

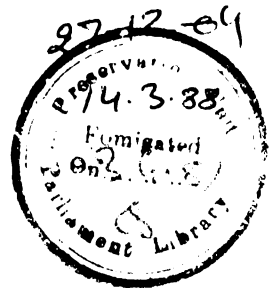
Monday, 24th March, 1941

**THE
COUNCIL OF STATE DEBATES**

VOLUME I, 1941

(19th February to 4th April, 1941)

**NINTH SESSION
OF THE
FOURTH COUNCIL OF STATE, 1941**



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COUNCIL OF STATE.

Monday, 24th March, 1941.

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

QUESTIONS AND ANSWERS.

ROYAL INDIAN NAVY.

110. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** : Has there been any increase in the number of commissioned officers in the Royal Indian Navy since the 1st September, 1931 ? If so, how many new officers have been appointed and how many of them are Indians ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : It is understood that the question relates to regular commissions only and does not refer to Reserves. 42 European officers have been appointed since 1931 and 25 Indians.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to take it that the old proportion between British and Indian officers has not been disturbed ?

THE HONOURABLE MR. A. DEC. WILLIAMS : To which proportion does the Honourable Member refer ?

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : That is the proportion fixed for the recruitment of Indians and Europeans.

THE HONOURABLE MR. A. DEC. WILLIAMS : No, Sir.

VICEROY'S COMMISSIONED OFFICERS AND INDIAN WARRANT OFFICERS.

111. **THE HONOURABLE PANDIT HIRDAY NATH KUNZRU** : With reference to the reply given to question No. 74, on the 6th March, 1941, will Government state whether the Viceroy's commissioned officers and Indian warrant officers, appointed to posts formerly held by departmental officers, are promoted to commissioned rank as selected British warrant officers are, when they are appointed as departmental officers ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : No, Sir. If the Honourable Member will refer to the answer given on the 6th March, he will see that His Excellency the Defence Member said that in the Royal Indian Army Service Corps recruitment of British other ranks has ceased and replacements are being made by Viceroy's commissioned officers and Indian warrant officers. Formerly from among these British other ranks, a certain number of promotions were made to departmental officer. That whole system has now ceased, and the place of the

British other ranks is taken by the Indian ranks I have mentioned. The work previously done by the departmental officers is done partly by these Indian ranks and partly by officers holding the normal type of commission, who may be either British or Indian.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Why is it that when Government decided to appoint Indians to the positions formerly occupied by European departmental officers they decided not to give these Indian officers the rank of departmental officers, that is, commissioned rank ?

THE HONOURABLE MR. A. DEC. WILLIAMS : The point, Sir, is that the whole system of departmental officers is gradually being got rid of.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : In what respect is it being changed ? As it appears from the Honourable Member's reply that military officers are still being employed, why should not the Indian military officers be promoted to commissioned rank as British warrant officers were formerly ?

THE HONOURABLE MR. A. DEC. WILLIAMS : There are a certain number of British other ranks on the India Unattached List but it is not proposed to continue indefinitely the system of transferring people from that List to become departmental officers. The system is gradually being eliminated.

THE HONOURABLE MR. HOSSAIN IMAM : May we know what will replace it, whether the officer ranks are to be abolished or the venue is being changed ?

THE HONOURABLE MR. A. DEC. WILLIAMS : I am afraid I do not understand the question.

THE HONOURABLE MR. HOSSAIN IMAM : I want to know whether the Government propose to abolish the officer ranks or do they simply wish to replace Europeans by Indians ?

THE HONOURABLE MR. A. DEC. WILLIAMS : What is intended is to get rid of departmental officers.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Am I to understand, Sir, that the place of departmental officers will be taken by Indian commissioned officers, Indian warrant officers and British other ranks and that members of none of these classes will be promoted to commissioned rank ?

THE HONOURABLE MR. A. DEC. WILLIAMS : That is not an exhaustive statement of the case, but the last part is correct to the extent that further promotions to the rank of departmental officer are being discontinued. But as for replacements, in some cases they may be replaced by civilian officers.

RECRUITMENT TO THE INDIAN POLICE.

112. **THE HONOURABLE MR. P. N. SAPRU :** Will Government state :—
(a) the strength of the present cadre of the Indian Police Service ; (b) the respective strength of the Indian and European element in the Service ; (c) the method by which the Service is recruited ; (d) the proportions fixed for

annual recruitment of Indians and Europeans; (e) the method of recruitment followed in England and India since the war; (f) the number of provincial police service officers promoted to the Indian Police Service; and (g) the number of Europeans and Indians directly recruited of three years or less than three years' service in charge of districts in the United Provinces?

THE HONOURABLE MR. E. CONRAN-SMITH: (a) The present sanctioned strength of the Indian Police cadre is 632.

(b) The number in service on the 1st January, 1940 was 422 Europeans and 194 Indians.

(c) Prior to 1939, recruitment in England was made by competitive examination. In 1939, recruitment in England was made partly by competitive examination and partly by selection. In India recruitment is made by competitive examination and by promotion from among officers of the provincial police service.

(d) The prescribed proportion for direct recruitment is 50 Europeans to 40 Indians.

(e) Since the war recruitment in England has been made purely by selection. In India no change has been made in the existing methods.

(f) 62 till the end of 1939.

(g) Government have no information, as postings are made by provinces.

PROMOTION OF PROVINCIAL SERVICE POLICE OFFICERS TO THE INDIAN POLICE.

113. THE HONOURABLE MR. P. N. SAPRU: Will Government state the number of provincial police officers who have been promoted to the Indian Police Service in the various provinces and the proportion that their number bears to the total strength of the police service?

THE HONOURABLE MR. E. CONRAN-SMITH: The number of officers promoted to the Indian Police in the various provinces till the end of 1939 is given below:—

Madras	7
Bombay and Sind	9
Bengal	12
United Provinces	11
Punjab, North-West Frontier Province, Baluchistan and Delhi	10
Bihar and Orissa	5
Central Provinces	5
Assam	3
Total	62

This is about 10 per cent. of the total strength.

PROMOTION OF PROVINCIAL SERVICE POLICE OFFICERS TO THE INDIAN POLICE.

114. THE HONOURABLE MR. P. N. SAPRU: Will Government state whether it has considered the desirability of giving to provincial police service officers greater opportunities of promotion to district charges than existing at present?

THE HONOURABLE MR. E. CONRAN-SMITH: No. Government consider that the existing arrangements are satisfactory.

TERMINATION OF CONTRACT OF CERTAIN VENDORS ON THE RAILWAY STATION,
ALLAHABAD.

115. THE HONOURABLE MR. P. N. SAPRU : (a) Is Government aware that (1) Bhola Nath Dakhni Prasad, (2) Lachhmi Narain Onkar Nath, (3) Radhey Mohan, Sweetmeat Vendors, (4) Mewa Lal, Pan-Biri and Cigarettes Vendor, (5) Buccha Khatik, Fruit Vendor, (6) Shyam Lal, Dahi Bara Vendor, (7) Narain, Hindu Tea Vendor, (8) Iswar Dass, Fruit Vendor, (9) Lachhmi Narain, Milk, Cream and Curd Vendor, were vendors at the Allahabad Railway Station for several decades ?

(b) Have their contracts with the Railway been terminated on notice without specifying any reason ?

(c) On the representation of Bhola Nath Dakhni Prasad and Lachhmi Narain Onkar Nath, dated the 19th August, 1940, asking for reasons for the drastic action, were they told by the Divisional Superintendent in his letter dated the 23rd August, 1940, that the reason was that "the Sanitary Committee considered the foodstuffs displayed by them unsuitable for human consumption" ?

(d) On a further representation that no Sanitary Committee ever visited their shops, nor were they ever warned for bad quality of their foodstuffs, did the Divisional Superintendent withdraw his remarks and did he apologise for them ?

(e) Will Government state the reasons for terminating the contracts of each of them ?

(f) To whom have the contracts terminated with them been given now, and why ?

THE HONOURABLE MR. L. WILSON : I have called for the information and a reply will be laid on the table of the House in due course.

INDIAN CATERING AT RAILWAY STATIONS, ETC.

116. THE HONOURABLE MR. P. N. SAPRU : (a) Will Government state what arrangements for the Indian eatables have been made at the Railway Stations, viz., Calcutta, Dinapur, Moghalsarai, Benares, Sikrol, Moradabad, Aligarh and Partabgarh and what arrangements for Indian eatables have been made on the whole of the G. I. P. R. and B., B. and C. I. R. and at Bombay ?

(b) Have the contracts of all the stations and the lines mentioned in (a) above been given to one individual firm and has the said firm in this way got virtual monopoly in the matter of supplying Indian refreshments on those lines and stations ?

THE HONOURABLE MR. L. WILSON : (a) I understand that Indian catering at the stations and on the railways mentioned is done by firms or individuals under contract with railway administrations.

(b) No.

HARDSHIPS CAUSED BY THE WORKING OF THE MOTOR VEHICLES ACT, 1930.

117. THE HONOURABLE MR. N. K. DAS : (a) Are Government aware that great hardships are experienced by many of the passenger carriers in Orissa as a result of the exercise of the powers of restriction

by the R. T. As. conferred upon them under the Motor Vehicles Act, 1939? Has a large number of *bona fide* bus owners, who used to have permits before the Act of 1939 came into force in that province, been thrown out of the road?

(b) If so, what measures do Government propose to take to remedy these hardships?

(c) If not, do Government propose to inquire into the matter at a very early date?

THE HONOURABLE MR. S. N. ROY : (a) No.

(b) Does not arise.

(c) No. The Act provides for appeals to the prescribed authority under rules made by the Provincial Government under section 68 of the Act.

THE HONOURABLE MR. N. K. DAS : May I know, Sir, why do Government not propose to inquire into the difficulties that are arising in the provinces?

THE HONOURABLE MR. S. N. ROY : This is a matter, Sir, which falls within the provincial field. The Act itself falls in the Concurrent List but all executive action under the Act has got to be taken by the Provincial Government.

HARDSHIPS CAUSED BY THE WORKING OF THE MOTOR VEHICLES ACT, 1939.

118. THE HONOURABLE MR. N. K. DAS : (a) Has the attention of Government been drawn to the speeches of Mr. K. G. Mitchell, Government of India, delivered in the Legislative Assembly on the 29th August and 8th September, 1939, in respect of what should, at the initial stage, be the proper use of the powers of restriction under the Motor Vehicles Act by the Provincial Governments and by P. T. As. and R. T. As.?

(b) If so, is there any proposal before Government to draw the attention of the Provincial Governments and of the P. T. As. and R. T. As., to the speeches referred to in (a)?

THE HONOURABLE MR. S. N. ROY : (a) Government are aware of the speeches referred to.

(b) There is no such proposal. The debates in the Assembly have no binding force and are in any case available to the authorities mentioned.

THE HONOURABLE MR. N. K. DAS : May I know, Sir, if the opinion expressed by Mr. K. G. Mitchell is also the opinion of the Government in the matter regarding the restriction in the motor vehicles?

THE HONOURABLE MR. S. N. ROY : That is asking for opinion, Sir.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : On whose behalf did Mr. Mitchell speak, on his own behalf or on behalf of Government?

THE HONOURABLE MR. S. N. ROY : When he spoke on the debate he was presumably speaking for Government.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : May it not be then supposed that the opinions expressed by him are those sanctioned by Government ?

THE HONOURABLE MR. S. N. ROY : The Honourable Member can draw his own inferences. He does not want my opinion on that.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : Since the answer given by him to part (b) is in the negative, may I know why the opinion expressed by Mr. Mitchell is not being treated now as the opinion of Government ?

THE HONOURABLE MR. S. N. ROY : The reply to part (b) is not in the negative. I said there is no such proposal, and the rest of the answer I gave was this : "The debates in the Assembly have no binding force and are in any case available to the authorities mentioned".

HARDSHIPS CAUSED BY THE WORKING OF THE MOTOR VEHICLES ACT, 1939.

119. THE HONOURABLE MR. N. K. DAS : (a) Are Government aware that since limitations were imposed under the Motor Vehicles Act, 1939, in Orissa, all bus owners who have pooled their buses under one Association are practically monopolizing the trade and as such have been dictating their own terms in the matter of performance of an important public service, namely, the conveyance of mails ?

(b) Is it a fact that the Postal authorities are contemplating to take recourse to the old system of conveyance of mails by runners and bullock carts, wherever monopolistic tendencies referred to in (a) exist ?

(c) What steps do Government propose to take to break up the monopolistic tendencies on the part of transport carriers, wherever they exist in the provinces ?

THE HONOURABLE MR. S. N. ROY : (a) and (b). No.

(c) Government have no reason to suppose that the safeguards provided in the Act are not adequate.

NUMBER OF CANDIDATES FOR EMERGENCY COMMISSIONS FROM ORISSA, ETC.

120. THE HONOURABLE MR. N. K. DAS : Will Government state how many candidates had offered for selection, how many were interviewed and how many of them have been finally selected for Emergency Commissions in the Indian Army from each of the Provinces of Orissa, Bengal and Bihar ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : Candidates for commissions are selected without regard to their province of origin, of which no record is available at Army Headquarters.

THE HONOURABLE MR. HOSSAIN IMAM : May we ask, Sir, since when have the Government started this system, of not keeping records by provinces ?

THE HONOURABLE MR. A. DEC. WILLIAMS : That implies the inference, Sir, that Government at one time maintained these records.

NUMBER OF CANDIDATES SELECTED FOR THE INDIAN AIR FORCE FROM
ORISSA.

121. THE HONOURABLE MR. N. K. DAS : Will Government state how many candidates had offered and how many were selected as Pilots in the Indian Air Force from Orissa and how many of them are receiving the necessary training ?

THE HONOURABLE MR. A. DEC. WILLIAMS (on behalf of His Excellency the Commander-in-Chief) : Pilots in the Indian Air Force are selected without regard to the province of origin, of which no record is available at Air Force Headquarters.

THE HONOURABLE MR. N. K. DAS : May I know if it is possible to find out how many from Orissa have been selected ?

THE HONOURABLE MR. A. DEC. WILLIAMS : It is possible, but it would be very difficult. Such papers of those who are selected as are available in connection with their appointment go off to their training centres and the papers of those who were not successful, if available at all, are only available at the centres at which they made their application.

POSTAL SUPERINTENDENTS.

122. THE HONOURABLE MR. N. K. DAS : (a) Will Government state the number of Postal Superintendents in India and how many of them are Oriyas ?

(b) How are these posts still filled, whether by nominations or selections or by other means ?

(c) What is the number of posts that have been filled since the last selection was made from Orissa ?

THE HONOURABLE MR. S. N. ROY : (a) There are at present 126 permanent Postal Superintendents of whom one is an Oriya.

(b) I would refer the Honourable Member to the reply I gave to part (b) of question No. 12 asked by the Honourable Maulvi Ali Asgar Khan on the 25th February, last.

(c) 98 posts of Postal Superintendents have been filled since an Oriya was last selected for appointment to this grade.

INDIAN CIVIL SERVICE.

123. THE HONOURABLE MR. HOSSAIN IMAM : Will Government give the following information about the I.C.S. :—

(a) The number of superior posts in each province at the end of 1925, 1935 and 1940 ?

(b) The number of posts for the Government of India included in the cadre of each province on the above dates ?

(c) The actual strength of the cadre in each province on those dates ?

(d) The number of Europeans and Indians on the above noted dates ? and

(e) The theoretical strength on those dates ?

THE HONOURABLE MR. E. CONRAN-SMITH : Sir, I lay a statement on the table.

Provinces.	1926			1936.			1940.											
	No. of superior posts on Provincial cadres on 1st July 1926, (excluding Government of India posts.)	No. of superior posts on Provincial cadres on 1st July 1926, (total of previous columns minus 20 per cent. for listed posts).	Actual strength on 1st January 1926.	No. of superior posts on Provincial cadres on 1st April 1936, (excluding Government of India posts.)	Sanctioned strength at 202.79 per cent. of total of (two previous columns minus 20 per cent. for listed posts).	Europeans.	Indians.	Total.	No. of superior posts on Provincial cadres on 1st April 1940, (excluding Government of India posts.)	Sanctioned strength at 184 per cent. of total of two previous columns minus 20 per cent. for listed posts).	Europeans.	Indians.	Total.					
Madras	96	9	170	142	31	173	97	8	168	89	73	162	91	19	162	81	88	170
Bombay	80	7	142	129	24	153	77	9	136	72	54	126	77	17	138	66	69	135
Bengal	98	9	174	147	33	180	101	8	172	103	71	174	99	20	176	96	89	186†
United Provinces	114	10	201	165	30	195	111	9	199	118	75	193	107	23	191	106	86	191
Punjab	83	7	146	131	16	147	83	7	154	94	49	143	86	19	155	103	60	163
Bihar and Orissa	61	5	107	89	18	107	61	5	112	67	35	103†	68	13	121	63	53	116
Central Provinces and Berar	54	5	95	79	16	97	44	4	83	51	35	86	47	9	82	46	39	86†
Assam	21	2	37	40	4	44	23	2	39	24	10	34	22	5	39	25	12	37
Total	607	54	1,072	922	174	1,096	597	52	1,063	618	402	1,021†	597	125	1,064	585	496	1,084*

*Includes three unclassified officers.

†Includes one unclassified officer.

INDIAN CIVIL SERVICE.

124. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the number of European and Indian I. C. S. officers on (a) long leave, and (b) short leave, in June 1925, 1935 and 1939 ?

THE HONOURABLE MR. E. CONRAN-SMITH : Sir, I regret that the information is not readily available. Moreover the labour involved in collecting it from the Provincial Governments would not be commensurate with the results to be obtained.

THE HONOURABLE MR. HOSSAIN IMAM : Have Government ever examined actuarially what should be the leave reserve ?

THE HONOURABLE MR. E. CONRAN-SMITH : Government have examined the matter very fully indeed in consultation with the Government Actuary and the Provincial Governments.

THE HONOURABLE MR. HOSSAIN IMAM : Was this examination held before the Report of the Wheeler Committee or after their Report ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I must ask for notice of that question, Sir.

INDIAN CIVIL SERVICE.

125. THE HONOURABLE MR. HOSSAIN IMAM : Will Government state the number of European and Indian officers of the I. C. S. recruited each year since 1935 to date giving the number of Muslims taken each year ?

THE HONOURABLE MR. E. CONRAN-SMITH : I place a statement on the table, which contains the desired information.

Statement showing the recruitment of Indians and Europeans to the Indian Civil Service since 1935 and the number of Muslims.

Year.	No. of Europeans.	No. of Indians.	No. of Muslims.
1935-36	4*	23 including	6
1936-37	36*	33	8
1937-38	33	22	6
1938-39	28	20	5
1939-40	22†	18	4
1940-41	11‡	21§	6§
Total	134	137	35

*Excluding Europeans recruited for Burma.

†Excluding 1 European recruited for North-West Frontier Province.

‡Excluding 2 Europeans recruited for North-West Frontier Province.

§To be recruited from the Delhi examination of 1941 except for six Indians already selected in London in 1940.

||The figures given above are not for calendar years but for "recruitment years"—one recruitment year comprises the London recruitment of one year and the Delhi examination of the following year, e.g., the year 1935-36 represents the intake in London in 1935 plus the intake in Delhi in 1936.

INDIAN CIVIL SERVICE.

126. **THE HONOURABLE MR. HOSSAIN IMAM :** Will Government state the date from which the theoretical strength of the I. C. S. was changed from 202·79 to 184 per cent. of the posts ? How was this change announced and what were the reasons for this change ?

THE HONOURABLE MR. E. CONRAN-SMITH : I presume that the Honourable Member is referring to the determination of the total strength of the Indian Civil Service as made by the Secretary of State in terms of section 244 (3) of the Government of India Act, 1935. This determination was last made on the 15th February, 1940. As a result, the total strength of the Indian Civil Service which had been formerly fixed under section 96B(2) of the old Government of India Act at 1057, was revised to 1,064. There was no requirement to announce the change but Provincial Governments were aware of its nature and of the reasons for making it. The method by which this total strength is settled is somewhat complicated. Broadly speaking, it depends on two factors. The first of the two factors is the total number of *superior* posts requiring to be filled by Indian Civil Service officers. The second is the number of officers required in order to maintain a steady supply to fill superior posts, account being taken of officers undergoing training, or on leave, or deputation. Originally, the first figure had been fixed at 521 and the second at 202·79 per cent. In actual experience, however, it was found that the number of superior posts for which the services of Indian Civil Service officers were required (more particularly for the Central Government) was larger than had been originally estimated ; while, on the other hand, the number on leave or on training was less. A careful review of these two factors in the light of experience and in consultation with Provincial Governments and the Government Actuary showed that according to present requirements the figures should be now assumed to be 578 and 184 per cent. instead of 521 and 202·79 per cent. the figures assumed formerly.

The decrease in the second figure from 202·79 to 184 (which is the subject matter of this question) was considered necessary for the following reasons :—

- (i) The average period spent under training is somewhat less than originally estimated, involving a reduction of the training reserve from 15·13 to 10·19.
- (ii) The average period of leave actually taken under present conditions is considered likely to be somewhat less than formerly, involving a reduction of the leave reserve from 41·96 to 37·72.
- (iii) The number of years of service considered necessary to qualify an officer for holding a superior post tends to be nearer 6 than 8, involving a reduction of the provision under this head from 38·7 to 26·09.
- (iv) The decreases under the above three heads are offset by a slight increase in the deputation reserve from 7 to 10.

The net decrease from 202·79 to 184 is thus accounted for.

THE HONOURABLE MR. HOSSAIN IMAM : May I ask whether this change was notified in the Gazette or in a press communique or otherwise ?

THE HONOURABLE MR. E. CONRAN-SMITH : I think I have already answered that. No announcement had been made, nor was any required to be made.

INDIAN CIVIL SERVICE.

127. THE HONOURABLE MR. HOSSAIN IMAM : (a) What were the reasons for increasing the Government of India posts for the I. C. S. in the provincial cadre, (b) when was this decided, and (c) were the two Houses of the Indian Legislature or the Standing Finance Committee consulted or informed? If not, why not?

THE HONOURABLE MR. E. CONRAN-SMITH : (a) The attention of the Honourable Member is drawn to the reply given to his last question on the subject of the revision of the total strength of the Indian Civil Service. The reason for increasing the provision made in the provincial cadres for superior posts under the Government of India was that the provision previously made was found by experience to be inadequate to fill the central posts actually existing.

(b) 15th February, 1940.

(c) No. The decision referred to was not made by the Government of India but by the Secretary of State under powers vested in him by section 244 (3) of the Government of India Act, 1935.

THE HONOURABLE MR. HOSSAIN IMAM : May we know under that section whether a period was specified for the Secretary of State to make his announcement?

THE HONOURABLE MR. E. CONRAN-SMITH : I do not understand the Honourable Member's question. The section of the Government of India Act is clear and the Honourable Member can himself refer to the section for information with regard to the particular point he has raised.

DEATH OF SIR MUHAMMAD HAYAT KHAN NOON.

THE HONOURABLE THE PRESIDENT : Honourable Members, I am very sorry to announce to you that one of our old Members has passed away. I am referring to the death of the Honourable Sir Muhammad Hayat Khan Noon who was for many years a member of this Council and a distinguished and prominent Member. After retiring with distinction after completing Government service as a Commissioner of a Division he was nominated to the Second Council of State, and he was nominated again, on the expiration of the Second Council, to the Third Council of State. He was the father of Sir Feroze Khan Noon the present High Commissioner in England. Sir Hayat Khan Noon was a distinguished and popular Member for many years. He took an active part in the deliberations of this Council and he was respected by all Members as a gentleman who associated himself not only with matters relating to the Government services but with everything that was loyal and fair. He had great regard for precedents and in many ways he respected the traditions and the rules of this House. I am sure you all are very sorry about his death and I think I echo the sentiments of you all when I say that you would like me to send a letter of condolence to Sir Feroze Khan Noon.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : I wish to associate myself with what has fallen from the lips of the Honourable the President. I knew the Honourable Nawab Sir Muhammad Hayat Khan for a long time. He joined the subordinate civil service in the Punjab and before his retirement was Commissioner of the Lahore Division. He was a very popular person and all communities had great regard for him. In him I have lost a personal friend and a very popular Punjabi, whose loss has created a gap in Punjab society which it will be difficult to fill.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, I wish also to associate my Party in the expressions that have been made by you, Sir, and the previous speaker.

BILLS 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 following Bills which were passed by the Legislative Assembly at its meetings held on the 21st and 22nd March, 1941, namely :—

A Bill further to amend the Indian Merchant Shipping Act, 1923.

A Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary the rate of the excise duty on matches leviable under the Matches (Excise Duty) Act, 1934, to vary the rate of the excise duty on mechanical lighters leviable under the Mechanical Lighters (Excise Duty) Act, 1934, to vary the rate of the duty on artificial silk yarn and thread leviable under the Indian Tariff Act, 1934, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax and to continue the charge and levy of excess profits tax and fix the rate at which excess profits tax shall be charged.

A Bill to provide for the imposition and collection of an excise duty on tyres.

A Bill further to amend the Excess Profits Tax Act, 1940.

RESOLUTION *RE* REVIEW OF INDUSTRIAL DEVELOPMENT.

(The Honourable the President called on the Honourable Pandit Kunzru to move the Resolution standing in his name.)

THE HONOURABLE SIR GIRJA SHANKAR BAJPAI (Leader of the House) : Before my Honourable friend decides to move his Resolution, will you permit me, Sir, to make a suggestion for his consideration ?

THE HONOURABLE THE PRESIDENT : Certainly.

THE HONOURABLE SIR GIRJA SHANKAR BAJPAI : The Resolution touches on very important questions of industrial policy, and I think the House will agree that it should have the benefit of the views of the Honourable

the Commerce Member who himself is very anxious to participate in this debate. Unfortunately he is detained unavoidably elsewhere today, and the suggestion therefore that I wish to put forward for the consideration of my Honourable friend, Sir, is that this Resolution be not taken up today, but that Government assign time on an official day for its discussion. If that is agreeable, Sir, then we shall be content on this side.

THE HONOURABLE THE PRESIDENT : I am quite agreeable.

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU (United Provinces Northern : Non-Muhammadian) : I am sure, Sir, that the whole House will appreciate the desire of the Honourable the Commerce Member to take part in the discussion on this Resolution. I am therefore ready to fall in with his wishes, and I suggest, Sir, that the discussion on this Resolution may be postponed to some other day, during the present session of course.

THE HONOURABLE SIR GIRJA SHANKAR BAJPAI : That is understood.

RESOLUTION *RE* INDIAN CIVIL SERVICE.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muham-
madian) : Mr. President : I rise to move :—

“ That this Council recommends to the Governor General in Council to form a Committee of officials and non-officials to examine the questions of the strength of and the posts reserved for the Indian Civil Service. ”

Mr. President, the subject matter of the Resolution would not have been brought forward before the House now when we are in the midst of such a conflict which has made it a question of life and death for the Empire had it not been the fact that it involves questions concerned with these hostilities too.

THE HONOURABLE THE PRESIDENT : Are you going to withdraw the Resolution ?

THE HONOURABLE MR. HOSSAIN IMAM : No, Sir.

THE HONOURABLE THE PRESIDENT : Then what are you offering an apology for ?

THE HONOURABLE MR. HOSSAIN IMAM : I am saying, Sir, that in the ordinary course of business I would not have moved this Resolution before the House on account of the war if it had no connection with war activities.

Sir, the question of the strength of the I. C. S. has never received the amount of attention which it deserves either in the Legislature or from the press. It is, Sir, a unique thing that we should have a recruitment of such a high number for such a small number of posts. I have been urging this question for a long time. On the 11th September, 1933 I moved a Resolution on this subject in the Council of State. I had then suggested that the strength of the Service should be brought down from 202·79 per cent. to 160 per cent.

*Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

The full details will be found in the debate of the Council of State of that date. I again moved a Resolution on the subject, Sir, on the 16th March, 1936 in which, as a result of the Government's reply to my former Resolution, I pitched my demand at a slightly lower limit. I suggested, Sir, that 175 should be the quota for recruitment. We discussed, Sir, this question partially again on the 19th November, 1937 when I moved the Adjournment of the House to consider the recommendation of the Wheeler Committee Report: and I was glad to learn from the reply given by the Honourable Mr. Conran-Smith to my question today that on an examination it was found possible for the Government to reduce this figure to 184. So, after all my efforts have not been wasted. They have borne fruit, though in a smaller quantity.

Sir, I shall deal first of all with the question of the strength. In spite of the warning which the Home Secretary gave that it was a very technical question—I may say, Sir, that it is ticklish too—the fact that he himself brought out in his reply to the question that now a six years' probationary period only is required to fit an officer to hold a superior post goes a long way to strengthen my own case for reducing the cadre. I tried in a subsequent question of mine to get from the Honourable Member some idea as to how he has based the leave reserve at 37.72 per cent. but he declined to give me the actual facts as regards the officers who were on leave which would have given me some basis on which to base my arguments—

THE HONOURABLE MR. E. CONRAN-SMITH: May I say, on a point of explanation, Sir, that I did not decline to give the information? I said we had not got the figures and that it was not fair to ask the provinces to undertake the labour of research involved in collecting them.

THE HONOURABLE MR. HOSSAIN IMAM: Mr. President, by keeping a reserve we are spending not thousands but lakhs of rupees. Is it a waste of time and labour if you find out on an actuarial basis what should be the strength?

THE HONOURABLE MR. E. CONRAN-SMITH: We have done so. We made an actuarial examination.

THE HONOURABLE MR. HOSSAIN IMAM: I wanted to know whether the examination was made before or after the Wheeler Committee Report, because that Committee says that an actuarial examination was made in 1919. Conditions have changed immensely since then. Firstly, there are a great number of Indians who have been taken; secondly, there is the case in which the duration of travel is reduced, and thirdly, the fashion in leave has changed. The leaves now mostly are for four or six months instead of for 18 months or 14 months, which used to be the case formerly. There are any number of changes. I do not know if the Government has suppressed information, but from all the information published I find that this question of leave reserve has not been examined for the last 20 years. If Government were really desirous of coming to some definite conclusion on this subject, it would be very easy to have these calculations made, especially when the Secretary of State was going to fix the quota as to what should be the number of officers to be recruited, it was essential that this matter should have been thoroughly examined. It is unthinkable that any Government would embark on such a momentous task of fixing the cadre without having an actuarial examination over a sufficiently long period in view of the varied circumstances of the Service.

(At this stage the Honourable the President vacated the Chair which was taken by the Honourable Saiyed Mohamed Padshah Sahib Bahadur.)

Sir, I have been most unsuccessful in this leave reserve question. On the first occasion I advocated a 25 per cent. reserve which would have meant 100 odd people as leave reserve. The number, Sir, is 578 and a leave reserve of 25 per cent. would mean something in the neighbourhood of 145. That leave reserve of 145 would be quite adequate to cover not only the actual requirements for the leave but even more than that. When I brought up this question for the first time in September, 1933, I laid on the table a statement, which is at page 285, in which I have shown the number of officers who went on leave. It was found at that date that out of 28 Indians, three were on leave, which gave 10·7 per cent., and out of 77 Europeans, 20 were on leave, which gave 26 per cent. This includes all Services, junior, senior and everything. That is the figure for Bihar and Orissa. In Bengal the question was almost similar, but rather a little better. There were 63 Indians in Bengal of whom one was on long leave. When I refer to long leave, I do not count short leave or minor leave. One Indian was on leave giving an average of 1·5 per cent., and out of 104 Europeans, 19 were on leave giving a return of 18 per cent. In the United Provinces, Sir, to which our distinguished Leader belongs, there were 60 Indians of whom five were on leave, giving a percentage of 8·3, and out of 129 Europeans, 31 were on long leave, or 24 per cent. The average figure for the three provinces, which I had then examined, was found to be as follows. Out of 151 Indians, nine were on long leave, giving 6 per cent., and out of 310 Europeans, 70 were on long leave, giving less than 23 per cent. This will show that the amount of leave reserve maintained by the Government is out of all proportion for the Service for which they have been fixed, and it is strange that as late as the 15th February, 1940, Government should have come to this decision without so much as examining the question or intimating that they want to come to a decision or that they have come to a decision. We came to know of this change for the first time by looking into the Provincial Civil Service List. I can speak for my own province of Bihar. They were not definite as to how to distribute the 184 persons, because, in two issues of the *Civil List*, there was material difference between the reserves maintained for each category. The probability is that they did not understand exactly on what this has been based, although now, in reply to my question No. 126, the Honourable the Home Secretary has made it more than clear how and why these reductions were made. My complaint is about the leave reserve which has not been brought down to a sufficiently low figure in consonance with other Services. May I remind the Honourable Member that in other Services, for instance, the Central Service of Indian Audit and Accounts of which I have some knowledge, the leave reserve is at 11 per cent. I do not know exactly the leave reserve but I can say from memory that it is about 18 per cent. in the Indian Police Service. I am very glad that in the inferior posts reduction has been made, as stated by the Honourable Home Secretary. May I just say one word about the training reserve. Although it has been sufficiently reduced, yet if he will examine the question on the same lines as he examined item (3) about the duration of the officers holding junior posts, he will find that the training period has also been materially reduced. Now the average period for an I.C.S. officer spent on training is in the neighbourhood of one year. Concurrently with this the actual duration of the service of the officers has also been reduced, which results, if an examination is made on a mathematical basis, in reducing the intake necessary to equalize the training period. I personally find that it is more nearly 7·5 per cent. than 10·19 per cent. as has been decided by the Government. I would suggest that if they ever embark on an actuarial examination of the leave reserve they may take this also into consideration.

[Mr. Hossain Imam.]

Then, Sir, I would like to remind the House that when I moved my Resolution in 1936 the then Home Secretary Sir Maurice Hallett replying to my demand that listed posts should be increased stated that the present programme would be completed by the year 1939, and he said that it was premature to consider that question of listed posts and it would be time to consider it after 1939. I thought when the Secretary of State was going to fix the number of the posts which are to be recruited for the I. C. S. he would take into account the fact that this listing of the posts which was formerly at 16 per cent. and was increased in 1924 to 20 per cent.—and for which there has been a consistent demand from the provinces for further increase—would be increased to 25 per cent., because that is a very material fact in consideration of the strength of the I. C. S., because the position is that you deduct the number of listed posts in arriving at your figure for direct recruitment to the I.C.S. I think the provincial service men have sufficiently shown their ability to hold these posts and they have successfully discharged the functions of these superior posts. If the Secretary of State was to fix the number for the I.C.S. cadre, it is only natural that we should look forward to an increase in the listed posts. As the House is aware, in most countries the judiciary is usually filled by people practising at the Bar, except in India where this did not prevail and where it has only been started for the last dozen years or so ; although we were having High Court Judges drawn from the Bar for a long period, District Judgeships were not open to the Bar because those posts were the preserve of the I.C.S. Sir, I have no grouse against the I.C.S., but I believe in "Live and let live", and that everything should not be reserved for the I.C.S. There are other deserving people and sometimes even better qualified people who can be had if the Government so desire.

(At this stage the Honourable the President resumed the Chair.)

Sir, I am very much indebted to the Wheeler Committee for having given me a factual proof of what I have been demanding for the last eight years. When I say factual proof, I mean that the statements given by the Wheeler Committee bear out the conclusions to which I came independently by means of an ordinary study of the facts and figures. In Appendix VI on page 67 the Wheeler Committee gave the number of theoretical recruitment required each year from 1914 to 1935-36. They also gave the actual recruitment which was made in those years, and of course they distinguished how many were taken by examination and how many by nomination and how many were British and how many were Indian. I am only concerned with the theoretical recruitment figure and the actual recruitment made in the five years beginning from 1929-30 and ending with 1933-34. I find that there ought to have been on the theoretical basis a recruitment of 333 men. That is the sum of the five years figures. But actually the number employed was 251. There was thus, Sir, a reduction of 82 posts, and if you regard the actual recruitment as the basis of the superior posts you come to the conclusion that in five years you were recruiting 154 per cent. of the superior posts. For five years you continued recruitment at a figure which was very much lower than your fixed quota of that date and lower than the quota which you have now fixed. A question might easily be asked that this reduced recruitment in five years may have adversely affected the cadre ; and it is this doubt which could genuinely have been expressed which has been rebutted by the Wheeler Committee. In their Appendix VII on page 69 they give the actual number of people at different stages of service who were employed in the service group of one to five years, which would be covered by

the five years that I have taken ; because this examination was made at the end of 1935 and I have taken the figures of recruitment up to March, 1934 ; so I have given that one year's margin. The actual figure was that theoretically there ought to have been 195 people of this duration of service and there were actually 239. After a reduced intake you had a surplus of 46 officers. This is the greatest factual proof, as I call it, which the Wheeler Committee gives me in demanding that the strength of the Service is out of all relationship to the realities of the situation. The realities have so changed that all your old bases have gone by the board, and it is strange that the Government should fix for a long duration of time the cadre of such an important service without taking into consideration the facts which their own Committee had found. These figures are not compiled by me ; they were before the Government and they did not consider them and their repercussion on the Service. If I reduce this to a percentage it will be found that instead of 195 you had 239 men, which means an excess of nearly 22 per cent. This happened in spite of a 25 per cent. reduction in the intake. Then, Sir, you must not lose sight of the fact which has been brought out by the Wheeler Committee Report that a number of persons were retiring on proportionate pensions during those years ; and there was therefore more depletion in the service than would have been the case if they had remained in service for their full tenure. I find from the Wheeler Committee Report that in 14 years 167 men, or 12 men per year, were retiring on proportionate pension. The figure which the Honourable the Home Secretary gave us the other day showed that retirement on proportionate pension has been 23 in the last three years for which he gave us figures, which again shows that there is a reduction in the number outgoing, or wastage as it is called. All these facts would be sufficient for any Government but the Government of India is so slow in its movement that nothing can be done unless you have a committee or some other means of enforcing your demand. We are told that the I. C. S. is the peculiar preserve of the Secretary of State and the Government of India, and we, the taxpayers, have no *locus standi*. Theoretically this may be correct, but whenever a mistake is made, even the Courts are ready to reopen and rectify genuine mistakes and consider the question *de novo*. I say, Sir, that the Government of India in fairness ought to examine this question and come to the conclusion which should be based on realities and not on suppositions.

Now, Sir, the second part of my Resolution deals with the number of posts which should be on the cadre. Here, Sir, I have this difficulty. Although I have received a very illuminating reply from the Honourable Member in reply to my question No. 123, I am still at a little disadvantage, because I received it only today. I may say that we had no meeting, otherwise these questions would have come earlier. When I stated in the Resolution on the I. C. S. on the 27th February that the number of posts in the Government of India have been greatly increased it was probably not believed. Now I have before me the actual reply of the Government which shows that the number of superior posts of the Government of India on provincial cadres on 1st April, 1935 was 52 and now, Sir, it has gone up to 125. I was under the impression that it had doubled. It is nearly three times. It has increased much more than I had supposed. This increase has been made as the basis of two committee reports—the Wheeler Committee Report and the Maxwell Committee Report. The Wheeler Committee Report was not published by the Government till a very late date. It was actually published in November, 1937. We had an Adjournment Motion on the Wheeler Committee Report in this House

[Mr. Hossain Imam.]

and that Adjournment Motion was talked out. We were deprived of the very valuable and very important thing concurrently with the Wheeler Committee Report, viz., the Maxwell Committee Report. We had only the benefit of a Press Note by the Government to go upon and even the findings of the Government as entered there have not been fully honoured ; neither is the Press Note very clear about material facts. In the first place, the Press Note does not mention what will be the number of posts reserved for the I. C. S.

THE HONOURABLE THE PRESIDENT : You have only two minutes more. Please bring your remarks to a close.

THE HONOURABLE MR. HOSSAIN IMAM : I have not got much to say now. This is the last item which I am dealing with. In the Press Note on page 2, in paragraph 4, the Government state :—

“ This cadre will be recruited from the I. C. S. and from the Central Services in proportions which will hereafter be settled. ”

This was stated some time about the end of 1937, but up till now unfortunately I have not heard what has been the decision, and how this thing has been partitioned between the Central Services and the I. C. S., how many posts have been reserved for the Central Services in the Government of India Secretariat and how many have been reserved for the I. C. S. Another thing that the Press Note conveniently left vague was regarding the Provincial Services. The statement of the Government was :—

“ There is not now, and will not be in the future, any statutory bar against the employment of officers of Provincial Services in posts not included in the cadre of the I. C. S., but the Government of India do not look upon these services as a regular source for the supply of officers for the Secretariat, since they are recruited without any regard to the requirements of the Government of India. ”

I agree that they should not be the regular source of supply, but should they be barred ? I have been able to make inquiries and I find that after this statement not a single provincial service man has been taken by the Government of India. Then, Sir, we were told that the post of Joint Secretary would be abolished. The actual wording of the Press Note was :—

“ The Government of India contemplate the gradual disappearance of the existing posts of Joint Secretary ”.

On looking up, I find that the number of Joint Secretaries today in the Government of India is the same as it was in 1935, although there has been a change from one Department to another ; but the number of Joint Secretaries still remains what it was then.

THE HONOURABLE THE PRESIDENT : Will you please close your speech now ?

THE HONOURABLE MR. HOSSAIN IMAM : Yes, Sir. I have not got much more to say.

Then, there was the proposal to replace Assistant Secretaries by Under Secretaries. Under Secretaries have been appointed—they are more than they were before—but the posts of Assistant Secretaries have not been materially reduced.

THE HONOURABLE MR. E. CONRAN-SMITH : Is all this relevant to the Resolution we are discussing, Sir ?

THE HONOURABLE THE PRESIDENT : It is not.

THE HONOURABLE MR. HOSSAIN IMAM : I am referring to the posts which are filled by the I. C. S.

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member was referring to Assistant Secretaries just now.

THE HONOURABLE MR. HOSSAIN IMAM : I was saying that they were to be replaced by Under Secretaries. I am complaining that you have retained both as is usual with the Government of India whenever there is a reorganization. Reorganization means simply increasing the number of posts and nothing more.

THE HONOURABLE THE PRESIDENT : I cannot allow you to continue any more.

THE HONOURABLE MR. HOSSAIN IMAM : I will bring my remarks to a close.

May I say, Sir, in conclusion that the Government of India, although they are irresponsible to the Legislature and although statutorily they are not bound to bring matters before the Indian Legislature, ought at least to give us an occasion to discuss their proposals when the proposals are so drastic as an increase of 135 per cent. in the posts : and in this connection, Sir, many services have been deprived of the legitimate prizes to which they are entitled. I refer particularly to the five Central Services—the Posts and Telegraphs, the Customs Service, the Income-tax Service, and the Indian Audit and Accounts Service. There is no reason why these service people who are recruited by the Federal Public Service Commission should not rise to the highest posts in the Government of India under the cadreship invaded by the I. C. S. I am particularly referring, Sir, to the Indian Audit and Accounts Service in which for six years there was a suspension by the Government of India of I. C. S. people. Government had accepted the proposal of ours in the Retrenchment Committee of 1931 that these Services should not be filled by I. C. S. officers. Now, after this Wheeler Committee Report they have gone back on that. I, Sir, in the beginning said that I would not have moved this Resolution if it had not a repercussion on the people entering the war. Government have theoretically stopped recruitment for those who are war personnel, but in effect when the war is ended you will find that you have been recruiting more men than you require, even at the half rate that you are doing, with the result that you will have nothing left to offer to this war personnel. It is for this reason, Sir, that I have moved this Resolution.

THE HONOURABLE MR. E. CONRAN-SMITH (Home Secretary) : Sir, I had hoped, when I gave my very full reply this morning to the question put by the Honourable the Mover of this Resolution, that I should render it unnecessary for him to move his Resolution, in view particularly of the fact that I have already, I think, shown that many of his grievances are illusory. On the other hand I do not blame the Honourable Member for making use of the deep researches which he has obviously been making over a period of years into questions affecting the I. C. S. and the knowledge which he has acquired,—which is more than that of most people. That reminds me, Sir, that he has reproached the Government with not taking the Legislature into their confidence and making some announcement as regards the new calculations for

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the strength of the I. C. S. On that I should like to say that if other Honourable Members know as much about the calculations and the actuarial figures as my Honourable friend does, there cannot be much room for complaint. Well, Sir, I should like to make it clear at the outset that in so far as my Honourable friend still feels that he has a case for the Resolution which he has tabled, he has based it on his assertions that the Government of India made no real examination and no actuarial calculations. My Honourable friend ignored my interjection when I took the opportunity to point out that Government had made most careful calculations —

THE HONOURABLE PANDIT HIRDAY NATH KUNZRU : We cannot hear the Honourable Member.

THE HONOURABLE MR. E. CONRAN-SMITH : I said that my Honourable friend had ignored my interjection to the effect that Government had made the most careful calculations and examination in consultation with the Government Actuary. There is therefore no basis at all for his repeated charge that Government had made these changes without having adequate material.

THE HONOURABLE MR. HOSSAIN IMAM : Will the Honourable Member be pleased to place the actuarial figures on the table of the House ?

THE HONOURABLE THE PRESIDENT : Order, order. Let the Honourable Member have his say.

THE HONOURABLE MR. E. CONRAN-SMITH : The Honourable Member deduced that Government had made no calculations from my answer this morning to a question which he put asking for a statement of the leave taken by officers of the I. C. S. in different years. My Honourable friend deduced from my answer,—which was to the effect that the labour entailed in collecting the information was not justified by the results to be obtained,—that we had got no information at all and had not used it. That is totally incorrect. We have a lot of information as regards leave taken, and our calculations took that information into account. We have not got the details of the leave for some of the specific years for which the Honourable Member asked, and he was therefore not justified in drawing the deduction he has drawn. Well, Sir, I said I hoped that in view of the long answer which I inflicted on this House the Honourable Member would not consider it necessary to press his Resolution, especially as he is apparently satisfied with the reduction made in all the percentages except that for leave in regard to which he still presses for a smaller leave reserve. On that particular point I can only repeat what I have said before, which is that Government very recently made a most careful examination of the leave reserve requirements and reached the conclusion in consultation with Provincial Governments that the figure 37·72 per cent. was necessary to meet the demands on the strength of the Service. It may possibly appear to the Honourable Member in a more favourable light if I put it in this way : 37·72 per cent. of the total number of superior posts in 1938 is 218. The actual strength of the I. C. S. on the 1st January, 1939, was 1,072 and the sanctioned strength is now 1,064. If the Honourable Member who is more of a mathematician than I am would do a rapid calculation on the basis of those figures I think he will find that the leave reserve is almost exactly a fifth of the total which is, I believe he will agree, a reasonable proportion. The object of the Resolution which recommends the appointment of a committee of officials and non-officials can, I take it, only be to reduce the strength of the

I. C. S. I think the Honourable Member has made his intention fairly apparent from the observations which he has uttered on the Resolution. I must confess to some surprise at the attitude he has taken in view of his speech to which I had the pleasure of listening earlier in this session when he made the following statement :—

“ Sir, it would be better and more in keeping with the realities of the situation if you were to leave the Civil Service in the condition in which it now is pending the inquiry which has been promised by Government into the whole question ”.

He then reiterated further on in his speech a similar sentiment when he said :—

“ When I suggest, Sir, that you would be justified in stopping recruitment altogether, the advantage will be that you will maintain the *status quo*. You would not be mortgaging the future of India ”.

The affection that the Honourable Member felt for the *status quo* a little while ago has now wholly vanished from his heart.

THE HONOURABLE MR. HOSSAIN IMAM : No, Sir. I want it to be maintained.

THE HONOURABLE MR. E. CONRAN-SMITH : He wants to make a change ?

THE HONOURABLE MR. HOSSAIN IMAM : No change.

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I do not follow the Honourable Member. If he does not want a change, I do not know why he is proposing to inflict this Committee on Government.

To sum up, Sir, my reasons for opposing this suggestion that a Committee should be set up to examine the strength of the I. C. S. and presumably make proposals for its reduction are briefly as follows. In the first place, the strength of the Service was fixed very recently after the fullest calculations had been made. Secondly, the sanctioned strength of the Service was fixed on the basis of the actual strength and therefore was the nearest possible approximation to actual requirements. The leave reserve and the training reserve,—the latter a reduced percentage,—are required for maintaining the full strength of the Service. For deputation to miscellaneous posts arising from particular emergencies, 10 per cent. of the superior posts is provided as a necessary safeguard. If the Honourable Member will add up the figures which I gave him this morning, he will find that for every 100 superior posts, 84 other posts are necessary to maintain the cadre.

The Honourable Member has been interesting himself in this question for a good many years and he has taken us back to 1926 in his calculations. In so far as he has attacked the number of posts under the Government of India and the alleged unjustifiable increase therein, I should like to make it clear that although in the Schedule to the Superior Civil Service Rules the figure for posts at the centre was fixed at 50, in actual fact, for many years, that figure has not reflected correctly the number of posts which have been actually required at the centre, and the number of posts as now fixed is a much juster and more proper approximation to the number of posts actually existing and actually required.

Finally, Sir, I would suggest that a time like this, when the strain on the Services is admittedly very heavy, is not a suitable time to suggest reductions in the strength of the Service.

[Mr. E. Conran-Smith.]

The Honourable Member's other line of attack was on the reservation of posts in the I. C. S. I could not altogether understand what his grounds were for objecting to reservation, except the general ground that the I. C. S. was not entitled to the privileges which it has received. He also, I think, wanted the I. C. S. to make room for members of other Services. That is not a point which I propose to argue this morning. If the Honourable Member feels like that, he is entitled to his own views. As regards the actual strength of the reserved posts, that was fixed very recently, again after very careful calculations, and Government do not see any necessity for re-examining it again so shortly after the number was fixed —

THE HONOURABLE MR. HOSSAIN IMAM : May I ask the Honourable Member to illustrate from his Press Note what is the number reserved for the Central Services ?

THE HONOURABLE MR. E. CONRAN-SMITH : I am talking about the I. C. S. reserved posts. I cannot, I am afraid, give the Honourable Member information about Central Services.

THE HONOURABLE MR. HOSSAIN IMAM : In the pool of officers there is a certain proportion of the Central Services as well as the I. C. S. and the Press Note stated that Government will fix the proportion for the I. C. S. and the residue —

THE HONOURABLE THE PRESIDENT : Are you replying at this stage ?

THE HONOURABLE MR. HOSSAIN IMAM : I am asking for information, Sir.

THE HONOURABLE THE PRESIDENT : This is not the time for it.

THE HONOURABLE MR. E. CONRAN-SMITH : I am afraid I have not got the information for which the Honourable Member asks.

I hope, Sir, in view of what I have said, and in view of the Honourable Member's own admission that a great deal of what he has been striving for for many years has since been secured and that the fruits of his labours have not been wasted, he will consider it unnecessary to press a Resolution of this nature, especially at this time and in these circumstances.

***THE HONOURABLE MR. HOSSAIN IMAM :** Mr. President, when I started speaking on this Resolution, I did not wish to embarrass the Honourable the Home Secretary by any charge which would show that even his accepted proposition is not being worked. From the reply which he gave to my question No. 123 it seems that there are three provinces in which the actual strength of the Service is higher than the theoretical strength fixed. I refer, Sir, to Madras, which has an excess of eight officers, Bengal which has an excess of ten officers, and the Central Provinces which has an excess of four officers over the sanctioned strength. There is another thing which is quite ununderstandable, namely, that a certain number of unreserved posts are still being carried on the cadre of the I. C. S. I have not been able to get the facts and figures for all the provinces. But, naturally, I have collected the figure for my own province and the two neighbouring provinces. In my own province of Bihar

*Not corrected by the Honourable Member.

there are six unreserved posts, three for High Court Judges, one for the Registrar of the High Court and two Secretaries to the Governor, which though statutorily not fixed for the I. C. S., are most carried on the cadre of the I. C. S. and when you consider that your recruitment is at 184, it involves a great deal of wastage when posts which are not reserved for the I. C. S. are still carried on the cadre of the I. C. S. Similar is the case of Bengal and the United Provinces. They have got six and seven posts, respectively, and what I was surprised to find was that Bengal has nine posts of the Government which are unreserved. I was surprised because it is the latest list that I tackled, the list giving the figures up to the 1st January, 1941. Actually there are given in that nine unreserved posts for the Government of India.

THE HONOURABLE MR. E. CONRAN-SMITH : What is the connection ? Why should there not be unreserved posts in the Government of India filled by the I. C. S. ?

THE HONOURABLE MR. HOSSAIN IMAM : My objection is that you had a cadre of 52 officers in 1935. You increase it to 125 and still you needs must have an unreserved cadre, and that of so high an order as nine in the province of Bengal. Calculating all those unreserved posts of seven for the province and nine for the Government of India, making a total of 16, still Bengal has got an excess of 10 officers. The revenues of Bengal are being burdened by carrying your load, a load from which you will ultimately derive the benefit, especially in view of the fact that now the system is that an officer who comes to the Government of India is usually retained there and it is very rarely that he is reverted to his province. I know of instances of officers who have been here for 15 or 20 years without reversion. In such cases the period spent in the provinces in training and in inferior posts is a sheer waste. May I say, Sir, with due deference to the Honourable the Home Secretary that the fact that he had no figures for the specific years for which I asked, and considering the fact that the years were very varied—I asked for figures for the years 1925, 1935 and 1939—still he says the matter was examined. It must have been examined ; I do not deny that. But I do deny an examination involving actuarial calculations ; because if you had once held such an actuarial calculation all the figures would have been with you. Because you cannot consider an actuarial calculation for a service and make an announcement about it in 1940 without having before you the figures for 1935 and 1939. Actuarial calculations are not made on one or two years. They are usually spread over the full life of the service, which in this case is 33 years. In spite of the fact that the Secretary of State has come to a conclusion, as I stated in the beginning there are mistakes and there are very glaring loopholes, and I do submit that the question is not so finally and so well disposed of that it cannot be reopened. But at least I have this satisfaction, that the Government of India has one very good point, that although it may reject a proposal sometimes it does consider it at a later hour. As I said I have been hammering at this question of a reduction in the reserves, and in the end I have succeeded in a reduction of 18 per cent. and I am still hopeful of getting another 18 per cent., if not today at least in five years time. And it was with this view that I have moved, to ask the stony-hearted Government of India to open and to re-examine the case. My object will be served if the Government of India simply promise to re-examine the question on an actuarial basis. I do not want any action from them. I only want that the examination should be on an actuarial basis and not a theoretical basis. If the Honourable Member will place on the table the actuarial facts or will promise to have it examined, I will have no objection, Sir, to withdrawing my Resolution.

THE HONOURABLE MR. E. CONRAN-SMITH : Sir, I do not think I need pursue some of the points made in the Honourable Member's reply, because they are based on a misapprehension. He spoke about the excess in various provinces as regards posts under the Government of India. Apparently he overlooked the fact that it is an all-India figure. There may be an excess in one province and less in another. He has also I think confused superior posts at the centre with reserved posts. But these are points of detail into which I need not go. The Honourable Member has invited me to give an assurance that Government will re-examine the whole question on the basis of actuarial calculations. He still apparently does not accept my statement that Government did work on the basis of the fullest actuarial calculations. If he did, he would see that it is quite impossible for me to give an undertaking that Government would again initiate the same process of calculations within so recent a period as has elapsed since the Secretary of State fixed the strength of the Service. I will however consider his suggestion that certain information should be made available to him personally as regards the calculations on which the strength of the I. C. S. has been fixed. More than that I cannot say, but I hope that that will satisfy the Honourable Member, especially in view of the fact that he has again taken credit to himself for the substantial reduction already made in the various percentages on which the strength of the Service was fixed.

THE HONOURABLE THE PRESIDENT : Are you satisfied ?

THE HONOURABLE MR. HOSSAIN IMAM : I am satisfied and beg leave to withdraw.

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

DELHI MASAJID BILL.

***THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhamadan) :** Sir, I beg to move :—

“ This Council do recommend to the Legislative Assembly that the Bill to make better provision for the administration of Masajid and the Endowment of the Jama Masjid, Fatehpuri Masjid and Kalan Masjid of Delhi be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of 10 members ”.

THE HONOURABLE THE PRESIDENT : Have you consulted the Government Member about it ?

THE HONOURABLE MR. HOSSAIN IMAM : That has been my difficulty ; that is why—

THE HONOURABLE THE PRESIDENT : You know that the Assembly is always unwilling to have a Joint Committee.

THE HONOURABLE MR. HOSSAIN IMAM : On this Motion, Sir, the Assembly is perfectly willing to have a Joint Committee.

THE HONOURABLE THE PRESIDENT : Have you found that out from the Members ?

*Not corrected by the Honourable Member.

THE HONOURABLE MR. HOSSAIN IMAM : Yes, Sir.

THE HONOURABLE THE PRESIDENT : Then I have no objection.

THE HONOURABLE MR. HOSSAIN IMAM : May I say that the Assembly Members expressed a desire to increase the number of the Committee from 10 to 12. If you have no objection I should like to make that little change.

THE HONOURABLE THE PRESIDENT : I have no objection. Motion moved :—

“ That this Council do recommend to the Legislative Assembly that the Bill to make better provision for the administration of Masajid and the Endowment of the Jama Masjid Fatehpuri Masjid and Kalan Masjid of Delhi be referred to a Joint Committee of this Council and of the Legislative Assembly and that the Joint Committee do consist of 12 members. ”

Question put and Motion adopted.

INDIAN LIMITATION (AMENDMENT) BILL.

THE HONOURABLE MR. CHIDAMBARAM CHETTIYAR (Madras : Non-Muhammadan) : Sir, I move :—

“ That the Bill to amend the Indian Limitation Act, IX of 1908, be referred to a Select Committee consisting of the Honourable Rai Bahadur Lala Ram Saran Das, the Honourable Sir David Devadoss, the Honourable Mr. Hossain Imam, the Honourable Mr. D. N. Mitra, the Honourable Mr. S. A. Lal, the Honourable Mr. E. Conran-Smith, the Honourable Sir Rahimtoola Chinoy and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five ”.

The Motion was adopted.

STATEMENT OF BUSINESS.

THE HONOURABLE SIR GIRJA SHANKAR BAJPAI (Leader of the House) : Sir, it is our intention, with your approval and with the concurrence of the House, to take up on the 27th the discussion of what is comprehensively described as the Finance Bill.

The Council then adjourned till Eleven of the Clock on Thursday, the 27th March, 1941.
