provide quarters in the Lahore kotwali for the district magistrate and on this a sum of about Rs. 20,000 odd was spent. That shows, Sir, that there is so much work on the district magistrate of Lahore that he cannot do all the executive work, but has to deal with political agitation, communal riots and other disciplinary measures generally at the kotwali instead of at the district office.

THE HONOURABLE NAWAB MALIK SIR MOHAMMAD HAYAT KHAN NOON: He has an officer, with district magistrate's powers, to assist him.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: That is solid proof of what I say. When the district magistrate is so busy, he cannot satisfactorily attend to every one of his duties in the way in which Government expects him to do.

The Honourable Nawab Sahib has also given figures of security cases. He has not given comparative figures from which this House can form an idea as to what extent there has been a heavy increase in the security cases. He has also put in an argument which did not appeal to me at all. He has said, that for want of public confidence, "district magistrates should be relieved of their magisterial powers which should be passed on to sessions judges". If we stretch that argument, then, according to him, all the powers should lie with the High Courts, for even sessions judges' decisions are sometimes upset and over-ruled by the High Courts.

Well, Sir, the Punjab at present needs speedy justice. Justice delayed is justice lost, and additional sessions judges will be required in any case to deal speedily with the increasing criminal appeals that lie to them, and even if it does cost Rs. 18,000 I think that sum will be well spent. People will get justice and will have confidence that their cases have been well tried. I think therefore that the Motion made by my friend Mr. Kalikar deserves the support of this House.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras: Muhammadan): Sir, barring the objection on financial grounds, the main argument advanced on behalf of Government in opposition to this Motion is that district magistrates are as competent to do justice as sessions judges and are quite as impartial. But, Sir, their efficiency and impartiality are not in question. The question is, are district magistrates supposed by the public to be in the same position as sessions judges to dispense justice? As has been argued by my Honourable friend Mr. Sapru, we have to see not only that efficient, impartial justice is administered, but also that there is confidence in the mind of the public about the tribunal which dispenses justice in the country. It is on this ground that applications for transfers of cases from one court to another are admitted. But it cannot be supposed for a moment that the court which allows the transfer applications thinks that the court from which the transfer is sought will not dispense impartial justice, or that it is prejudiced and will dispose of the case in a partial manner. Therefore we have to take care to inspire a feeling of confidence in the public as regards the agency through which justice is administered.

Again, Sir, we have to take into account the nature of the proceedings that are held under these sections. We know that they are altogether different from the rest of the penal provisions of the criminal law of the country, and we know that in most of these cases proceedings are initiated merely on suspicion and hearsay. It is therefore highly necessary that in cases like this where the proceedings are initiated on suspicion and not on very substantial grounds the inquiry should be done with every possible care and caution. And since the magistrates before whom the inquiry is first held and where the order is first made are executive officers interested in the maintenance of peace and order and who are likely to be obsessed with an undue zeal for the maintenance

of peace and order, it is just and proper that when an appeal is made from this order the appeal should be effective and should afford to the appellant a fair chance of having the whole case investigated and scrutinised properly and impartially. I do not say that these magistrates or the district magistrates are consciously partial. But the district magistrate is the head of the executive in the district to whom all reports from the police and subordinate magistracy go with reference to various people in the district, and it is but natural that as such he would sometimes have formed his own opinion about the people, it is just possible that he will not be able to assess evidence before him in an impartial and dispassionate manner. It is impossible to expect these district magistrates to always do justice even in cases where proceedings have emanated from them which happens sometimes in cases involving the keeping of the peace. It is impossible to expect that these magistrates would be capable of doing something which sometimes will not be humanly possible. In view of these considerations, though in 1923 when the Code was revised, this Honourable House restored this power, under some restrictions, it did not intend it to be used on all occasions. It was meant to be used only in limited areas, for the word mentioned in the proviso is "district" not province. That is a clear indication of the fact that this power should be exercised only in regard to a limited area, and the fact that a notification has been issued and this is to be restricted to a limited area goes to show that this power should be exercised only for a temporary period and should not be a permanent feature of the law of the land. It is therefore very strange to find that in the Punjab and Burma this power has been invoked for all time and that it applies to the whole of the province without distinction between one part and another. As I submitted, Sir, this power was meant to be used only to meet abnormal situations. When any unusual amount of crime is prevalent in any specified area it may be necessary to employ this power, and it might on very rare occasions be used when there is a heavy pendency of cases in the sessions courts.

It has been suggested that it is impossible without the addition of an additional sessions judge to dispose of the cases under these sections. I think it is but fair that an additional sessions judge should be employed, instead of getting justice administered through an agency about which there is all this objection in the country. After all, Sir, we find that the expense is not going to be very much and in view of the salutary effect that this will have upon the mind of the public, I think we would be well advised in incurring that expenditure and trying to inspire greater confidence in the mind of the public as regards the way in

4 P.M.

which justice is administered here. Again, Sir, there has been a demand for nearly a century in this country for the separation of judicial from executive functions and I wish the Government could see their way to do this. Sir, in my own province a committee was appointed and I had the privilege of working on that committee and I was one of those who wanted the separation to be effected, and though we submitted a report about 13 years ago, we find that no action has been taken in regard to this matter. I feel that if the Government could see their way to give effect to the suggestion of my Honourable friend, Mr. Kalikar, it would be doing something in the direction of making the separation of judicial from executive functions.

THE HONOURABLE KHAN BAHADUR SHAMS-UD-DIN HAIDAR (Bihar and Orissa : Nominated Non-Official) : Sir, the Honourable the mover of the Motion and the previous speakers have told us that the amendment refers to the first proviso to section 406 of the Code of Criminal Procedure, which it seeks to eliminate completely. The Honourable the Home Secretary has told the House that this proviso was brought on the Statute-book in 1923, when the Code of Criminal Procedure Amendment Bill (Act XVIII of 1923) came up for consideration. This proviso was allowed to go with the amended section after a careful and lengthy discussion and by a large majority of votes of this House. Sir, we can gather from the debate which took place in the year 1923 that this proviso was considered necessary for reasons of economy and convenience—which was a very vital reason so far as our province of Bihar was concerned—which, in the words of Sir Otto Niemeyer, “has been generally recognised as the poorest province in India”.

We have to consider next whether Local Governments have been judicious in the exercise of their powers of notifying districts where appeals shall lie to the district magistrate instead of to the sessions judge. In our province of Bihar there are six such notified districts, namely, Ranchi, Hazaribagh, Manbhum, Singhbhum, Palamau and the Sonthal Parganas. These are one and all those districts which have no resident sessions judge or have a judge who is stationary there for a short time only and is moving about at other times. Both these conditions contribute to delay the disposal of appeals and increase the expenses of the party and hamper administration by keeping in suspense the security of the district.

Sir, the speeches in support of the Motion in the other House as well as in this House show that the speakers distrust the magistracy. This distrust, I am in a position to assert—

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Nobody has expressed distrust in the distrust magistrate.

THE HONOURABLE KHAN BAHADUR SHAMS-UD-DIN HAIDAR : No, Sir. The Bill is conceived in a spirit of distrust. As I was saying this distrust, I am in a position to assert from actual results, is ill-founded and unjust.

As regards the initiation of security proceedings, it has been suggested that proceedings under sections 107, 109 and 110 of the Criminal Procedure Code are, as a rule, started after consultation by the police with the sub-divisional magistrate and the district magistrate.

Sir, I was a sub-divisional magistrate and a district magistrate for a fairly long time before I went to the Secretariat and I can emphatically assert that there was not one single case under any of the security sections which was started at my instance or that I was ever consulted by the police either before or after the initiation of such proceeding.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Nobody blamed you.

THE HONOURABLE KHAN BAHADUR SHAMS-UD-DIN HAIDAR : That was what was suggested with regard to the magistracy. The practice in our

province is this. The inspector of the circle tabulates the evidence according to the directions contained in the Bihar and Orissa police Manual and submits his report to the superintendent of police, who, if he agrees, refers the matter to the Public Prosecutor for his opinion as to whether a proceeding under any of the security sections mentioned in the report of the inspector can be started on the evidence available to the police and detailed in the report.

Sir, not only are the security proceedings not initiated at the instance of the magistracy, but when initiated in the manner indicated above, they are dealt with by the magistracy in a manner which, judging from the results, ought to dispel every bit of suspicion regarding them from honest minds.

I quote figures. These figures are collected from the Report on the Administration of Criminal Justice in the Province of Bihar and Orissa :

Year.	Number of persons called upon to execute bonds for keeping the peace and for good behaviour.	Number of persons ordered to execute bonds by trial courts.	Percentage.
1932 ..	4,314	1,683	39·1
1933 ..	3,882	1,499	38·6
1934 ..	3,642	1,700	46·5

Sir, the above results are wholly inconsistent with the imputation that the magistrates themselves inspire the security prosecutions, that they never deal with their cases in a judicial manner and are not judicially minded tribunals. (*An Honourable Member* : "Nobody said that.") That was the suggestion made by my friend, the Honourable Mr. Sapru, and others.

Sir, to my knowledge there are magistrates who write elaborate, well-reasoned and well-considered judgments and in my humble opinion the justice done by district magistrates is in no way inferior to the justice done by sessions judges.

Sir, I am sorry I have not been able to find any published Government reports in which the results of appeals in security cases decided by sessions judges and district magistrates are separately shown, but figures of all kinds of appeals decided separately by these officers are given in Table No. IV on page 27 of the Report on the Administration of Criminal Justice in the Province of Bihar. I shall give these figures. Appeals to district magistrates from subordinate magistrates. Total number of persons 6,013 (in the year 1932), total number of persons whose appeals or applications were rejected 3,435, giving a percentage of 57. Appeals to courts of session from the orders of the magistrate (in the year 1932), the number of persons

[Khan Bahadur Shams-ud-Din Haidar.]

who appealed was 6,295. Of these the appeals or applications of 3,809 were rejected, giving a percentage of 62. In the year 1933, appeals were heard by the district magistrate of 5,918 persons; appeals of 3,345 were rejected, giving a percentage of 56.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: What were the arrears of undecided cases?

THE HONOURABLE KHAN BAHADUR SHAMS-UD-DIN HAIDAR: Well, I have left out the arrears; I am only giving the figures of decided cases.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Are those arrears not very heavy?

THE HONOURABLE KHAN BAHADUR SHAMS-UD-DIN HAIDAR: No, I do not think so. Please refer to the report and you will find they are not very heavy.

Well, Sir, as I was talking of appeals to the court of session from the orders of the magistrate for the year 1933, 6,282 persons appealed, the appeals of 3,942 persons were rejected, giving an average of 63 per cent. In the year 1934, total number of persons who appealed to district magistrates was 5,231, appeals of 3,004 persons were rejected giving a percentage of 57. To court of sessions from the orders of magistrates 5,382 persons appealed; appeals of 3,220 persons were rejected, giving a percentage of 60.

I quote these figures just to show that the district magistrate who is accused of deciding appeals to suit the exigencies of his criminal administration reverses the judgments of the subordinate magistracy in greater proportion than the sessions judge does.

One word more, Sir, and I have done. Though separate figures of appeals in security cases decided by sessions judges and district magistrates are not available in published reports, I have been able to obtain from office records these figures for the year 1935, for the two important districts of Patna and Ranchi. Sir, Patna is not one of the districts covered by the Bihar Government's notification and appeals from orders in security proceedings are heard by the sessions judge and Ranchi is one of the six districts covered by the Bihar Government's notification. The figures are as follows:

1935.

Name of district.	Appeals decided by	Total number of appeals.	Orders upheld in
Patna ..	Sessions judge ..	42	36 cases (giving a percentage of 86).
Ranchi ..	District magistrate ..	7	4 cases (giving a percentage of 57).

These figures, Sir, carry their own conviction and ought to induce any conscientious jury to return a verdict of "Not guilty" in favour of the district magistrates. (Cheers.)

Sir, I have placed before the House the procedure that is followed in our province with regard to security cases. I have also placed convincing figures to show that the distrust of the magistracy is unfair and purely sentimental. (*An Honourable Member*: "Nobody distrusts.") I know my friend, the Honourable Mr. Kalikar, has an open mind and now that the true facts are before him he will agree with me in the view that the amendment is uncalled for and unnecessary. It will not be out of place to say here that nobody in my province has asked for this amendment.

Sir, with these words, I oppose the amendment.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras: Non-Muhammadan): Sir, my friend the Honourable Mr. Sapru said that the work of the district magistrate has considerably increased recently and therefore they were not able to do justice. I do not think that is quite correct. I know the district magistrate's work has considerably decreased since 1922 when the work of the district board was transferred to non-official agency as well as the work of the income-tax department. I do not think it can be said that the district magistrate is overworked.

THE HONOURABLE MR. V. V. KALIKAR: Sir, I was surprised to see the attitude of the Government on my Bill. I say so, Sir, because the Bill was not opposed at the third reading in the other House. I know the Bill was opposed at the time of the second reading but when the Bill went to the Select Committee, no minute of dissent was appended to the report of the Select Committee by the Government Members. I will read the last paragraph and the names of the three Government signatories to the Select Committee report.

THE HONOURABLE THE PRESIDENT: That does not prevent Government reconsidering the whole question.

THE HONOURABLE MR. V. V. KALIKAR: I do not say that they should not reconsider the question. But they ought to have taken a uniform attitude in both the Houses. In the last paragraph of their report the Select Committee say:

"We think that the Bill has not been so altered as to require republication and we recommend that it be passed as now amended".

This has been signed by Sir N. N. Sircar, Sir Henry Craik and Sir Lancelot Graham. The others are the non-official Members. So, when I took up this Bill for piloting it in this House today, I thought I would get the support of the Government because no Government Member had appended a minute of dissent to the Select Committee report. Then I come to the last speech of the Honourable Sir Henry Craik in the other House. He said, Sir,—these are the proceedings of the last session and not of this session,—

"I am sorry I did not make myself clear. The principle of the Bill had been accepted by the House on the second reading. It was not altered in any respect by the Select Committee and I do not intend to oppose the further stage, the third reading. I only want to make it clear that I dislike the Bill".

[Mr. V. V. Kalikar.]

That is, he personally disliked the Bill, but it was not the view of the Government to oppose the Bill. He said he will not oppose it. So, the change of mentality here is rather surprising to me.

Now, I come to the points raised by the Government in opposition to the Bill. They have opposed the Bill on the ground of economy and on the ground that public opinion in the Punjab is not so strong as to support this Bill. I may bring to the notice of the House that a majority of the Members of the other House have supported this Bill there very strongly.

THE HONOURABLE MR. M. G. HALLETT: My point, which is being misrepresented, was that the matter had not been raised in the proper forum, which is the local Legislature. I was not referring to opinion in the Assembly.

THE HONOURABLE MR. V. V. KALIKAR: I am coming to that. I must bring to the notice of the House that this is an all-India legislation. The Criminal Procedure Code was recast by the Legislative Assembly and the Council of State, that is, the Indian Legislature, and not by the Punjab Legislative Council and therefore the Punjab Legislature thought it best to leave the matter to the Central Legislature. I will again come to that point and ask the Government how many times they have given effect to the Bills or Resolutions passed in the local Councils. I can say from my experience as a Member of the local Council of Nagpur that we passed so many Resolutions but the Government of India or the Local Government did nothing. The other day I was discussing a proposition here about grazing rates. My local Council recorded a vote in favour of reduction of grazing rates. But the Government here did not consider my proposal sympathetically. So, it is no use pointing to the Punjab Legislative Council. I submit that the press in the Punjab has supported this Bill and the members who have been returned from the Punjab have also strongly supported the view that Punjab should not be treated on a different basis from other provinces.

Now, the question of expenditure has been brought before us. That does not require much consideration. We have been told that Rs. 18,000 —

THE HONOURABLE MR. M. G. HALLETT: I did not stress that point,

THE HONOURABLE MR. V. V. KALIKAR: I thank my Honourable friend for that. But, Sir, I submit that for implementing a very sound principle, if you require Rs. 18,000, it does not matter much. We have been spending lakhs and crores of rupees on other things. So, this question of expenditure should not come in the way of meting out fair and impartial justice to the accused in the Punjab.

Then, Sir, somebody said here that the district magistrates are not over-worked. My Honourable friend, Khan Bahadur Shams-ud-Din Haidar said that district magistrates are not over-worked there. I do not know how far I should believe his statement. But I will cite the statement of a very high personality in India who says that district magistrates are over-worked, that they should be relieved of their desk work and that they should devote more attention to rural work. I mean the statement of His Excellency the Viceroy.

THE HONOURABLE KHAN BAHADUR SHAMS-UD-DIN HAIDAR : On a point of personal explanation, Sir. I never said that the district magistrate is not over-worked.

THE HONOURABLE DIWAN BAHADUR G. NARAYANASWAMI CHETTY : I said so, Sir.

THE HONOURABLE MR. M. G. HALLETT : I am prepared to accept the statement as having been read. I know it quite well.

THE HONOURABLE MR. V. V. KALIKAR : So, my point is, that as His Excellency the Viceroy has told us in his broadcast speech that district magistrates should be relieved of their desk work, the Government of India should abide by the instructions given by His Excellency the Viceroy. His Excellency has told us also that he is examining the question in consultation with the Provincial Governments and his advisers. I am now giving an opportunity to his advisers, the Government of India, to follow that advice and to examine this question and accept my Bill. If the district magistrates are freed from this work, their energies and their time can be better utilised for other purposes. My Honourable friend Mr. Hallett does not want to stress the question of expenditure. I think, Sir, that no question of additional expenditure should come in because, if the district magistrates are relieved of this work, that will naturally be transacted by the sessions judges ; if the sessions judges are over-worked, the additional sessions judges or assistant sessions judges can take up this work and one or two district magistrates in the district may be retrenched. That does not show that there will be additional expenditure.

We had a very good discussion on the point of retaining the powers of the district magistrates. I think it is quite natural and quite human that those who enjoy the power should be most unwilling to relinquish it. That is our experience. When the Montagu-Chelmsford Reforms were introduced the bureaucracy raised a hue and cry against the transfer of power. From that I can take it that district magistrates are not capable of taking a detached view of things. We have seen today that some of the district magistrates who spoke against the Bill wanted that their powers should not be taken away.

THE HONOURABLE THE PRESIDENT : They did not say anything of the sort.

THE HONOURABLE MR. V. V. KALIKAR : They said that the district magistrates are capable of deciding the appeals. This attitude on their part constrains me to infer that they are reluctant to part with powers. In the beginning of my speech I have said that I do not want to cast reflections on district magistrates, but I submitted that the people concerned must not only get impartial justice but they must have full confidence that they will get impartial justice. From my experience I know of various cases where the district magistrate has been consulted and cases under these sections have been chaled in court on their instance. So far as the Punjab is concerned, I find from the debate on this Bill in the other House where a Public Prosecutor has stated that district magistrates do initiate proceedings in some of the cases which come under these sections. I have no personal knowledge of the Punjab but I can speak with authority of my own province and say that in some cases the district magistrates do take a personal interest in these cases. So my points

[Mr. V. V. Kalikar.]

is that in order to be fair to the parties concerned in these proceedings, it is the duty of the Government to repeal this proviso, so that the Punjab, Bihar and other provinces should be brought on the same level as the other provinces in India. Sir, the Government have tried to gain the support of this House to their attitude by stating that this House was responsible for enacting the proviso in 1923. I submit that we are living in changed times. We ought to be more liberal in our views. We are expecting provincial autonomy. We are expecting more democratic principles to be implemented in this country, and therefore I appeal to all my colleagues here to be broad in their views, on this small point of separation of the functions of judicial and executive, and they should support my Bill.

THE HONOURABLE MR. M. G. HALLETT : There is only one small point I would like to make in reply to the Honourable mover and that is to remove some misapprehensions that may have been aroused about the attitude of the Home Member on the third reading of this Bill in the Lower House. He had opposed the Bill strenuously in the second reading, but unfortunately Government were defeated. He had opposed the Bill in Select Committee, and if you read the report of the Select Committee you will see that it was a majority who turned down a suggestion which Government would have accepted that some amendment should be made in this section so as to make the notification dependent on the recommendation of the High Court. However Government were defeated and the Opposition carried the proposal that the Bill should be passed in the form in which it was originally introduced.

THE HONOURABLE MR. V. V. KALIKAR : But no note of dissent was attached to the report.

THE HONOURABLE MR. M. G. HALLETT : Sir Henry Craik admitted that that was a mistake. He might have written a note of dissent but by a mistake he did not do so. He explained at the time of the third reading that he was still opposed to the Bill and it is for that reason I am opposed to the Bill. My main argument is—I am not stressing the point of the expenditure involved or anything of that kind—I am not going to discuss the question whether district magistrates are partial or impartial—I am not going to discuss the point whether assistant sessions judges and sessions judges are as competent to hear these appeals as district magistrates—my main point is that we should leave this to the provinces concerned. The Honourable Mr. Kalikar seems to have a lot of knowledge of the Punjab. He even seems to know what are the ideas and thoughts inside the minds of the Members of the Punjab Legislative Council, because he says they took the point of view that because the Criminal Procedure Code had been amended in the Centre it should again be amended in the Centre. How he got that information I do not quite know. A point I also wish to make is that even if the system is objectionable there is no need to amend the law. You can get the change made without amending the law, if the Punjab Legislative Council press the Punjab Government to withdraw the notification. It is clearly a matter for Local Governments to decide. Reference has been made to the desirability of carrying out His Excellency the Viceroy's policy of setting district magistrates free for work in villages, for touring round their districts and for rural uplift. That is being considered by the Local Government

and if the Local Governments come to the conclusion that the hearing of these appeals interferes with that work, then I have no doubt they will cancel their notifications. Do not let us take away from them the power which they have exercised with due discretion of deciding which authority should decide the appeals. Let that power still remain with them, and I have no doubt they will exercise it with due discretion.

THE HONOURABLE THE PRESIDENT: Motion made :

“That the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the Legislative Assembly, be taken into consideration.”

The Question is :

“That this Motion be adopted.

The Council divided :

AYES—8.

Banerjee, The Honourable Mr. Jagadish Chandra.
Halim, The Honourable Khan Bahadur Hafiz Muhammad.
Kalikar, The Honourable Mr. V. V.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.

Ram Saran' Das, The Honourable Rai Bahadur Lala.
•Sapru, The Honourable Mr. P. N.
Sinha, The Honourable Kumar Nripendra Narayan.
Suhrawardy, The Honourable Mr. Mahmood.

NOES—29.

Akbar Khan, The Honourable Lieutenant-Colonel Nawab Sir Mahomed.
Akram Husain Bahadur, The Honourable Prince Afsar-ul-Mulk Mirza Muhammad.
Arthur, The Honourable Mr. C. G.
Ayyangar, The Honourable Diwan Bahadur Narasimha Ayyangar Gopalaswami.
Buta Singh, The Honourable Sardar.
Charanjit Singh, The Honourable Raja.
Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
Clow, The Honourable Mr. A. G.
Dow, The Honourable Mr. H.
Ghosal, The Honourable Sir Josna.
Glancy, The Honourable Sir Bertrand.
Hafeez, The Honourable Khan Bahadur Syed Abdul.
Haider, The Honourable Khan Bahadur Shams-ud-Din.
Hallett, The Honourable Mr. M. G.

Ishrat Husain, The Honourable Saiyid.
Ismail Ali Khan, The Honourable Kunwar Haji.
Jagdish Prasad, The Honourable Kunwar Sir.
Johnson, The Honourable Mr. J. N. G.
Kameshwar Singh of Darbhanga, The Honourable Majarajadhiraja Sir.
Lal, The Honourable Mr. Shavax A.
Menon, The Honourable Diwan Bahadur Sir Ramunni.
Nixon, The Honourable Mr. J. C.
Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
Pandit, The Honourable Sardar Shri Jagannath Maharaj.
Parker, The Honourable Mr. R. H.
Raghunandan Prasad Singh, The Honourable Raja Sir.
Ray of Dinajpur, The Honourable Maharaja Jagadish Nath.
Russell, The Honourable Sir Guthrie.

The Motion was negatived.

DURGAH KHWAJA SAHEB BILL.

THE HONOURABLE THE PRESIDENT : The next item of business is the Bill of the Honourable Raja Ghazanfar Ali Khan. In view of the opinions which have been circulated only today, I should like to ask Honourable Members if they are prepared to proceed with this Bill. In any case I shall give the Honourable Raja Ghazanfar Ali Khan permission to move only the consideration of this Bill and the debate will take place on the next non-official day. I am mentioning this because I have to see that a fair opportunity is given not only to the mover of the Bill but also to his opponents, and unless the Council agrees that the Bill should be discussed today, I propose to adjourn the Council after having given an opportunity to Raja Ghazanfar Ali Khan just to read his Motion. (To the Honourable Raja Ghazanfar Ali Khan): What do you propose to do ?

***THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) :** Sir, I am entirely in your hands. I quite realise that opinions have been received very late and I think very few Honourable Members have had an opportunity of reading those opinions. I personally, Sir, am prepared to adopt any of the two courses which you, Sir, and my Honourable colleagues would like to adopt—firstly, that I should move the Bill and if they move an amendment, a Select Committee may be appointed to report before the 6th. I accept that amendment, or if after I move the consideration, no objection is raised to the consideration of the Bill, then I would request that the clauses may be taken up on the next non-official day when Honourable Members will have seven days to read the opinions and send amendments which they think proper.

THE HONOURABLE THE PRESIDENT : You are perhaps aware that I have received notice of amendment regarding the re-circulation of the Bill for public opinion and I do not wish to anticipate at this stage arguments of the Honourable Member. I would like to know whether you would prefer to proceed with the reading of your Bill today, the first stage ; the discussion will take place on the next non-official day.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Very well, Sir. I have no objection.

THE HONOURABLE KHAN BAHADUR SYED ABDUL HAFEEZ (East Bengal : Muhammadan) : My amendment is to circulate the Bill—

THE HONOURABLE THE PRESIDENT : I will give my decision at the right and proper time. (To the Honourable Raja Ghazanfar Ali Khan) : Will you please read the Motion ?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : I beg to move :

“That the Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moin-ud-Din Chisti, generally known as Durgah Khwaja Sahib, Ajmer, be taken into consideration.”

*Not corrected by the Honourable Member.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : Sir, I wish to make a statement as regards the business of the House. The Cantonments Bill has already been laid on the table and I propose that the consideration of this Bill be taken up on Tuesday, October the 6th. I think that it is the general feeling of the House that it should be taken up on Tuesday next.

THE HONOURABLE THE PRESIDENT : The Council will now adjourn.

The Council then adjourned till Eleven of the Clock on Tuesday, the 6th October, 1936.