

# LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 16th JULY, 1934.

Vol. VI—No. 1

## OFFICIAL REPORT



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[P. T. O.]

SIMLA : PRINTED BY THE MANAGER  
GOVERNMENT OF INDIA PRESS : 1934

*Price Five Annas.*

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**THE  
LEGISLATIVE ASSEMBLY  
DEBATES**

**(OFFICIAL REPORT OF THE EIGHTH SESSION OF THE  
FOURTH LEGISLATIVE ASSEMBLY)**

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**VOLUME VI—1934.**

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**LEGISLATIVE ASSEMBLY.**

*Monday, 16th July, 1934.*

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the First Day of the Eighth Session of the Fourth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act. Mr. President (The Honourable Sir Shanmukham Chetty, K.C.I.E.) was in the Chair.

**MEMBERS SWORN.**

- The Honourable Sir Nripendra Nath Sircar, Kt. (Law Member) ;  
The Honourable Sir Percy James Grigg, K.C.B. (Finance Member) ;  
Mr. L. C. Buss, M.L.A. (Nominated Non-Official) ;  
Lieut.-Colonel Arthur Friedrich Rawson Lumby, C.I.E., O.B.E.,  
M.L.A. (Army Secretary) ;  
Mr. George Hemming Spence, C.I.E., M.L.A. (Secretary, Legislative  
Department) ;  
Mr. Abraham Jeremy Raisman, C.I.E., M.L.A. (Government of India :  
Nominated Official) ;  
Mr. Edward William Perry, C.I.E., M.L.A. (Government of India :  
Nominated Official) ;  
Mr. Chandulal Madhavlal Trivedi, O.B.E., M.L.A. (Government of  
India : Nominated Official) ;  
Mr. Kodikal Sanjiva Row, M.L.A. (Government of India : Nominated  
Official) ;  
Khan Bahadur Mir Zyn-ud-din, M.L.A. (Madras : Nominated  
Official) ;  
Rao Bahadur Krishna Raddi Basappa Bhadrapur, M.L.A. (Bombay :  
Nominated Official) ;  
Mr. Hamid Moizuddin Abdul Ali, M.L.A. (Bombay : Nominated  
Official) ;  
Shams-ul-Ulema Mr. Kamaluddin Ahmad, M.L.A. (Bengal : Nomi-  
nated Official) ;  
Khan Bahadur Abu Abdullah Muhammad Zakaullah Khan, M.L.A.  
(United Provinces : Nominated Official) ;  
Mr. Dionys John Norris Lee, M.L.A. (Central Provinces : Nominated  
Official) ; and  
Mr. Walter Lawrence Scott, C.I.E., M.L.A. (Assam : Nominated  
Official).

## QUESTIONS AND ANSWERS.

### COUNTING TOWARDS PENSION OR GRATUITY OF THE SERVICES OF DISMISSED POSTAL EMPLOYEES.

1. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state what rule or policy they adopt in regard to counting towards pension or gratuity, the previous service of a Government servant in the Postal Department, who has been dismissed after putting in some years' service and is again employed in Government service ?

(b) If Government do not count such service towards pension or gratuity, will they be pleased to state their reasons for not doing so ?

(c) If they do take into consideration such service, will Government be pleased to state if such a rule is followed in practice ?

**The Honourable Sir Frank Noyce :** (a) and (b). The rule which is applicable to all Government Departments and is laid down in Article 418 (a) of the Civil Service Regulations is that dismissal from Government service entails forfeiture of past service and ordinarily disqualifies from future re-employment.

(c) Does not arise.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether that service would be counted again or not.

**The Honourable Sir Frank Noyce :** I will read the answer again :

“ The rule which is applicable to all Government Departments and is laid down in Article 418 (a) of the Civil Service Regulations is that dismissal from Government service entails forfeiture of past service and ordinarily disqualifies from future re-employment.

(c) Does not arise.”

**Mr. Lalchand Navalrai :** One supplementary question, Sir : Does the Honourable Member know that there are two methods in connection with the dismissal of public servants ? One method is that when an officer is dismissed, his dismissal is notified in the Gazette ; and the other method is that when such a dismissal is notified in the Gazette, the notification in the Gazette says that he will not be taken up in service. I would like to know whether the rule that the Honourable Member is referring to applies to both classes of dismissals or to only one class ?

**The Honourable Sir Frank Noyce :** That, Sir, is a question which could more suitably be answered by my Honourable colleague, the Finance Member, as it deals with the interpretation of Civil Service Regulations, for which I am not responsible, but I take it that this rule applies to both the classes mentioned by the Honourable Member opposite. He will notice that the words used are “ ordinarily disqualifies from future re-employment ”. There may be cases in which there is no disqualification from future re-employment.

**Mr. Lalchand Navalrai :** I will not disturb the Honourable the Finance Member on the very first day, but I would like to know from the Honourable Member himself whether any such instances have occurred in the Postal Department where people had actually asked that their service should be counted and it has been counted ?



**The Honourable Sir Frank Noyce :** I should certainly require notice of that question.

**Mr. Lalchand Navalrai :** I would also request the Honourable Member to consider this question from the viewpoint of both the methods I have mentioned and give me a reply later on, if not now.

**APPOINTMENT OF GUARDS IN THE DINAPUR DIVISION, EAST INDIAN RAILWAY.**

2. **\*Pandit Satyendra Nath Sen :** (a) Is it a fact that in response to a representation made last year the Railway Board passed orders that no direct appointment of guards should be made in the higher grade ?

(b) Is it a fact that two Anglo-Indian guards were appointed in April, 1934, by the Divisional Superintendent, Dinapur, in Grade A, and that the claims of about 50 B class Indian guards, who have been drawing maximum salary for many years, were ignored ?

**Mr. P. R. Rau :** (a) I am not aware of any orders issued last year on the subject. Perhaps my Honourable friend is thinking of the rules for recruitment issued in 1931, where it is provided that direct appointment to the highest grade of guards will not be made.

(b) In accordance with the policy of the East Indian Railway to offer employees, who fail in eye test, employment on pay as near to their original pay as possible, one Anglo-Indian fireman and one Anglo-Indian shunter who were in receipt of Rs. 120 and Rs. 150 respectively and who failed to pass the periodical re-test of eye-sight in Class A1, but were certified as fit for Class A2, were absorbed as guards grade I.

**Pandit Satyendra Nath Sen :** May I know if the claims of the Indian guards were ignored in the two cases cited by the Honourable Member ?

**Mr. P. R. Rau :** I have just stated that these two persons were offered employment, because they had failed in the eye tests for their previous posts and were absorbed in some other posts for which their eyes were suitable.

**Mr. M. Maswood Ahmad :** Had they passed the examination for posts of guards ?

**Mr. P. R. Rau :** I am afraid I must ask for notice.

**Mr. Muhammad Azhar Ali :** Are those orders still in force ?

**Mr. P. R. Rau :** That is the general rule.

**MALADMINISTRATION IN THE DINAPUR DIVISION, EAST INDIAN RAILWAY.**

3. **\*Pandit Satyendra Nath Sen :** (a) Will Government please state if it is the policy of the Railway Board not to interfere in matters of administration ?

(b) Are Government aware that the attention of the Railway Board has been drawn to various cases of maladministration in the Dinapur Division of the East Indian Railway, by a large number of questions asked by various Members of this House during the last twelve months ?

(c) If the answer to part (b) be in the affirmative, will Government please state if the Railway Board have taken any action in any matter ? If they have, what action has been taken, and in which cases ?

**Mr. P. B. Rau :** (a) It is the policy of the Railway Board not to interfere ordinarily in matters which lie within the competence of Agents of State-managed Railways.

(b) Government are aware that a number of questions have been asked, for many of which, I believe, my Honourable friend himself was responsible, about the Dinapur Division of the East Indian Railway.

(c) Government obtained information from the Agent in certain cases and after examination they came to the conclusion that their interference was not called for.

**Pandit Satyendra Nath Sen :** Will the Honourable Member kindly explain the meaning of the word " ordinarily " ?

**Mr. P. B. Rau :** I would suggest to my Honourable friend that he should consult a dictionary.

**Mr. Lalchand Navalrai :** May I know if the Honourable Member and the Railway Board have laid down a dictionary meaning for the words " ordinary " and " extraordinary ", and if they have been sending for reports relating to " ordinary " cases and " extraordinary " cases ?

**Mr. P. B. Rau :** May I ask the Honourable Member to repeat the question ?

**Mr. Lalchand Navalrai :** May I know the meaning of the words " ordinary " and " extraordinary " according to the Railway Board's dictionary ?

**Mr. P. B. Rau :** The Railway Board have not published a dictionary of their own.

**Mr. Lalchand Navalrai :** Have they laid down any policy in black and white with regard to their interference in " ordinary " and " extraordinary " matters ?

**Mr. P. B. Rau :** No, Sir ; we follow the ordinary dictionary meaning.

**Mr. Lalchand Navalrai :** May I know if since the last Session there have been any cases in which the Honourable Member himself treated ordinary cases as extraordinary after calling for reports from the Agents ?

**Mr. P. B. Rau :** My Honourable friend who put the question knows that because he was very insistent on a particular case being re-examined, it was re-examined by Mr. Colvin, a Member of the Railway Board.

**Mr. Lalchand Navalrai :** To the credit of the Honourable Member I must say that he also did interfere.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order.

**Dr. Ziauddin Ahmad :** In view of the fact that all questions relating to the subordinates in the Railway service cannot be asked in any Provincial Council except in this House, is it not a fact that the Railway Board is responsible for the action of all their subordinates to this House ?

**Mr. P. R. Rau :** Sir, I have pointed out many times on the floor of this House that to discharge that responsibility the Railway Board must delegate certain powers to their Agents.

**Dr. Ziauddin Ahmad :** That is not my question. Delegation is an internal arrangement between the Railway Board and their Agents with which we are not concerned. What we are concerned with is this. The Railway Board is responsible to the Legislature for all the action taken by their subordinates in the Railway Department as distinct from the general administration for which the local officers are responsible ?

**Mr. P. R. Rau :** These questions ordinarily relate to matters which are within the province of the local administration.

**Dr. Ziauddin Ahmad :** Certain questions were asked about the Dinapur Division of the East Indian Railway. Then the Honourable Member cannot shove the responsibility to the Agent, because the Agent cannot answer any of those questions in the Legislature and so the Railway Board is responsible for all the actions of their subordinates here, and I should like to say that they should not shirk their responsibility to the House.

#### RE-ARRANGEMENTS OF THE GANDHARA AND PRE-HISTORIC GALLERIES.

**4. \*Mr. Gaya Prasad Singh :** (a) With reference to their reply to question No. 550 given on the 27th March, 1934, will Government be pleased to state which officer is responsible for the recent re-arrangements of the Gandhara and pre-historic Galleries ? Is it the Superintendent of Archæological Section, Indian Museum, or is it the Assistant Superintendent, Archæological Survey, Eastern Circle ?

(b) Is it a fact that the Central Iron Screen, arranged in a square, in the Gandhara Gallery has reliefs, etc., hanging on it on both sides without any common background to these sculptures ?

(c) Are the other sculptures in the Gandhara Gallery placed at a right angle to the windows or along the walls ? Are Government aware that light is very important for the effect of sculptures ?

(d) Were these changes in the Gandhara Gallery, detailed in parts (b) and (c), carried out under the instructions or with the approval of the Director General of Archæology ?

**Mr. G. S. Bajpai :** (a) and (d). The Galleries in question were re-arranged by Mr. N. G. Majumdar under the instructions of the Director General of Archæology in India. Mr. Majumdar was entrusted with the completion of the Guide Books to the collection of antiquities in the Archæological Section of the Indian Museum and it was considered that the task could most suitably be entrusted to him. The superintendents concerned concurred in this arrangement.

(b) Yes. The present arrangement is not ideal but cannot be improved on, partly because of the limitations of space and partly for lack of funds which prevents acquisition of suitable show-cases.

(c) The larger sculptures in the Gandhara gallery are arranged on masonry benches, along the four walls, and parallel to them and every endeavour has been made to utilise the lighting capacity of the rooms to their best advantage.

**RECRUITMENT OF INDIANS IN THE INDIAN LAC RESEARCH INSTITUTE.**

5. \***Mr. K. C. Neogy** : With reference to the answers given on the 27th November, 1933, to the starred question No. 1181 and the supplementary questions connected therewith, regarding advertising the posts in the Indian Lac Research Institute and recruitment of Indians when the contracts of the present incumbents expired, will Government be pleased to state whether the Lac Cess Committee was duly apprised of the desirability of taking action on the lines suggested ? If so, with what result ?

**Mr. G. S. Bajpai** : Yes. The matter will be considered by the Lac Cess Committee at their next meeting which will be held in October or November.

**PROTEST BY MUSLIMS AGAINST THE SACRILEGE OF THE GRAVES AND MOSQUES IN DELHI.**

6. \***Lieut. Nawab Muhammad Ibrahim Ali Khan** : (a) Is it a fact that in 1930 when the work of clearing the site for the Irwin Hospital in New Delhi was taken in hand, the Muslim community of Delhi had made a vehement protest against the sacrilege of the graves and mosques situated there ? Is it also a fact that Government had to stop the work under orders of the Deputy Commissioner, Delhi, which read as follows ?—

“ All work that was being carried out on the site of the New Hospital has been stopped until the issues that have cropped up now are not thoroughly investigated. The issues will be decided in consultation with respectable members of the Muslim community.

(Sd.) A. H. LAYARD,

Dated 16th September, 1930.

Deputy Commissioner, Delhi.”

(b) Is it a fact that several notice boards bearing these orders were fixed at the site, and that a few of them are still in tact at the site ?

(c) Is it a fact that in pursuance of the notice referred to in part (a) above, the Local Government held three meetings on the 4th November, 1930, the 19th November, 1930, and the 3rd December, 1930, for consultation with the Muslims of Delhi ?

(d) Is it a fact that at these meetings the Muslims made the following demands, viz. :

- (i) re-construction of the demolished mosques,
- (ii) reservation of the rights of public entry therein, and
- (iii) preservation of their present approach roads to the places ?

(e) Is it a fact that at the meetings referred to in part (c) above, the Muslims submitted the Fatwas of the Ulemas, as well as the proceedings of a special meeting held at Jama Masjid, Delhi, as appeared in the *Aljamiat* of Delhi, dated the 13th and the 18th November, 1930, to impress upon Government the consensus of opinion of their religious leaders and the public with regard to their demands ?

(f) Is it a fact that at the last meeting held on the 3rd December, 1930, the Chief Commissioner, Delhi, promised to consider the results achieved by the discussion with the Muslim leaders and to make his recommendations to the Government of India ?

(g) If the replies to parts (a) to (f) above be in the affirmative, will Government please state whether the Chief Commissioner, Delhi, made any recommendations to the Government of India in the matter? If he did, what were his recommendations and what orders were passed thereon by the Government of India? Were the orders of the Government of India communicated to the Muslim leaders who took part in the proceedings of the meetings held by the Local Government? If not, why not?

**Mr. G. S. Bajpai :** (a) to (f). Yes.

(g) No orders were passed on the suggestions made by the Chief Commissioner in 1930, as, on account of financial stringency, the execution of the project had to be postponed. In the revised lay-out every attempt will be made to give effect to those suggestions as far as possible.

**Lieut. Nawab Muhammad Ibrahim Ali Khan :** With regard to part (d) of the question, may I know how many mosques have been demolished and under what authority?

**Mr. G. S. Bajpai :** So far as my information goes, not a single mosque has been demolished, and, therefore, the question of authority does not arise.

**Sirdar Harbans Singh Brar :** May I know if the Gurdwara in the locality of the Lady Reading Hospital will be treated as any other Moslem monument?

**Mr. G. S. Bajpai :** So far as I am aware, there is no Gurdwara situated in this particular locality.

**Sirdar Harbans Singh Brar :** There is litigation going on there.

**Mr. G. S. Bajpai :** Neither my local knowledge of the particular place nor the information that has been supplied to me by the P. W. D. shows that there is any Gurdwara in that locality.

**Sirdar Harbans Singh Brar :** But I may inform the Honourable Member that the Gurdwara is situated very near the Lady Reading Hospital.

**Mr. G. S. Bajpai :** The question is not about the Lady Reading Hospital, but about the Irwin Hospital.

#### GRAVEYARD OF MEHDIAN AND THE DURGHAH OF KHWAJA MIR DARD IN DELHI.

7. \***Lieut. Nawab Muhammad Ibrahim Ali Khan :** (a) Will Government please state if the present routes branching from the circular road outside Delhi and Turkman Gates for approaching the three mosques which are situated on that land, the grave-yard of Mehedian and the Durgah of Khwaja Mir Dard Dehlvi, which have been shown as preserved monuments in the revised plan of the site, have also been kept in view? If not, why not?

(b) Are Government aware that the grave-yard of Mehedian is the burial place of the renowned Muslim doctors of Divinity like Maulana Shah Abdul Aziz Mohaddis, Dehlvi and others, and is for this reason held sacred by the entire Muslim community in India and visited frequently by pilgrims?

(c) Are Government aware that the Durgah of Khwaja Mir Dard Dehlvi is for similar reasons as mentioned in part (b) above held sacred by the Muslim community ?

(d) Are Government aware that the religious feelings of the Muslim community will be severely injured if they are deprived of their right of visiting the shrines, which have been proposed to be blocked up by enclosing them within Government buildings without leaving any access to them ?

(e) Is it a fact that both the shrines mentioned in parts (b), (c) and (d) are admitted to be preserved monuments of Class d (iii) in the Government publication of the Archæological Department named "Mohamedan and Hindoo Monuments of Delhi Zail", Volume II, page 65, like the Gurdwaras of Bangla Sahib and Rakab Ganj mentioned on pages 10 and 229 *ibid.*, as well as Hanuman Temple and Jain Aggarwal Temple shown on pages 9 and 14 *ibid.* ?

(f) Is it a fact that the Gurdwaras and the temples referred to in part (e) above have been allowed large compounds, boundary walls and access by main roads ?

(g) If the replies to parts (e) and (f) be in the affirmative, will Government please state why the shrines referred to in part (e) above have not been equally enclosed within boundary walls and by providing them with suitable approach roads ?

(h) Is it a fact that the shrine mentioned in part (b) above has been surrounded by clerks' quarters in such a way that it has become totally invisible to the visitors from outside, and that a cattle byre is proposed to be built in its vicinity with a gate just opposite to the shrine ?

**Mr. G. S. Bajpai :** (a) The three mosques in the first part of this question presumably refer to the graves and mosques mentioned in his preceding question, I have dealt with them in the answer which I have just given. The grave-yard of Mehdiān and the Durgah of Khwaja Mir Dard Dehlvi are quite outside the lay-out of the proposed Irwin Hospital, which in no way interferes with the approach to these two monuments.

(b) and (c). Government are aware of the sentiments of the Muslim community.

(d) Does not arise.

(e) Yes.

(f) Government have not allotted any areas to the Gurdwara or any other shrine. The space left unbuilt on at any point, and the fencing, etc., have been adapted mainly to the general lay-out of adjacent roads and buildings.

(g) Suitable means of access will be provided to the two Muslim monuments referred to in part (a) of the answer, and it is also intended to enclose them.

(h) This shrine has been surrounded by new quarters, but an adequate space has been left on all sides, and roads giving access to it from the east, the south and the west are under construction. The proposal to build a cattle byre in the vicinity has emanated from the New Delhi Municipality. Government will consider whether the byre cannot be located elsewhere.

**REDUCTION IN THE STRENGTH OF THE RAILWAY GANGMEN ON THE NORTH WESTERN RAILWAY.**

8. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that the strength of the Railway gangmen on the North Western Railway lines has recently been reduced from 20 men per four miles to 15 men ?

(b) Is it also a fact that instead of the old system of through backing on the line, batch-backing, wherever necessary, has been introduced ?

(c) Is it also a fact that the gangmen have been ordered to work in the station yards on particular days ? If so, why ?

(d) Is it a fact that this system was introduced by Mr. Robi while he was acting in place of the permanent Chief Engineer, Lieut.-Colonel W. Macrae, R.E. ? If so, what were his reasons for doing so ?

(e) Are Government aware that the Permanent Way Inspectors, who actually work on the spot, find the new system inefficient, harmful and inconvenient ?

(f) Do Government propose to go into this matter and issue proper and suitable orders so as to make the system safe and efficient ?

**Mr. P. R. Rau :** (a) Government are informed that this has been done on some sections.

(b) Through packing as a regular yearly operation has been suspended. Maintenance of track is now done according to a time-table which includes all the necessary operations, such as patch packing.

(c) Yes, station yards also require maintenance.

(d) The new system was proposed by Mr. E. B. Robey and was introduced by Lieut.-Colonel W. Macrae in order to reduce expenditure on maintenance without materially impairing efficiency.

(e) No reports to this effect have been received by the Railway administration.

(f) Government see no reason to interfere.

**Mr. Lalchand Navalrai :** May I know whether the present Agent, Lieut.-Colonel Macrae, is also of the same opinion ?

**Mr. P. R. Rau :** I have just stated that the change was introduced by Lieut.-Colonel Macrae.

**Mr. Lalchand Navalrai :** I did not hear the Honourable Member's reply to part (e). May I know whether the permanent way inspectors were against this system and even now they do not think that that is a suitable system ?

**Mr. P. R. Rau :** I am not a technical man ; neither, I believe, is my Honourable friend. But I prefer to trust to the opinion of our expert advisers, the Chief Engineers of the line, and I do not think I can take the opinion of permanent way inspectors as against the opinion of Chief Engineers.

**Mr. Lalchand Navalrai :** May I also know from the Honourable Member if, when these people are working in the station yard, their work is not suffering on that account ?

**Mr. P. B. Rau :** I am sure, the administration will take sufficient steps to see that no necessary work is neglected.

**AMALGAMATION OF THE QUETTA AND KARACHI DIVISIONS OF THE NORTH WESTERN RAILWAY.**

9. **\*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state the number of line-clear stations in the Quetta Division of the North Western Railway ?

(b) Are Government aware that in comparison to the other Divisions of the North Western Railway the Quetta Division is too small to remain as a separate Division ?

(c) Are Government aware that the present Divisional system on the North Western Railway is not approved by the public and by those who are in the know of its internal working ?

(d) If the reply to part (c) above be in the affirmative, are Government prepared to undertake an enquiry to find out whether or not it would be advantageous if the Quetta and Karachi Division offices be re-organized, and a head office of both the Divisions created and located at Sukkur, which is the central place ? If not, why not ?

(e) Are Government aware that several suitable and commodious buildings of the Lloyd Barrage are at present lying vacant and could be profitably obtained by the North Western Railway and used for locating the proposed head office of both the Karachi and Quetta Divisions ? If so, do Government propose to move in the matter ?

**Mr. P. B. Rau :** (a) 51.

(b) Quetta is a comparatively small division but owing to its geographical position cannot be amalgamated with any other division.

(c) The question of reduction in the number of divisions on the North Western Railway was re-examined in detail by the Railway Board recently. They also obtained the opinion of Mr. Pope on the subject. Mr. Pope's opinion was that it would be a mistake at the present time to embark upon a reorganisation of divisional boundaries with its resultant upheaval and change of control. The Railway Board agree with this view and decided to drop for the time being the proposal to reduce the number of divisions on State-managed Railways.

(d) and (e). A division formed by the amalgamation of Quetta and Karachi Divisions would be unwieldy and impossible to manage. The fact of buildings being available at a certain place cannot obviously be a deciding consideration in fixing the headquarters of a division.

**Mr. Lalchand Navalrai :** May I ask if my Honourable friend knows that Sukkur is the central place in the railway section of Sind, and why advantage has not been taken of the Barrage buildings and the central office located there ?

**Mr. P. B. Rau :** I believe everybody will recognise that Karachi is the most important place in the Karachi Division.

**Mr. Lalchand Navalrai :** I do recognise that Karachi may be central, but it may not be convenient for all.



**Mr. M. Maswood Ahmad :** Are Government aware that the shifting of the divisional headquarters from Karachi to Sukkur Barrage is not liked by the majority community in Sind ?

**Mr. P. B. Rau :** I am not aware of that, but I think it would not be liked by anybody.

**Dr. Ziauddin Ahmad :** I did not follow the answer to part (c). Are Government aware that the present divisional system on the North Western Railway is not approved by the public and by those who are in the know ?

**Mr. P. B. Rau :** Government are not aware of that.

**Dr. Ziauddin Ahmad :** Do the Government agree ?

**Mr. P. B. Rau :** Government do not agree at all.

**Mr. Lalchand Navalrai :** May I ask my Honourable friend, Mr. Maswood Ahmad, whether he is in possession of anything to show that the majority community is against the division being located at Sukkur ?

**Mr. M. Maswood Ahmad :** Certain friends have informed me that Muslims do not like.

**Mr. Lalchand Navalrai :** I think you are incorrect if you rely on their opinion.

**REFUSAL OF THE COMMISSIONER OF INCOME-TAX TO REFER CERTAIN CASES OF SIND TO THE HIGH COURT.**

10. \***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that prior to the decision of the Court of the Judicial Commissioner of Sind in the case of Bulchand Keshavdas *versus* Commissioner of Income-tax, Bombay (25 Sind Law Reporter, page 182) the Commissioner of Income-tax had refused to refer to the High Court under section 66 of the Indian Income-tax Act questions of law raised by appellants from Sind on the plea that no reference lay to the Court of Judicial Commissioner ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the number of cases for each year separately in which the Commissioner refused to refer such questions for the decision of the Court of Judicial Commissioner, Sind, on the above plea ?

(c) Will Government be pleased to state why no reference was made by the Commissioner to the High Court of Bombay, which was also within his jurisdiction, and whether they consider the Commissioner acted properly in refusing such applications ?

**The Honourable Sir James Grigg :** The answer to the first part of the question is in the negative and the other two parts do not therefore arise.

**Mr. Lalchand Navalrai :** There is no definition in the Income-tax Act whether High Court means a Chartered High Court, and, therefore, may I take it that, when references are made to the High Court, they could be made to the Sind High Court which is not a chartered High Court ?

**The Honourable Sir James Grigg :** It does not seem to me to arise out of this question, and, therefore, I must ask for notice.

**AMENDMENT OF SECTION 9 OF THE INDIAN INCOME-TAX ACT.**

11. \***Mr. Lalchand Navalrai** : Will Government be pleased to state if it is contemplated to amend section 9 of the Indian Income-tax Act, 1922, in view of the divergent rulings of the various High Courts, especially the following :

- (i) In the matter of Chuni Mal (A. I. R., 1929, Lahore, 503) ;
- (ii) Mahomed Naqi *versus* Commissioner of Income-tax, Punjab, A. I. R., 1931 (Lahore, 656) ;
- (iii) Chunamal Saligram *versus* Commissioner of Income-tax, Punjab (A. I. R., 1931, Lahore, page 433) ; and
- (iv) in the matter of Krishnalal Seal (A. I. R., 1932, Calcutta, page 886) ?

If not, why not ?

**The Honourable Sir James Grigg** : No. Of the four cases mentioned by the Honourable Member barring case (ii), *viz.*, of Mahomed Naqi which appears to refer to a different matter, cases (i) and (iii) were decided by the Punjab High Court and case (iv) subsequently by the Calcutta High Court. The latter Court has fully considered the previous judgments of the Punjab High Court and disagreed therefrom giving reasons therefor. The Government of India agree with the Calcutta High Court and in consequence consider that there is no necessity to legislate as there is nothing in the Income-tax Act in this connection which needs any amendment.

**GRIEVANCES OF THE PRINCES OF THE MOGHAL DYNASTY.**

12. \***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether they have received a copy of the *Oudh Akhbar*, dated the 2nd May, 1934, in which was published an article on the troubles of the princes of the Moghal dynasty, and in which Government have been requested to bestow their best consideration on the said matter ? If so, will Government please place a copy of the same on the table for the information of the Members of this House ?

(b) Will Government please state plainly whether the whole case, as prepared by Kudratullah Siddiqui and printed in the said paper, or any part thereof is correct ?

(c) Will Government also please state the steps they are taking to remove the said difficulties and troubles ?

**Mr. H. A. F. Metcalfe** : With your permission, Sir, I will answer questions Nos. 12—15 together. The information is being collected, and will be given to the House in due course.

**PENSIONS PAID TO THE MEMBERS OF THE OLD ROYAL FAMILY OF DELHI.**

†13. \***Seth Haji Abdoola Haroon** : Will Government be pleased to state if the members of the old royal family of Delhi who are residing in this province are receiving Rs. 5 or Rs. 6 per month as pension from Government ? Is that pension being paid from the Government Treasury,

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†For answer to this question, see answer to question No. 12.

or from the properties of the members themselves or from the money which the late Bahu Begum Saheba, mother of the late Nawab Vazir Asafuddowlah, had deposited with Government and the interest of which is thus being paid ?

**LOAN TAKEN BY GOVERNMENT FROM THE LATE BAHU BEGUM, MOTHER OF THE LATE NAWAB VAZIR ASAFUDDOWLAH.**

†14. \*Seth Haji Abdoola Haroon : (a) Will Government be pleased to state if they had taken a loan of one crore, eight lakhs and fifty thousand rupees in 1814 from the late Bahu Begum Saheba, mother of the late Nawab Vazir Asafuddowlah, and if a mention of the fact is made in the Treaty No. 38 ?

(b) Will Government be pleased to state what portion of the interest on the above amount is now being paid to the descendants of Mirza Sulaiman Shikoh, Prince of Delhi, who went and resided at Lucknow (Oudh) and whose name is to be found at the top of the list attached with the said treaty, and who was the recipient of the biggest portion of the interest ? If nothing is being paid to any of his descendants, what is the amount of the accumulated interest, and, out of the said amount, what work is being done in the interest of public or Government ?

**MONEY EARMARKED BY A VAZIR OF OUDH FOR THE PENSION OF PRINCE JEHANDAR SHAH'S DESCENDANTS.**

†15. \*Seth Haji Abdoola Haroon : (a) Is it a fact that Nawab Vazir Saadat Ali Khan, Vazir of Oudh, earmarked a portion of the money mentioned in the Treaty of 1801, amounting to Rupees two lakhs four thousand yearly for the pension of one of the Princes of Delhi, stationed in the United Provinces at Benares and named Jehandar Shah, and laid down that this amount should be paid from the income of some villages handed over to Government for the said purpose ?

(b) Is the amount mentioned in part (a) still being paid to any of Prince Jehandar Shah's descendants ? If so, to whom and what amount ? If it is not being paid, how is this money being utilised ?

**ALLOWANCE PAID TO MR. KUDRATULLAH SIDDIQUI OF LUCKNOW FOR DOING LOYAL PROPAGANDA FOR THE BRITISH GOVERNMENT.**

16. \*Seth Haji Abdoola Haroon : Will Government be pleased to state if Mr. Kudratullah Siddiqui of Lucknow, United Provinces, is paid any allowance for doing loyal propaganda for the British Government among the depressed classes and ex-royal families of India ?

**The Honourable Sir Harry Haig :** The answer is in the negative.

**TRADE DELEGATION SENT TO KABUL.**

17. \*Mr. M. Maswood Ahmad : (a) Is it a fact that a trade delegation was sent to Kabul ?

(b) Will Government be pleased to state the names of the members of the delegation and the result of the negotiations ?

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†For answer to this question, see answer to question No. 12.

**Mr. H. A. F. Metcalfe :** (a) Yes.

(b) The members of the delegation were :

Mr. W. W. Nind.

Lala Shri Ram.

K. B. Syed Maratib Ali.

They were accompanied by Mr. W. D. M. Clarke, His Majesty's Trade Commissioner in Bombay, who had been nominated by His Majesty's Government to represent British trade interests.

The delegation has submitted a report to the Government of India, which is under consideration.

**Mr. M. Maswood Ahmad :** Will Government be pleased to lay a copy of the report in the Library of the House ?

**Mr. H. A. F. Metcalfe :** I am afraid that is not possible at present.

**Mr. B. Das :** May I know whether that report will some day see the light of day so that the mercantile community may take advantage of that trade mission's report ?

**Mr. H. A. F. Metcalfe :** We may all hope so, Sir.

#### IMPORT OF FOREIGN RICE INTO INDIAN PORTS.

18. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state the result of their negotiations in regard to import of foreign rice into Madras Presidency ?

(b) What steps have been taken by the Government of India and by the India Office in regard to import of foreign rice into Indian ports ?

(c) What quantity of foreign rice has been imported into India since January, 1934 ?

(d) Do Government propose to impose import duty on rice to safeguard the interests of Indian rice-growers ?

**Mr. G. S. Bajpai :** (a), (b) and (d). The negotiations have not yet been completed. The question as to what action, if any, should be taken is still under consideration.

(c) A statement is laid on the table.

*Statement showing the quantity of foreign rice imported into India since January, 1934.*

				Tons.
January	..	..	..	19,628
February	..	..	..	15,641
March	..	..	..	23,207
April	..	..	..	32,264
May	..	..	..	16,780
June	..	..	..	14,680
			Total	1,22,200

**Mr. Vidya Sagar Pandya :** May I ask when we may expect the result to be known to the public ?

**Mr. G. S. Bajpai :** I am afraid I cannot fix the actual time.

**Mr. M. Maswood Ahmad :** Is it a fact that this question was discussed in a conference a month or two ago ?

**Mr. G. S. Bajpai :** This question, that is to say, the question of the rice crop, along with that of a number of other important crops, was considered by the Crop Planning Conference last month.

**Mr. M. Maswood Ahmad :** What is the recommendation of the Conference in connection with the import duty on rice ?

**Mr. G. S. Bajpai :** My Honourable friend already seems to be aware of their recommendations. If he wants the precise terms, I will lay a copy of the report in the Library of the House.

**Mr. M. Maswood Ahmad :** Do the Government agree to the recommendation of the Conference in connection with the import duty on rice ?

**Mr. G. S. Bajpai :** That is asking for an expression of opinion. The Government are merely considering the recommendations at this stage.

#### INDIANS IN CERTAIN PARTS OF YEMEN.

19. **\*Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state how many Indians were in Hodeida, Sanaa and in other parts of Yemen in the end of April, 1934 at the time of attack by Saudi army ?

(b) Will Government be pleased to state what steps were taken to save the lives and properties of Indians ?

(c) Will Government be pleased to state briefly the condition in Yemen ?

**Mr. H. A. F. Metcalfe :** (a) 300 at Hodeida, five at Sanaa and four in the Yemeni Part of Luheiya.

(b) With regard to Hodeida the Honourable Member's attention is invited to the Press communiqué on the subject, dated the 14th June, 1934, a copy of which is laid on the table. No steps were necessary to protect Indian subjects in other parts of the Yemen.

(c) So far as Government are aware the condition in Yemen is peaceful, peace having been concluded between His Majesty King Ibn Saud and the Imam of Yemen.

#### *Press Communiqué.*

Intimation has been received that the merchants of Aden, who have commercial interests in Hodeida, addressed a letter to the Chief Commissioner, Aden, on the 14th May, 1934, expressing their gratitude for the arrangements made for the protection of the lives and properties of British subjects at Hodeida during the period between the Yemeni evacuation and the Saudi occupation of that town.

A copy of the letter received follows :

" After tendering due respects, we beg to submit our thanks to Your Excellency for the necessary arrangements you have kindly made for the protection of the lives of the subjects of the British Government and their properties at Hodeida. Had you not taken interest in making these arrangements, looting and killing would have

taken place in the country. By means of your endeavours, both the British subjects and other inhabitants there, have been saved of looting and killing.

We therefore offer you our sincere thanks for the same. All the Muslims in the other countries are also thankful to you.

We request you kindly to convey our thanks to the Commander of H. M. S. 'Penzaunce' for the interest and energy he has taken in protecting the interests of the inhabitants."

A. F. EMMER,

*Assistant Secretary to the Government of India.*

FOREIGN AND POLITICAL DEPARTMENT,

SIMLA ;

*The 14th June, 1934.*

#### STEP TAKEN BY THE BENGAL GOVERNMENT FOR SALT MANUFACTURE IN BENGAL.

20. \***Mr. M. Maswood Ahmad** : (a) Are Government aware of the steps taken by the Bengal Government for the salt manufacture in Bengal ?

(b) Will Government be pleased to state in what way the money which has been given to the Bengal Government out of the salt duty, has been spent by them ?

**The Honourable Sir James Grigg** : (a) Yes.

(b) I would invite the attention of the Honourable Member to the statement laid on the table of the House on the 24th January, 1934, by my predecessor in reply to parts (c) and (d) of Mr. S. C. Mitra's starred question No. 1437, dated the 16th December, 1933.

#### COCHIN HARBOUR CHANNEL LIGHTING SCHEME.

21. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that the Government of India have sanctioned the Cochin Harbour Channel Lighting Scheme ?

(b) Will Government be pleased to state (i) what the cost will be and (ii) who will bear the cost ?

**The Honourable Sir Joseph Bhoré** : (a) The scheme has been sanctioned by the Government of Madras.

(b) The estimated cost of the scheme is Rs. 1,39,952. The expenditure will be met from the Cochin Port Fund.

#### ACCIDENT IN THE PORT TRUST YARD AT KARACHI.

22. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that forty employees of the Karachi Port Trust were injured in a serious accident in the port trust yard on or about the 5th May, 1934 ?

(b) Will Government be pleased to state the full facts about the accident and the result of any enquiry if held ?

**The Honourable Sir Joseph Bhoré** : (a) An accident occurred, though not of a serious nature, on the 4th May, 1934.

(b) At about 7-15 P.M. on that day a North Western Railway engine which had come into a siding to remove a wagon adjacent to a dead end bumped into the wagon, resulting in two of the Port Trust staff receiving bruises and other minor injuries. The matter is being investigated.

**Mr. Lalchand Navalrai** : Have these people been given any compensation?

**The Honourable Sir Joseph Bhoré** : I am not aware of that, Sir, but I informed the House that the matter was still being investigated.

VALUE OF GOLD EXPORTED FROM INDIA.

23. **Mr. M. Maswood Ahmad** : Will Government be pleased to state the value of gold which has been exported from India since Britain went off gold standard, up to the 30th June, 1934 ?

**The Honourable Sir James Grigg** : Approximately 200 crores.

**Mr. Lalchand Navalrai** : May I know the policy of the Government of India and also the policy of the Honourable Member himself as to whether the Government are going to allow any further exports of gold ?

**The Honourable Sir James Grigg** : That anticipates question No. 25.

**Mr. S. G. Jog** : May I know at least the views of the Honourable the Finance Member as to whether there is going to be a change in the policy as regards the export of gold, or is the said policy to continue ?

**The Honourable Sir James Grigg** : I can only repeat that that arises on question No. 25 and I would ask the Honourable Member to wait for the answer to that.

**Dr. Ziauddin Ahmad** : Are Government contemplating putting an embargo on gold exports as distinct from...

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. That question will arise on question No. 25.

CHANGES IN THE COURSES OF INSTRUCTION IN THE DELHI UNIVERSITY.

24. **Mr. M. Maswood Ahmad** : (a) Do Government propose to shorten the secondary course and to have a three years higher secondary course for a smaller number of students in the Delhi University ?

(b) Do Government propose to make arrangements for teaching all subjects except English through vernacular ?

(c) What changes are Government contemplating in the courses of reading of the Delhi University ?

**Mr. G. S. Bajpai** : (a), (b) and (c). The Honourable Member presumably refers to certain suggestions made in paragraphs 11 and 12 of a letter addressed by the Government of India in the Department of Education, Health and Lands to the Chief Commissioner, Delhi. As indicated in that letter, Government have invited the opinion of the University on these suggestions and await a reply. No decisions will be reached until the views of the University have been considered.

### IMPOSITION OF AN EXPORT DUTY ON GOLD.

25. \***Mr. M. Maswood Ahmad** : Do Government propose to impose duty on the export of gold from India ?

**The Honourable Sir James Grigg** : I would refer the Honourable Member to the reply which my predecessor gave to question No. 340 asked by Mr. Badri Lal Rastogi on the 1st September, 1933. (Laughter.)

**Mr. B. Das** : May I ask the Government of India whether it will not be advantageous to them, by putting an embargo on gold exports,.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That is asking for an opinion.

**Mr. B. Das** : May I inquire if Government are at present considering any policy of putting an export duty on gold as they put on gold mined in India ?

**The Honourable Sir James Grigg** : If the Honourable Member will refer to the answer to which I have already referred, part (b) thereof says that " Government do not give intimation in advance of their intentions about taxation ".

**Mr. B. Das** : Had Government put a duty of ten per cent. only, they would have got Rs. 20 crores to meet the deficit Budget of the Government of India.

**Mr. S. G. Jog** : Is it not the case that the old policy of the Government in the matter of the export of gold needs review and revision in view of the present circumstances ?

**The Honourable Sir James Grigg** : That is evidently the Honourable Member's own opinion, and I think he will not expect me either to agree or to disagree with him.

**Mr. H. P. Mody** : Do Government regard with undiluted satisfaction the continued draining away of gold from this country ?

**The Honourable Sir James Grigg** : That amounts to an expression of opinion.

**Mr. Vidya Sagar Pandya** : Has there been any correspondence with the Secretary of State in the matter of imposing a duty on gold, and may I ask if that correspondence can be laid on the table of the House ?

**The Honourable Sir James Grigg** : I must have notice of that. There has certainly not been any correspondence in the last ten weeks.

**Sir Abdur Rahim** : Do Government propose to take any action with respect to the export of gold that is going on for nearly two years now ?

**The Honourable Sir James Grigg** : That is precisely the question that I answered in reply to question No. 25.

**Dr. Ziauddin Ahmad** : In view of the statement made by His Excellency the Viceroy at the time of the depression that we must depend upon our reserves of gold—and that was made at a time when the export of gold amounted to 125 crores, while now it has risen to 200 crores—may I ask whether the time has not come when you should put an embargo on gold exports ?



**The Honourable Sir James Grigg** : The Honourable Member is again asking me to go beyond the answer I have already given, and I am not prepared to do that.

**Sir Abdur Rahim** : Do I take it that the Government wish to continue the same policy ?

**The Honourable Sir James Grigg** : That also is a question which I have already answered.

**Mr. Vidya Sagar Pandya** : May I ask if the Honourable Member will be able to publish the previous correspondence, that is, that took place before the last ten weeks for the information of the House ?

**The Honourable Sir James Grigg** : I must look up whether any exists before I can answer that question.

**Mr. M. Maswood Ahmad** : Is it a fact that the reason for not imposing a duty on the export of gold is that the Secretary of State does not want any duty on the export of gold ?

**The Honourable Sir James Grigg** : The Honourable Member is expressing his own opinion.

**Mr. M. Maswood Ahmad** : I want to know the fact—whether that is a fact or not.

**The Honourable Sir James Grigg** : Perhaps the Honourable Member will be good enough to put that question on the paper.

**Mr. T. N. Ramakrishna Reddi** : In view of the fact that several new Honourable Members have come in, will the Honourable Member kindly read out the answer to the question of Mr. Rastogi, instead of referring to the answer given some time ago ?

**The Honourable Sir James Grigg** : Shall I read out the answer to the relevant part of the question ? It is this :

“ Government do not give intimation in advance of their intentions about taxation.”

**Mr. Lalchand Navalrai** : I will repeat my question. I want to know whether the Honourable Member is going to pursue the same policy to which he has referred and which was adopted by the former Finance Member, or whether he has now thought out the problem afresh to see if he can now change it.

**The Honourable Sir James Grigg** : I have already answered that question to the maximum extent I am capable of answering it.

**Dr. Ziauddin Ahmad** : Has there been any communication between the Government of India and the Secretary of State about this export of gold ?

**The Honourable Sir James Grigg** : That question has been answered.

**Mr. Gaya Prasad Singh** : Are Government aware of the strong feeling that exists in this country with regard to the unrestricted export of gold out of this country ?

**The Honourable Sir James Grigg** : Government are aware of all relevant considerations.

**Mr. Gaya Prasad Singh** : Including the strong feeling that exists in this country ?

**The Honourable Sir James Grigg** : Yes, and of every other relevant consideration.

**Mr. B. Das** : Are Government aware that the statement in the Controller of Currency's report that a very little percentage of this 200 crores of exported gold is distress gold is untrue and that the belief of the mercantile community is that more than fifty per cent. of this gold is distress gold ?

**The Honourable Sir James Grigg** : I am aware of the opinion expressed in the statement of the Controller of the Currency, and I am aware that different opinions are held by other people.

**Mr. H. P. Mody** : Have Government any information as to whether all this gold is distress gold or comes out of surplus hoards ? Are Government in a position to say anything with regard to the quantity of gold which still remains ?

**The Honourable Sir James Grigg** : The only official information is that contained in the report of the Controller of the Currency.

#### STRIKES OF THE TEXTILE WORKERS OF BOMBAY.

26. **\*Mr. M. Maswood Ahmad** : (a) Will Government be pleased to make a full statement about the strikes of the textile workers of Bombay ?

(b) Will Government be pleased to state (i) whether they have received any correspondence from the Local Government in this connection, (ii) the reasons and the extent of the strike, (iii) the action taken by the Local and the Central Government, (iv) the demands of the labourers, (v) the number of the lathi charges made by the police, (vi) the action taken by the millowners to meet the labour grievances, and (vii) whether the trade unions of the workers have been recognised by the employers ?

**The Honourable Sir Frank Noyce** : I have called for certain information from the Government of Bombay and will lay a reply on the table of the House in the course of the next few days.

**Mr. S. G. Jog** : May I know what action precisely has been taken by the Government of India and by the Local Government, so far as these strikes are concerned ?

**The Honourable Sir Frank Noyce** : I venture to think that, that question would be more relevant after I have laid the reply which I propose to lay on the table of the House.

**Mr. B. Das** : Has the attention of the Honourable Member been drawn to a Press report issued two or three days ago that the Bombay Government are contemplating to have another inquiry regarding the wages of the workers of the Bombay mills ?

**The Honourable Sir Frank Noyce** : The Bombay Government have already had an inquiry regarding the wages that are paid in the cotton textile industry of Bombay, and the report on that subject has already been published.

**Mr. B. Das** : Is the Press report correct that the Bombay Government are contemplating a fresh inquiry on the wages of the textile workers ?

**The Honourable Sir Frank Noyce** : I have no information at present on that subject.

**Mr. M. Maswood Ahmad** : Are Government aware that more than a month ago notice of this question was given ?

**The Honourable Sir Frank Noyce** : Yes, and action was taken immediately. The Honourable Member will understand that the situation in Bombay has changed considerably from time to time : I was very anxious to give him the latest information on the subject.

**Mr. M. Maswood Ahmad** : But the result is that we did not get any information.

LETTING VALUE LEVIED BY THE MUNICIPAL CORPORATIONS OF BOMBAY AND KARACHI FROM LANDLORDS ON ACCOUNT OF MUNICIPAL TAXES.

27. **\*Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the percentage of annual letting value allowed to *bona fide* landlords in the cities of Bombay and Karachi respectively, as allowance on account of repairs in connection with the payment of income-tax under the head " Property " ?

(b) What is the percentage of letting value, respectively, levied by the Municipal Corporations of Bombay and Karachi from *bona fide* landlords on account of municipal taxes ?

(c) Has the attention of Government been drawn to the fact that, in view of the heavy municipal taxes on house property in the cities of Bombay and Karachi, the allowance referred to in part (a) is miserably insufficient ?

(d) Do Government propose to amend section 9 of the Indian Income-tax Act, 1922, so as to make due provision for an allowance with regard to the municipal taxes also ?

**The Honourable Sir James Grigg** : (a) One-sixth of the annual letting value is to be allowed on account of repairs in all cases where repairs are to be executed by the landlord concerned.

(b) 16 per cent. on gross rental valuation for Bombay and 14 per cent. for Karachi, as far as the Income-tax Department is able to ascertain.

(c) No. An allowance on account of repairs has, as a matter of fact, nothing to do with the payment of municipal taxes.

(d) No.

INEQUITY IN THE MATTER OF THE LEVY OF INCOME-TAX IN CONNECTION WITH THE OWNERS OF HOUSE PROPERTY.

28. **\*Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the percentage of income permitted to owners of house property as allowance exempt from the payment of income-tax to Government ?

(b) What is the percentage of income permitted to owners of business as allowance exempt from the payment of income-tax to Government ?

(c) What is the comparative disadvantage to the owners of house property in the matter of payment of income-tax to Government ?

(d) Do Government propose to do away with the inequity in the matter of the levy of income-tax in connection with the owners of house property ?

**The Hon'ble Sir James Grigg :** (a), (c) and (d). The Income-tax Act does not prescribe any such percentages. The last two parts of the question do not therefore arise.

(b) The various allowances to be made in computing (a) income chargeable under the head "Property" and (b) business income, are laid down in sections 9 and 10 of the Act, respectively.

TRANSFER OF THE POST OFFICE AT NIBKARORI IN THE DISTRICT OF  
FARRUKHABAD.

29. \***Lala Hari Raj Swarup :** (a) Are Government aware that the Post Office at Nibkarori in the District of Farrukhabad, Tehsil Farrukhabad, where it was located for 60 years was removed to Bihar, another village, about two years ago ? If so, what were the reasons for its removal to that place ?

(b) Are Government aware that on a representation being made by the residents of Nibkarori in the matter, an enquiry was made by the District Magistrate through the Tehsildar, who reported that Nibkarori was a much larger village with a larger population and a market ?

(c) Are Government aware that the Tehsildar also reported that Nibkarori has better claims for a Post Office than Bihar ?

(d) Are Government aware that the Post Master General passed an order for the retransfer of the Post Office to Nibkarori ?

(e) Are Government aware that the order was not carried out ?

(f) Are Government aware that it is a fact that the District Magistrate twice recommended for the retransfer of the Post Office to Nibkarori, and that his recommendation was not heeded, and the Post Master General, United Provinces, revoked his previous order ?

(g) Are Government aware that a representation was again made in March, 1934, for the location of the Post Office at Nibkarori ?

(h) Will Government be pleased to state what steps, if any, are being taken on that representation ?

**The Honourable Sir Frank Noyce :** (a) A permanent post office was opened at Nibkarori on the 1st April, 1902. As it was found in 1931, that it was working at a loss, the question of reducing its cost was taken up. The Extra Departmental Branch Postmaster of the office did not agree to any reduction in his allowance and as no other suitable man could be found for the charge of the office at Nibkarori it was, with the concurrence of the District Magistrate, removed to Bihar on the 11th March, 1932.

(b) to (e). In consequence of representations received from the residents of Nibkarori, the Postmaster-General, United Provinces, made further enquiries into the case through the district authorities and on the recommendation of the District Magistrate ordered the removal of the post office from Bihar to Nibkarori. The residents of Bihar, however, protested and the Divisional Superintendent of Post Offices was

asked to investigate the case personally. He recommended that the post office should remain at Bihar, but that the residents of Nibkarori should get a daily delivery of their letters. Arrangements accordingly were made and the orders for the removal of the post office to village Nibkarori were cancelled.

(f) Conflicting recommendations have been made by the District Officers at different times as to the relative suitability of Bihar and Nibkarori for the location of the post office. The circumstances in which the Postmaster-General cancelled his order for the shifting of the post office from Bihar to Nibkarori have been explained in the reply to the previous parts of the question.

(g) Yes.

(h) It is under the consideration of the Postmaster-General, United Provinces.

FREE SUPPLY OF STATISTICAL PUBLICATIONS TO UNIVERSITIES.

30. \*Lala Hari Raj Swarup : (a) Will Government be pleased to state what statistical publications of the Government of India used to be supplied free to the various Indian Universities ?

(b) Is it a fact that recently Government have passed orders stopping the free supply of such publications to the Universities ?

(c) Are Government prepared to consider the advisability of re-starting the free supply of statistical publications to Universities which often carry researches in various directions ?

Mr. G. S. Bajpai : In the existing procedure which has been in vogue since 1928, the Universities can purchase publications of the Government of India at concessional rates, i.e., ordinary published prices less 25 per cent. discount, if applications are made through, and supported by, the Local Government concerned. Some of the publications, which are of interest to Universities, are being supplied free or on exchange basis. No orders have been issued since 1928, altering this practice or discontinuing the free supply of statistical or other publications, where made. Steps are being taken by some Departments to resume the free supply of certain statistical publications to Universities, which was discontinued in 1928. The lists of publications asked for in (a) of the Honourable Member's question are not readily available.

ABSENCE OF SENIORITY LIST ON THE EAST INDIAN RAILWAY.

31. \*Dr. Ziauddin Ahmad : (a) Are Government aware that there exists great dissatisfaction among the officers of the East Indian Railway on account of the absence of a seniority list ?

(b) Is it a fact that none can say who is senior to whom ?

Mr. P. E. Rau : (a) No. There is at present a seniority list. Certain representations have been made regarding the information shown in this list. These are under examination by the Railway Board in consultation with the Public Service Commission.

(b) No.

**Mr. Lalchand Navalrai :** May I ask, Sir, whether these seniority lists are revised ?

**Mr. P. R. Rau :** I have just informed the House that certain people have represented against that seniority list and its revision is now under consideration.

**Dr. Ziauddin Ahmad :** When do the Government hope to publish this seniority list, the absence of which is a source of great confusion ?

**Mr. P. R. Rau :** As soon as the seniority has been fixed after consultation with the Public Service Commission.

**Dr. Ziauddin Ahmad :** How long will it take ? Will it take an infinity ?

**Mr. P. R. Rau :** I cannot say when it will be published, but it will certainly not take infinity.

#### TENURE OF OFFICE OF THE AGENTS OF RAILWAYS.

32. **\*Dr. Ziauddin Ahmad :** Are Agents of Railways appointed for a period of five years, or without time limit ?

**Mr. P. R. Rau :** No tenure has been fixed for these posts.

**Mr. Lalchand Navalrai :** May I know, Sir, why the tenure has not been fixed when we know that even the tenure of the Executive Members is fixed ?

**Mr. P. R. Rau :** There are many posts for which no tenure has been fixed.

**Dr. Ziauddin Ahmad :** In view of the fact that the Board does not interfere in the work of the Agent, why should we not be given longer time to understand his business ? Is it not a fact that most of these Agents have been there only for a short period, and during this time they are incapable of initiating any new reform except one, namely, to manipulate for their successor ?

**Mr. P. R. Rau :** I am replying to that question in the next question.

#### AGENTS OF THE EAST INDIAN RAILWAY.

33. **\*Dr. Ziauddin Ahmad :** Will Government be pleased to state the names of the Agents and the periods of their service in the East Indian Railway since 1924 ?

**Mr. P. R. Rau :** Sir George Colvin was the Agent of the East Indian Railway from the 30th September, 1921, to the 28th March, 1933, a period of nearly 12 years ; Sir Hugh Hannay from the 29th March, 1933, to the 29th April, 1934 ; Mr. A. V. Venables was appointed to officiate from the 29th April, 1934.

**Dr. Ziauddin Ahmad :** Is not Mr. Venables going to retire next year and another man will be appointed for another year ?

**Mr. P. R. Rau :** I am afraid I do not know when Mr. Venables is due to retire.

ALTERATION OF AGE OF PERSONS IN THE RAILWAY SERVICE.

34. **Dr. Ziauddin Ahmad** : (a) What is the method of altering the age in case of persons already in Railway Service ?

(b) Has the attention of Government been drawn to the alteration of the age of Mr. L. Robinson by ten years (*vide* classified list of subordinate officers, East Indian Railway, 1924, page 37) ?

**Mr. P. R. Rau** : (a) No specific evidence has been prescribed, but it must be such as will satisfy the sanctioning authority, *e.g.*, a birth certificate.

(b) The Agent, East Indian Railway, reports that no alteration has been made in the date of birth of Mr. Robinson.

**Mr. Lalchand Navalrai** : May I know, Sir, if the age is decided on the certificates of registered Surgeons or registered medical practitioners or only by the Railway Surgeons ?

**Mr. P. R. Rau** : It has nothing to do with the Railway Surgeons. I was talking of a birth certificate.

**Dr. Ziauddin Ahmad** : I have given the chapter and the verse in this particular case, and hence the opinion of the Agent was unnecessary. Did the Honourable Member consult the particular reference that I gave in my question ?

**Mr. P. R. Rau** : The Agent has reported that no alteration was made and that is, I think, conclusive.

**Dr. Ziauddin Ahmad** : May I ask whether the Honourable gentleman consulted the classified list of subordinate officers of the East Indian Railway, page 37 ?

**Mr. P. R. Rau** : I cannot see how, by consulting a particular classified list, I can find out whether an alteration has been or not.

**Dr. Ziauddin Ahmad** : If the Honourable gentleman had consulted the classified list of 1924 and the present classified list, he would have found the discrepancy. In this particular case, it is a question of printed facts.

**Mr. P. R. Rau** : Then it must be a clerical error.

**Dr. Ziauddin Ahmad** : Does the Honourable Member mean to say that the reports published by Government contain clerical errors ?

**Mr. P. R. Rau** : Surely my friend is aware that even in printed reports there may be mistakes.

**Dr. Ziauddin Ahmad** : Do Government propose now to consult the classified list ?

**Mr. P. R. Rau** : For what purpose ?

**Dr. Ziauddin Ahmad** : If the reports published by the Railway Board are full of clerical errors, then we will not know where the Administration is, and where we are ?

**Mr. P. R. Rau** : There may be clerical mistakes in any printed report.

## METHOD OF PROMOTIONS ON THE EAST INDIAN RAILWAY.

35. \***Dr. Ziauddin Ahmad** : On what principle are promotions given on the East Indian Railway—seniority or efficiency ?

**Mr. P. R. Rau** : Both factors are taken into consideration.

**Mr. S. G. Jog** : Is there any third element ?

**Mr. P. R. Rau** : I am not aware of any.

## CERTAIN CONCESSIONS GRANTED TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

36. \***Mr. M. Maswood Ahmad** : (a) Will Government be pleased to refer to my unstarred question No. 187, answered on the 13th March, 1934, and furnish more elaborate reply giving the names of those employees who got the concessions although they (i) were actually employed in Director General, Posts and Telegraphs Camp Office, Simla, (ii) were actually employed after the issue of the letter, (iii) were actually transferred to Director General's office from some other office after the issue of the letter, (iv) were actually holding temporary appointment in the Director General's Camp Office or at headquarters on and after the date of the issue of the letter, and (v) never maintained their homes in or in the neighbourhood of Calcutta ?

(b) If the concessions were granted to any of those mentioned in (i) to (v) of part (a) above, will Government be pleased to furnish details of their eligibility in accordance with the letter ?

(c) Will Government be pleased to quote the names of those employees who were refused the concessions although, prior to the issue of the letter, (i) they were made permanent, (ii) they were actually employed in Director General's office at Calcutta, and (iii) they maintained homes in or in the neighbourhood of Calcutta ?

(d) If the concessions were refused to any of those mentioned in (i) to (iii) of part (c) above, will Government be pleased to furnish details about their ineligibility in accordance with the letter ?

(e) Will Government please state more elaborately the reasons for refusing the grant of concessions to certain non-concessionists on their permanent transfer from Simla to Delhi and for not compensating them for their annual loss of at least Rs. 1,000 each which they drew as part of their pay in the shape of allowances, etc., from the date of their employment, that is, continuously for more than ten years and in some cases 20 years ?

**The Honourable Sir Frank Noyce** : (a) to (d). The concessions referred to were sanctioned by Government in 1926 subject to the conditions laid down in the Department of Industries and Labour letter No. 17-P.T.E., dated the 5th August, 1926, a copy of which was appended to the reply to the Honourable Member's previous unstarred question No. 187 in this House on the 13th March, 1934. Those clerks who satisfied the conditions received the concessions. So long an interval of time has elapsed that the collection of the details asked for by the Honourable Member would involve an expenditure of time and trouble incommensurate with the value of the results.



(e) The concessions were refused in the case of 19 clerks for the reasons explained in the replies given in this House to Mr. Anwar-ul-Azim's starred question No. 482 on the 19th March, 1928, and to the cut motion moved by the Honourable Member himself on the 13th March, 1931. As regards the question of compensation the position was fully explained in part (b) of the replies to starred questions Nos. 134, 135 and 953 in this House on the 4th September, 1929 and the 16th March, 1931, respectively. There is nothing I could usefully add to these explanations.

ADVANCES FOR HOUSE BUILDING.

37. \*Mr. M. Maswood Ahmad : (a) Will Government be pleased to refer to the reply given to starred question No. 386, dated the 20th February, 1930, regarding advances for house building and state if the replies are based on practice or on any rule ? Is that practice or rule still in force, or has any modification been made ? If the latter, what are the modifications ?

(b) If advances for building houses outside New Delhi area are not granted to employees of the Government of India, will Government be pleased to state for what purpose Chapter 9, Article 155 (a), of the Civil Account Code, Volume I, has been made and what is the necessity for inserting Note 3 to Rule VII of the Article, *vide* correction slip bearing No. 173, dated the 9th July, 1928 ?

(c) Is it a fact that the allotment of plots of land in New Delhi area are now made by public auction only ?

(d) Do Government propose to consider the matter soon and make necessary provision in the rules to enable those ministerial staff of the Government of India and Attached Offices who, without additional hardship, are unable to meet the recurring expenditure of paying house-rent from their pay below Rs. 200 per mensem, to purchase land from Government on considerably low price within their means *with inheritory right* in New Delhi for building their own houses, if so desired ? If not, why not ?

The Honourable Sir James Grigg : (a) The reply given to parts (b), (c) and (f) of question No. 386 was based on Articles 154 and 155 of the Civil Account Code. As regards parts (c) and (d) the rate of interest is fixed annually on the basis of current borrowing rates of the Government of India. The reply given to part (a) was based on executive orders. The order prohibiting the grant of advances for the construction of houses in old Delhi has been relaxed in a few exceptional cases, but it has recently been decided that it must now be more strictly enforced in view of the re-opening of the New Capital Project.

(b) Article 155 (a) of the Civil Account Code does not apply only to the headquarters of the Government of India. Note 3 to Rule VII of that Article was inserted because under the existing rules a house-building advance could only be granted to a person who possessed full proprietary rights in the land upon which he intended to build or had a lease which was not due to expire for a considerable number of years. Under the rules relating to the allocation of sites in the New Capital, perpetual leases could only be granted on production by the applicant of a certificate signed by the Chief Commissioner certifying that the buildings had been

completed in accordance with the agreed conditions, and it was therefore necessary to amend the rules to enable advances to be given in such cases.

(c) Yes, except in certain reserved areas.

(d) I would invite the attention of the Honourable Member to part (g) of the statement which was laid on the table on the 27th of March, 1934, with reference to his starred question No. 378.

38.\*

**Mr. President** (The Honourable Sir Shanmukham Chetty) : With regard to question No. 38, the Chair has to inform the House that under Legislative Rule 8 (2). His Excellency the Governor General has decided that it infringes Rule 8 (1). The question has, therefore, been disallowed.

**Mr. Gaya Prasad Singh** : But you, Sir, admitted the question.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member may refer to the Legislative Rules in which it is pointed out that wherever there is any doubt with regard to the applicability of Rule 8 (1), the decision of the Governor General shall be final, and, in accordance with that power, His Excellency the Governor General has held that this comes under the mischief of Rule 8 (1).

**Mr. Gaya Prasad Singh** : May I know who referred the case to the Governor General ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair has explained the proceedings to the Honourable Member. Apparently he is not acquainted with the rules.

**Mr. Gaya Prasad Singh** : Not quite.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Then he must refer to the rules.

**MEMORANDUM SUBMITTED BY THE ALL-INDIA POLICE ASSOCIATION TO THE SECRETARY OF STATE FOR INDIA.**

39. \***Mr. Gaya Prasad Singh** : Will Government kindly make available the memorandum submitted by the All-India Police Association to the Secretary of State for India, protesting against the proposal to transfer police force to a responsible Indian Minister ?

**The Honourable Sir Harry Haig** : The attitude of the Indian Police Association in regard to the transfer of law and order is indicated in paragraph 2 of the memorandum submitted by them to the Joint Select Committee. The memorandum is included in Volume IIA of the Committee's Minutes of Evidence, a copy of which is available in the Library of the House.

**Sir Abdur Rahim** : Was the memorandum submitted by the Members who are actually in service ?

**The Honourable Sir Harry Haig :** I think the memorandum is intended to represent the views of all serving Members. The Indian Police Association is an Association in the main at any rate of serving Members.

**EMPLOYMENT OF PANAMA NATIVES BY THE SIND INDIAN MERCHANTS.**

**40. \*Mr. Gaya Prasad Singh :** (a) Are Government aware that the Panama Government have served notice on Sind Indian merchants residing there to employ in each firm three natives of the place, and that those Indian merchants who have refused to abide by this order have been asked to vacate the island within a prescribed period ?

(b) Do Government propose to make an enquiry into this matter ?

**Mr. H. A. F. Metcalfe :** Government have received no information beyond that laid on the table in answer to starred question No. 275 asked by Mr. Lalchand Navalrai during the Simla Session of 1933.

(d) Enquiry is being made from His Majesty's Minister in Panama and the result will be communicated to the House in due course.

**Mr. Lalchand Navalrai :** May I ask if there is any agreement or convention with the Panama Government that the merchants who settle down there should be allowed to do so without any restrictions ? Have any restrictions been since placed upon them ?

**Mr. H. A. F. Metcalfe :** I am not aware of any particular convention. If the Honourable Member will put down a question, I will obtain information for him.

**Mr. Lalchand Navalrai :** The question arises out of the question I have already put. If I put down a separate question, it may take some time to be admitted.

**Mr. H. A. F. Metcalfe :** I am not at all sure that the Honourable Member's supplementary question arises out of the original question.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether it does not take a long time to have correspondence with the Panama Government and in the interval the merchants there are suffering. Will it not be a quicker process if the Honourable Member would communicate by telegram with the Panama Government ?

**Mr. H. A. F. Metcalfe :** We have written to the Minister, and we hope to get a reply by telegram.

**WITHDRAWAL OF THE CONCESSION OF FREE RAILWAY JOURNEY FROM PERSONS TRAVELLING FOR ANTI-RABIC TREATMENT.**

**41. \*Mr. Gaya Prasad Singh :** (a) Are Government aware that the concession of free railway journey to indigent persons in Bihar and Orissa, travelling for anti-rabic treatment hitherto granted by the railway administrations, has been withdrawn from the 1st July, 1934, and that the local bodies in the province have accordingly been warned that from the above date they will have to bear extra charges on account of railway fare of indigent patients within their respective areas proceeding for anti-rabic treatment ?

(b) Why has this concession been withdrawn by the railway administrations ?

(c) How many such indigent persons in Bihar and Orissa have been allowed this concession every year during the last five years by the railway administrations ?

**Mr. P. R. Rau :** (a) and (b). The Indian Railway Conference Association decided recently to withdraw the concession of free travel for such journeys on the ground that if free travel was necessary it is for Local Governments to defray the cost of such journeys. The sacrifice of railway revenue involved could not be justified on commercial grounds.

(c) Government have no information. I may add that it was estimated that the loss to all railways by the grant of the concession was in the neighbourhood of Rs. 35,000 per annum. The annual number of free tickets issued was in 1931 about 14,000.

**Mr. Bhuput Sing :** Do Government realise that in Bihar and Orissa, owing to the earthquake, the local bodies have been hard hit, and they have suffered a great deal on account of the withdrawal of this concession ?

**Mr. P. R. Rau :** I am not sure whether this concession is asked for only for the province of Bihar and Orissa, and not for all other provinces. We could not possibly make a distinction between one province and another in this matter.

**Mr. Bhuput Sing :** Has this concession been withdrawn from all Local Governments ?

**Mr. P. R. Rau :** Yes, Sir.

**Mr. B. Das :** Did the Railway Board write to all Local Governments requesting them to defray the railway journey expenses of indigent persons ?

**Mr. P. R. Rau :** I think the decision to withdraw the concession was communicated to all Local Governments.

**Mr. Bhuput Sing :** Do Government realise that, before withdrawing the concession, the local bodies were not warned to make provision in their budgets, and not having done so, will Government advise the Railway Board to give this concession till the next budget of the local bodies is framed ?

**Mr. P. R. Rau :** My Honourable friend is probably not aware that due notice was given of the withdrawal of this concession.

**Dr. Ziauddin Ahmad :** Was the fact of withdrawal of concession communicated to the Education Department who are managing the Kasauli Institute at great expense, as the question of abolition of this Institute may arise ?

**Mr. P. R. Rau :** The question of abolition of this Institute does not arise.

**Dr. Ziauddin Ahmad :** Was the fact of withdrawal of concession communicated to the Education Department ?

**Mr. P. R. Rau :** Certainly.

**FRESH BATCH OF POLITICAL PRISONERS SENT TO THE ANDAMANS.**

42. \***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that a fresh batch of political prisoners has been sent to the Andamans by the middle of May ? If so, on what date and how many ?

(b) Will Government please supply the names of the prisoners sent in the batch referred to in part (a) above ?

(c) Is it a fact that formerly the local Governments used to publish the names of political prisoners who were sent to the Andamans ? Why is this procedure not being observed at present ?

(d) Have Government considered the fact that most of the relatives of the prisoners cannot avail themselves of any chance of interviewing the prisoners before they leave the shores of India ? If so, are Government prepared to announce the names of the transported prisoners so as to afford to the relatives the facility of knowing the movements of the prisoners ?

**The Honourable Sir Harry Haig** : (a) I presume the Honourable Member refers to terrorist prisoners. 17 such prisoners were sent to the Andamans on the 13th May, 1934.

(b) Government are not prepared to publish the names of the prisoners.

(c) Government are not aware of any such practice as is mentioned in the first part of the question. The second part does not arise.

(d) Arrangements are made for the relatives of prisoners earmarked for the Andamans to have an opportunity of interviewing them before deportation.

**Mr. Gaya Prasad Singh** : Were the relatives of these prisoners informed that these terrorist prisoners have been transferred to the Andamans ?

**The Honourable Sir Harry Haig** : I said :

“ Arrangements are made for the relatives of prisoners earmarked for the Andamans to have an opportunity of interviewing them before deportation.”

**Mr. Lalchand Navalrai** : In view of the fact that terrorism has gone down, may I know if the Honourable Member is going to change his policy and not send these prisoners to Andamans ?

**The Honourable Sir Harry Haig** : There is no suggestion of changing the policy.

**TRANSFER OF MR. BIMALENDU CHAKRAVARTY, A POLITICAL PRISONER, FROM THE ANDAMANS TO THE ALIPORE CENTRAL JAIL.**

43. \***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : Is it a fact that S. J. Bimalendu Chakravarty, a political prisoner, has been brought back to the Alipur Central Jail from the Andamans ? If so, when, and what is the reason for his transfer ?

**The Honourable Sir Harry Haig** : The prisoner was returned to Bengal on May 3, 1934, as he is suffering from mania.

**WITHDRAWAL OF PERMISSION OF INTERVIEW GRANTED TO MR. SUSIL DAS GUPTA, A POLITICAL PRISONER IN THE ANDAMANS.**

44. \*Mr. Bhuput Sing (on behalf of Mr. S. O. Mitra) : (a) Is it a fact that the permission granted by the Chief Commissioner, Andamans, to interview Sj. Susil Das Gupta, a political prisoner, was subsequently withdrawn by the same officer without assigning any reason ?

(b) Have Government any objection to state the reason for withdrawing the permission to interview political prisoner, Sj. Susil Das Gupta once granted by the Chief Commissioner to Mr. Benoy Das Gupta ?

The Honourable Sir Harry Haig : (a) and (b). On an application by Mr. Benoy Das Gupta, for an interview with Mr. Susil Das Gupta, a terrorist prisoner in the Andamans, the Chief Commissioner informed the applicant that an interview would be permitted provided the Bengal Police raised no objection. On receipt of the views of the Deputy Inspector-General, Criminal Investigation Department, Intelligence Branch, Bengal, the Chief Commissioner decided that it was not expedient to grant an interview.

**CERTAIN FACILITIES TO DIVISION III PRISONERS IN THE ANDAMANS.**

45. \*Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the political prisoners in the Andamans are not allowed to have money deposited in their names with the jailor ? If so, how can the Division III Prisoners get the necessary stationery at their own expense ?

(b) Is it a fact that in reply to my starred question No. 609 of the 4th April, 1934, Government said that the Division III prisoners in the Cellular Jail, Andamans, are permitted to buy stationery at their own expense, and will Government please state what facilities the prisoners have to do so ?

(c) Are Government aware that under the Bengal Jail Code the deposit of money with the jailor for all classes of prisoners is permissible ?

(d) Are Government prepared to see their way to permitting the same facilities to the prisoners in the Andamans, who enjoyed this privilege in Indian jails ?

The Honourable Sir Harry Haig : (a) I would refer the Honourable Member to the rules for the treatment of terrorist prisoners in the Andamans, a copy of which was laid on the table of the House on February 16, 1934. It is not a fact that C class prisoners are not allowed to have money in the custody of the Superintendent of the Jail. The second part does not arise.

(b) The answer to the first part is in the affirmative. As regards the second part, permission for the purchase of any article of stationery is granted by the Superintendent of the Jail.

(c) Yes.

(d) Does not arise, in view of my reply to part (a) above.

**LIGHTS ALLOWED TO PRISONERS IN THE CELLULAR JAIL, ANDAMANS.**

46. \***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Are Government aware that under the Bengal Jail Code, lights are allowed to be used by the prisoners at any time at night and there are similar rules in other provinces also ?

(b) Will Government please state why lights are allowed in the Cellular Jail, Andamans, only up to 10 P.M. ?

(c) Are Government aware that the prisoners in the above Jail suffer difficulty for want of light after 10 P.M. in case of going to the latrine, etc. ?

(d) Do Government propose to remove this difficulty and allow lights being used at any time at night ?

**The Honourable Sir Harry Haig** : (a) I presume the Honourable Member refers to lights for reading ; if so, the answer is in the negative.

(b) Lights for reading are allowed in the cells up to 10 P.M., but the lights in the corridors and yards of the Cellular Jail, Port Blair, are kept burning throughout the night for general supervision.

(c) No.

(d) Does not arise.

**Mr. S. G. Jog** : Does the Honourable Member remember that last year, when we discussed the situation in Andamans, the Honourable Member promised to look into the matter of making more concessions as regards rules in the matter of lights and giving them more time to read during nights ?

**The Honourable Sir Harry Haig** : A very substantial concession was made by allowing lights for reading up to 10 P.M.

**RELEASE OF MR. NIKHIL GUHA ROY, A POLITICAL PRISONER IN THE ANDAMANS.**

47. \***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : Will Government please refer to my question No. 955 of the 15th September, 1933, and state what action has been taken to release Sj. Nikhil Guha Roy, now in the Andamans ?

**The Honourable Sir Harry Haig** : The Honourable Member's attention is invited to the statement laid on the table on the 5th December, 1933.

**REFUSAL OF A PASSPORT TO REVEREND B. OTTAMA.**

48. \***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that a passport has been denied to the Reverend Bikkhu Ottama, the famous Buddhist monk of Burma, desirous of visiting America and Europe on Buddhistic mission for the last four years ?

(b) Will Government please state if anything unconstitutional, illegal or seditious has been found in the conduct of the said monk during the last four years ?

(c) Are Government aware that the Reverend Ottama is even willing to give his word of honour or undertaking to take no part in any political work whilst outside India in order to facilitate grant of a passport ?

(d) Do Government propose now to reconsider the question of granting a passport to the Reverend Ottama for his religious mission ?

**The Honourable Sir Harry Haig :** (a) Yes. I would refer the Honourable Member to the replies given in this House to question No. 1068 on the 23rd March, 1931, and to question No. 682 on the 23rd September, 1932.

(b) Government are satisfied that there has been no change in his views or intentions.

(c) Yes.

(d) No.

**Mr. B. Das :** Is it not a fact that Rev. Bikkhu Ottama is an anti-separationist, and, therefore, the Government of Burma refused a passport to him to go abroad ?

**The Honourable Sir Harry Haig :** No, Sir. These are not the grounds on which the passport has been refused.

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## UNSTARRED QUESTIONS AND ANSWERS.

### LLOYD BARRAGE SCHEME AT SUKKUR.

**1. Mr. Lalchand Navalrai :** (a) With reference to the statement laid on the table on the 18th December, 1933, in reply to my starred question No. 22, dated the 23rd August, 1933, will Government be pleased to state what the boat traffic below Sukkur was before it was impeded by the Sukkur Barrage ?

(b) How much goods, so impeded since the construction of the barrage has been diverted to the railway ?

(c) What will be the cost if a lock system is established now in the Sukkur Barrage ?

**The Honourable Sir Frank Noyce :** (a) and (b). I regret that no information is available, beyond that already communicated to the Honourable Member.

(c) In 1919, the cost of a lock was estimated at Rs. 15 to 20 lakhs, and it was anticipated that the cost of maintenance would be high. Government adhere to the view that the benefit of a lock system would be quite incommensurate with the expenditure which such a system would involve.

### APPLICATIONS FOR REFERENCE OF CASES IN SIND TO THE HIGH COURT UNDER SECTION 66 OF THE INDIAN INCOME-TAX, ACT.

**2. Mr. Lalchand Navalrai :** Will Government be pleased to lay on the table of this House a statement showing for each year separately



the following information in connection with the applications for reference to the High Court under section 66 of the Indian Income-tax Act, 1922 ?

Year.	Number of applica- tions for Sind for reference to High Court.	Number of applica- tions from the rest of the Presidency.	Total applications for reference under section 66.
1930-31 ..			
1931-32 ..			
1932-33 ..			
1933-34 ..			

**The Honourable Sir James Grigg :** The required information is not available, and as its compilation from thousands of revision petitions for the past four years will entail enormous labour, it is regretted that it cannot be supplied. On account of drastic retrenchment, the staff employed is barely strong enough to cope with its ordinary duties and without serious detriment thereto, it cannot be asked to do any such extraneous work. Assessee do not, as a rule, put in separate applications for a reference to the High Court. The majority of them simply put in petitions for revision of their assessments under section 33 of the Income-tax Act and add a request for a reference to the High Court in case the Commissioner was unable to grant relief.

APPLICATIONS FOR REFERENCE OF CASES IN SIND TO THE HIGH COURT UNDER SECTION 66 OF THE INDIAN INCOME-TAX ACT.

3. **Mr. Lalchand Navalrai :** Will Government be pleased to lay on the table of this House a statement showing for each year separately the following information in connection with the applications for reference to High Court under section 66 of the Indian Income-tax Act, 1922 ?

Year.	Number of applica- tions from Karachi in which the Com- missioner refused to refer to the High Court points of law raised by appellants.	Number of applica- tions from the rest of Sind in which the Commissioner refused to refer points of law raised by appellants.	Number of applica- tions from the rest of the Presidency in which Commissioner refused to refer points of law raised by appellants.	Total.
1	2	3	4	5
1930-31 ..				
1931-32 ..				
1932-33 ..				
1933-34 ..				

**The Honourable Sir James Grigg :** The attention of the Honourable Member is invited to my reply to his question No. 2. As explained therein, it is regretted the required details cannot be supplied.

OVERBRIDGE AT THE ALIGARH RAILWAY STATION.

4. **Rai Bahadur Kunwar Raghbir Singh :** (a) Will Government be pleased to state why an overbridge at the railway station at Aligarh has not been reconstructed ?

(b) Are Government aware that great inconvenience is caused to the public for want of a footpath bridge ?

(c) Are Government also aware that many accidents have occurred since the Kathphula bridge was broken by a railway crane ?

**Mr. F. R. Rau :** Government have no information, but have sent a copy of the question to the Agent, East Indian Railway, for consideration.

### MOTIONS FOR ADJOURNMENT.

#### WITHDRAWAL OF NOTIFICATIONS DECLARING CERTAIN MUSLIM ORGANISATIONS AS UNLAWFUL IN THE NORTH-WEST FRONTIER PROVINCE.

**Mr. President :** (The Honourable Sir Shanmukham Chetty) : I have received a notice from Mr. Maswood Ahmad, that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

12 Noon. "The attitude of the Government regarding the Muslim organisations in the North-West Frontier Province for not withdrawing the notifications declaring them unlawful and for not lifting the ban on them."

I have to inquire whether any Honourable Member has any objection to this motion.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : Sir, I object.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up.)

As less than 25 Members have risen, I have to inform Mr. Maswood Ahmad that he has not got the leave of the Assembly to move his motion.

#### COMMUNAL REPRESENTATION IN THE SERVICES.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have received another notice from Sirdar Harbans Singh Brar, that he proposes to ask for leave to move a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"The Resolution of the Government of India on communal representation in the services published on the 7th of July, 1934."

I have to inquire whether any Honourable Member has any objection to this motion.

**Mr. M. Maswood Ahmad** (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I object.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up.)

As less than 25 Members have risen, I have to inform Sirdar Harbans Singh Brar that he has not got the leave of the Assembly to move his motion.

### BAN ON THE RED SHIRT ORGANISATION IN THE NORTH-WEST FRONTIER PROVINCE.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have got another notice from Maulvi Shafee Daoodi, and I would ask him to let me know how his motion is different from the one of which notice was given by Mr. Maswood Ahmad.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, the motion, of which Mr. Maswood Ahmad gave notice, refers to Muslim organisations in the North-West Frontier Province, and my motion relates to another matter altogether, namely, the discrimination made by Government in removing ban from a branch of Congress organisation in the North-West Frontier Province known as *Khodai Khidmatgar Organisation* (called by Government as Red Shirt Organisation) and other Congress Organisations in British India. So this organisation is different and includes both Muslims as well as non-Muslims, and, therefore, this motion is broader than the one given notice of by Mr. Maswood Ahmad.

**Mr. President** : (The Honourable Sir Shanmukham Chetty) : Is not the Muslim organisation, with regard to which the ban has not been lifted, the same as the one contemplated by Maulvi Shafee Daoodi ?

**The Honourable Sir Harry Haig** (Home Member) : The *Khodai Khidmatgar* organisation is what we generally call the Red Shirts and that was described or it described itself as a branch of the Congress. That is the position.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That is the Muslim organisation contemplated by Mr. Maswood Ahmad.

**Maulvi Muhammad Shafee Daoodi** : The one which is contemplated by Mr. Maswood Ahmad is a Muslim organisation and the one which is contemplated by me is the Congress organisation which includes both Muslims as well as non-Muslims ; and I remember there are some Christians also in it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member refers to a Congress organisation in the North-West Frontier Province known as the *Khodai Khidmatgar* organisation, and called by Government the Red Shirt organisation. Is it not the same Muslim organisation as contemplated by Mr. Maswood Ahmad ?

**Maulvi Muhammad Shafee Daoodi** : No, I say that my motion contemplates a much broader organisation than what Mr. Maswood Ahmad contemplates. He refers clearly to the attitude of Government regarding the Muslim organisations in the North-West Frontier Province. I refer to something broader and greater than that which includes Muslims as well as non-Muslims.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member may contemplate such a contingency but if, as a matter of fact, there is only one Muslim organisation in the North-West

[Mr. President.]

Frontier Province, with regard to which alone that question of ban arises, then it is substantially the same motion.

**Maulvi Muhammad Shafee Daoodi** : But my Honourable friend, Mr. Maswood Ahmad, did not know what the organisation is. I knew the details, and, therefore, I have put it rightly, and I think it is different from the one which he put forward. I have made it quite clear.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, I may be allowed to submit that the organisation which Mr. Maswood Ahmad contemplated was a communal organisation consisting of the Muhammadans of the North-West Frontier Province, but the notice which has been given by Maulvi Shafee Daoodi is with reference to an organisation which is a branch of the Congress. It is not a communal organisation, and there might have been good reasons for the Government to take action against a certain communal organisation, and there might not be sufficiently good reasons for taking action against a part of the Congress.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I may add that in some organisation only Muhammadans are members, but in the Congress sub-committees anybody can be a member.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Congress organisation known as the *Khodai Khidmatgars* consist only of Muslims ? (Several Honourable Members : " No, no.") Then I would give the benefit of the doubt to the Honourable Member.

I have received notice from Maulvi Shafee Daoodi that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

" Discrimination made by Government in removing ban from a branch of the Congress organisation in the North-West Frontier Province known as *Khodai Khidmatgar* Organisation (called by Government as Red Shirt Organisation) and other Congress organisations in British India."

I have to inquire whether any Honourable Member has any objection to this motion.

**Major Nawab Ahmad Nawaz Khan** : The Red Shirts and the *Khodai Khidmatgars* are one and the same thing, and, therefore, I object.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up).

As less than 25 Members have risen, I have to inform Maulvi Shafee Daoodi that he has not got the leave of the Assembly to move his motion.

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#### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the House that the following Bills, which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1934, have

been assented to by His Excellency the Governor General, under the provisions of sub-section (1) of section 68 of the Government of India Act :

- (1) The Indian Tariff (Amendment) Act, 1934,
- (2) The Reserve Bank of India Act, 1934,
- (3) The Imperial Bank of India (Amendment) Act, 1934,
- (4) The Wheat Import Duty (Extending) Act, 1934,
- (5) The Indian Medical Council (Amendment) Act, 1934,
- (6) The Cotton Textile Industry Protection (Amendment) Act, 1934,
- (7) The Steel and Wire Industries Protection (Extending) Act, 1934,
- (8) The Khaddar (Name Protection) Act, 1934,
- (9) The Indian Finance Act, 1934,
- (10) The Salt Additional Import Duty (Extending) Act, 1934,
- (11) The Indian States (Protection) Act, 1934,
- (12) The Indian Tariff (Textile Protection) Amendment Act, 1934,
- (13) The Trade Disputes (Extending) Act, 1934,
- (14) The Sugar (Excise Duty) Act, 1934,
- (15) The Sugar-cane Act, 1934, and
- (16) The Matches (Excise Duty) Act, 1934.

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#### PANEL OF CHAIRMEN.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the House that under rule 3 (1) of the Indian Legislative Rules, I nominate Mr. K. C. Neogy, Dr. Ziauddin Ahmad, Rao Bahadur M. C. Rajah and Lieut.-Colonel Sir Henry Gidney on the Panel of Chairmen for the current Session.

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#### COMMITTEE ON PETITIONS.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions :

- (1) Mr. K. C. Neogy,
- (2) Sir Hari Singh Gour,
- (3) Rai Bahadur Kunwar Raghubir Singh, and
- (4) Mr. A. H. Ghuznavi.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

## STATEMENTS LAID ON THE TABLE.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I lay on the table the information promised in my reply, dated the 28th March, 1934, to Mr. S. G. Jog's starred questions Nos. 570 and 571 regarding the arrest of certain persons in Delhi.

### PERSONS ARRESTED WRONGLY BY THE DELHI POLICE FOR CERTAIN ALLEGED OFFENCES.

\*570. (a) and (b). There has been so far as I am aware one case since March 1st, 1933, in which a person was arrested as a result of mistaken identity. He was released by the police as soon as the mistake was discovered.

### ARREST OF ONE CAPTAIN G. M. SEKHRI BY THE DELHI POLICE.

\*571. (a), (d) and (e). The identity of persons arrested is always verified by the police so far as possible before arrest.

(b) and (c). The facts are that in January, 1934, an individual calling himself Captain G. M. Sekhri committed the offence of cheating in the shop of Messrs. Devi Chand and Company, Lahore, by obtaining goods on the strength of a dishonoured cheque. The Lahore Police registered a case and issued a warrant of arrest in pursuance of which Captain G. M. Sekhri, A.I.R.O., was arrested by the Delhi Police on the 25th January, 1934. Captain Sekhri was immediately released on bail by the Delhi Police and directed to appear before the Lahore Police. On arrival at Lahore it was found by the Police Officer investigating the case that Captain Sekhri was not the individual who had swindled Messrs. Devi Chand and Company and he was at once released.

(f) There is no provision for the grant of compensation to persons wrongly arrested.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I lay on the table :

- (i) the information promised in reply to parts (a), (b), (g) and (j) of starred question No. 478 asked by Mr. D. K. Lahiri Chandhury on the 14th March, 1934 ;
- (ii) the information promised in reply to starred question No. 569 asked by Sardar Sant Singh on the 28th March, 1934 ;
- (iii) the information promised in reply to unstarred question No. 327 asked by Mr. M. Maswood Ahmad on the 7th April, 1934 ; and
- (iv) the information promised in reply to unstarred question No. 371 asked by Seth Liladhar Chaudhury on the 16th April, 1934.

### INSPECTORS OF POST OFFICES AND HEAD CLERKS TO POSTAL SUPERINTENDENTS.

\*478. (a) and (b). The facts are as stated by the Honourable Member.

(g) Yes, if by "two selection grade appointments" the Honourable Member means appointments in the two selection grades.

(j) No. Appointments up to and included in the grade of Rs. 150—200 in the Calcutta General Post Office were reserved for officials of that office, but appointments in the grade of Rs. 200—300, whether in the Calcutta General Post Office or elsewhere, were open to officials in the entire circle.

**EXAMINATION IN GURMUKHI HELD BY THE POSTMASTER GENERAL, LAHORE.**

\*569. (a) The reply to the first two parts is in the affirmative. I may, however, explain that the examination held on the 22nd October, 1933, was not in order and, therefore, another examination was held on the 19th November, 1933. As regards the third part, 22 candidates appeared in the examination on the 19th November, 1933, of whom one only passed.

(b) The purpose of the examination is to ensure that clerks shall be able to dispose of postal articles, bearing names, addresses, etc., written in Gurmukhi, correctly and quickly.

(c) Yes. The object is to test their ability to read freely Gurmukhi characters.

**NON-OBSERVANCE OF THE THIRD VACANCY RULE IN THE RAWALPINDI ENGINEERING DIVISION.**

327. (a) No.

(b) No.

(c) Does not arise.

**REVERSION OF CERTAIN POSTMEN AS PACKERS IN THE AMBITBAR POST OFFICE.**

371. (a) The fact is not as stated. Owing to reductions in the cadre of postmen the two officials in question, who are permanent packers but who were officiating as postmen, were reverted to their substantive posts of packer. For calculating the communal proportions for the purpose of retrenchment, the permanent and not the officiating status of the officials is taken into account. The reversion of the two officiating postmen to their substantive posts of packer, therefore, involved no infringement of the orders regarding the maintenance of the communal ratios before and after retrenchment.

(b) Does not arise.

**The Honourable Sir James Grigg (Finance Member) :** Sir, I lay on the table :

- (i) the information promised in reply to unstarred questions Nos. 294, 295 and 296 asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934 ; and
- (ii) the information promised in reply to starred questions Nos. 595 and 596 asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934.

**CANCELLATION OF THE ASSESSMENTS OF INCOME-TAX IN ORISSA.**

294. Figures for 1928-29 and 1929-30 are not available. The numbers of cases during succeeding years in which assessments were cancelled under section 27 of the Indian Income-tax Act were :—

(i) 1930-31	..	..	..	..	..	19
1931-32	..	..	..	..	..	28
1932-33	..	..	..	..	..	20
(ii)				Amount of tax paid before cancellation of assessments.	Amount refunded after cancellation.	
1930-31				5,210	78	
1931-32				2,976	610	
1932-33				4,224		

The assesses in most cases did not require refund of tax already paid, presumably because they wished the amounts to be retained for the purpose of adjusting the demand after re-assessment.

(iii) and (iv). The information could not be compiled without an inordinate expenditure of time and labour.

### DISPOSAL OF INCOME-TAX CASES IN BIHAR AND ORISSA ON GAZETTED HOLIDAYS.

295. (a) Income-tax Officers have had to work on some holidays and fix dates for hearing of assesses cases on holidays, but not against the consent of assesses. Non-appearance of parties in such cases is treated as default, but the objection of an assessee on the ground that he did not appear because it was a public holiday is treated as a valid objection.

(b) Statement showing the number of cases fixed by Income-tax Officers during the Christmas holidays of 1931, 1932 and 1933 district by district in Bihar and Orissa and the number of cases which were assessed under Section 23 (4) :—

District or Circle.	Number of cases fixed by Income-tax Officers during the Christmas holidays.			Number of cases which were assessed under section 23 (4).		
	1931.	1932.	1933.	1931.	1932.	1933.
Central Salaries Circle	..	..	..	..	..	..
Ranchi-Sadr Manbhum	7	..	..	..	..	..
Dhanbad .. ..	17	24	..	..	..	..
Husainpur .. ..	34	..	..	3(a)	..	..
Champaran .. ..	1	..	..	..	..	..
Monghyr .. ..	1	9	3	..	..	..
Patna .. ..	8	..	..	..	..	..
Gaya-Shahabad ..	56	33	..	3	6	..
Hazaribagh .. ..	12	..	..	..	..	..
Palamau .. ..	(b)	1	..	(b)	1	..
Cuttack-Puri-Balasore	3	..	29	..	..	..
Darbhanga .. ..	..	..	..	..	..	..
Singbhum-Sambalpur	..	..	..	..	..	..

(a) It is, however, not known whether section 23 (4) was applied in these cases for non-appearance during holidays.

(b) Information not available.





**REMISSION OF PENALTY IMPOSED FOR DEFAULTING PAYMENT OF INCOME-TAX  
IN BIHAR AND ORISSA.**

\*595. (a) Yes.

(b) Figures for the years 1927-28 to 1929-30 could not be obtained without an inordinate expenditure of time and labour. Figures for the last three years are given below :—

Year.	Number of petitions filed for remission of penalty under section 46.	Number of successful petitions.		
		Remitted.	Reduced.	Total.
1930-31 ..	44	8	1	9
1931-32 ..	90	15		15
1932-33 ..	48	5	..	5

**NON-REFUND OF INCOME-TAX AFTER THE CANCELLATION OF ASSESSMENTS IN  
THE ORISSA CIRCLE.**

\*596. In the case of assessments cancelled under Section 27 of the Indian Income-tax Act, any tax already levied is refunded at once without waiting for an application for refund from the assessee. Refunds due on an appellate or review order or an order passed as a result of a reference directing a fresh assessment to be made are not granted, unless the Assistant Commissioner or the Commissioner gives a direction to that effect in his order.

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**Lieut.-Colonel A. F. B. Lumby (Army Secretary)** : Sir, I lay on the table the information promised in reply to unstarred question No. 197 asked by Mr. S. G. Jog on the 14th March, 1934.

**DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT  
WAR.**

197. (a) Government have no knowledge of the letter referred to.

(b) Government stated in their letter referred to that the case of the particular Indian officer was not affected by the recommendations of the War Pension Committee. The attention of the Honourable Member is drawn to the last sentence of the recommendation as quoted by him.

(c) It is impossible to give a general definition of the types of disability which will not be considered as attributable to military service. In cases of this kind, which, though they arise during service, have no connection with that service, Government have to be guided by the circumstances and merits in each individual instance.

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

- (i) the information promised in reply to starred questions Nos. 828—834 asked by Pandit Satyendra Nath Sen on the 12th September, 1933 ;
- (ii) the information promised in reply to parts (a), (b), (c) and (e) of starred question No. 1050 asked by Mr. D. K. Lahiri Chaudhury on the 20th September, 1933 ;
- (iii) the information promised in reply to starred questions Nos. 1105—1110 asked by Mr. S. C. Mitra on the 21st November, 1933 ;
- (iv) the information promised in reply to unstarred questions Nos. 213, 214 and 215 asked by Mr. S. C. Mitra on the 27th November, 1933 ;
- (v) the information promised in reply to unstarred questions Nos. 265 and 266 asked by Sardar G. N. Mujumdar on the 5th December, 1933 ;
- (vi) the information promised in reply to starred questions Nos. 1364, 1365, 1366 and 1378 asked by Sardar Sant Singh on the 11th December, 1933 ;
- (vii) the information promised in reply to starred question No. 403 asked by Lala Rameshwar Prasad Bagla on the 7th March, 1934 ;
- (viii) the information promised in reply to starred question No. 633 asked by Mr. N. M. Joshi on the 4th April, 1934 ;
- (ix) the information promised in reply to starred question No. 688 asked by Mr. Jagan Nath Aggarwal on the 14th April, 1934 ;
- (x) the information promised in reply to starred question No. 708 asked by Sirdar Harbans Singh Brar on the 14th April, 1934 ; and
- (xi) the information promised in reply to starred question No. 709 asked by Sirdar Harbans Singh Brar on the 14th April, 1934.

#### APPOINTMENT OF LILLOAH APPRENTICES.

\*828. The Agent, East Indian Railway, reports that the Anglo-Indian referred to was held to be the best all round man for the appointment by the officer who examined him.

He was not a failed man but passed the Technical School examination in the Second Class. He possessed the qualifications necessary for the appointment of Train Examiner and it is considered his selection has been justified by the standard of his work since his appointment. He is now drawing Rs. 150 per mensem in Grade III and is actually doing work which was previously performed by a Grade I Train Examiner so as to release him for supervision work in the yard.

#### APPOINTMENT OF LILLOAH APPRENTICES.

\*829. (a), (b) and (c). The Agent, East Indian Railway, reports that the information furnished by him in September, 1932, which was repeated in the reply given by Government to Mr. S. C. Mitra's question No. 22 (a) of 5th September, 1932, was

based on information supplied by the then Superintendent, Rolling Stock of the Howrah Division, who is no longer in service and that the records now available do not enable him to furnish the information now asked for regarding a transaction which occurred in 1930.

(d) Government do not consider that there is reason for further enquiry into this matter and have no grounds for thinking that the selection for filling the Train Examiner's post in 1930 was improperly conducted.

(e) Government are unable to agree that racial discrimination was made in this case.

(f) The Agent, East Indian Railway, reports that these two ex-apprentices were invited to appear before a Selection Committee in connection with appointments on the 14th August, 1933. One of the two men did not appear. The other was placed 12th on the list by the Selection Committee, but was not appointed as there were only 6 vacancies.

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#### APPOINTMENT OF APPRENTICE TRAIN EXAMINERS FOR THE OPERATING DEPARTMENT.

\*830. (a) I would refer the Honourable Member to the information laid on the table of the House in reply to his question No. 843 asked on the 21st March, 1933. The recruitment is still suspended.

(b) Does not arise.

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#### APPOINTMENT OF LILLOOAH APPRENTICES.

\*831 (a) The Agent, East Indian Railway, reports that between the 29th March, 1930 and 21st August, 1933 one ex-Apprentice of the Lillooah Workshops was appointed :

- (i) Mr. C. Keya.
- (ii) Howrah Division.
- (iii) 2nd Division in final Technical School Examination.
- (iv) Train Examiner.
- (v) One Anglo-Indian.
- (vi) Rs. 85 on three months' probation and confirmed on Rs. 95.

(b) Six time expired Apprentices of the Lillooah Workshops were appointed in August last on the Howrah Division and none on other Divisions. Government are aware of the replies referred to.

(c) The vacancies in other Divisions were filled by surplus Train Examiners and time expired Apprentices trained on these Divisions under the old East Indian Railway system who were waiting to be absorbed as Train Examiners. In this connection I would also invite the Honourable Member's attention to the information laid on the table of the House on the 15th March, 1933, in reply to part (b) of Question No. 23 asked by Mr. S. C. Mitra on the 5th September, 1932.

(d) Divisional Superintendents have already been advised. I would invite the Honourable Member's attention to the information laid on the table of the House on the 13th March, 1933, in reply to part (a) of Question No. 23 asked by Mr. S. C. Mitra on the 5th September, 1932.

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#### APPOINTMENT OF LILLOOAH APPRENTICES AS TRAIN EXAMINERS.

\*832. (a) Yes.

(b) Yes. The majority of the candidates selected were not the first to have passed out of the Technical School. One of the most junior men to be appointed passed in the Honours Division and stood alone in that distinction. One senior man who was selected refused the post as he was already in employment and drawing more

salary than the pay offered by the railway. The appointments were made by selection, thus obtaining the best men available for appointment.

(c) A properly organised Selection Committee composed of senior officers selected the men whom they considered to be most suitable for the posts. Every candidate's case was given full consideration and all things being equal, the candidate who had qualified first was given preference. In making a selection, the fact that candidates appointed would have in time to come to take independent charge of a train examining station entailing control of a large body of labour had to be given due weight, and the Committee selected the most suitable candidates in all respects.

The Anglo-Indian *ex*-apprentice appointed in 1930 was selected as the most suitable man by the then Superintendent, Rolling Stock, and he has justified his selection by doing good work.

Of the six men selected in August, 1933, four were Hindus, an Anglo-Indian and a European.

(d) Does not arise.

(e)

Names.	Date of completion of apprenticeship training.	Division passed at the Technical School Examination.
Mr. K. P. Mukherji .. .. .	19-2-29	1st Division.
„ J. N. Chatterji .. .. .	9-2-30	1st „
„ N. C. Chatterji .. .. .	11-2-30	1st „
„ T. A. Cahoon .. .. .	19-9-30	2nd „
„ A. N. Mitra .. .. .	2-2-31	1st „
„ G. B. Allnut .. .. .	2-5-33	Honours Division.

The following is the list of apprentices who completed their training from 1929 and had to be discharged as there were no vacancies. Those already selected and appointed have been "star" marked.

1929.

- |                          |                             |
|--------------------------|-----------------------------|
| 1. Mr. L. F. McLeod.     | 6. Mr. P. C. Roy Chowdhuri. |
| 2. Mr. P. R. Bose.       | 7. Mr. B. B. Paramanik.     |
| 3. Mr. A. C. Ash.        | 8. Mr. S. K. Ghose.         |
| 4. Mr. S. P. Mukherjee.  | 9. Mr. D. K. Gupta.         |
| *5. Mr. K. P. Mukherjee. | 10. Mr. K. D. Banerjee.     |

1930.

- |                           |                           |
|---------------------------|---------------------------|
| 1. Mr. W. J. Ball.        | 7. Mr. T. C. Ghose.       |
| *2. Mr. C. Keya.          | 8. Mr. B. D. Mukherjee.   |
| *3. Mr. T. A. H. Cahoon.  | 9. Mr. S. N. Chatterji.   |
| 4. Mr. S. C. Ganguly.     | 10. Mr. A. K. Banerji.    |
| *5. Mr. J. N. Chatterjee. | 11. Mr. I. K. Das.        |
| 6. Mr. P. N. Dutt.        | *12. Mr. N. C. Chatterji. |

## 1931.

- |                             |                          |
|-----------------------------|--------------------------|
| 1. Mr. V. J. B. Cullen.     | *4. Mr. A. N. Mitra.     |
| 2. Mr. D. C. Williamson.    | 5. Mr. B. K. Chatterjee. |
| 3. Mr. A. C. Roy Choudhury. | 6. Mr. B. K. Chatterjee. |

## 1932.

- |                       |                        |
|-----------------------|------------------------|
| 1. Mr. T. C. Jackson. | 5. Mr. S. C. Ganguly.  |
| 2. Mr. K. L. Mitra.   | 6. Mr. S. K. Bose.     |
| 3. Mr. M. R. Hume.    | 7. Mr. K. C. Mukerjee. |
| 4. Mr. M. K. Mukerji. |                        |

## 1933.

- |                       |                       |
|-----------------------|-----------------------|
| 1. Mr. Shew Prosad.   | 4. Mr. D. G. Hogan.   |
| 2. Mr. R. A. Bowen.   | *5. Mr. G. B. Allnut. |
| 3. Mr. W. H. Collins. |                       |

(f) The following Train Examiners have been appointed under the Divisional Superintendent, Howrah, East Indian Railway, since 1931 :—

Anglo Indian . . . . .	1
European . . . . .	1
Hindus . . . . .	4
Muslims . . . . .	Nil.

The communal proportion of Train Examiners and Assistant Train Examiners is as follows. It will be seen from this that the progressive Indianization has been followed :—

	Train Examiners.	Assistant Train Examiners.
Europeans . . . . .	5%	Nil.
Anglo-Indians . . . . .	14%	2.55%
Hindus . . . . .	60%	66.7%
Mahomedans . . . . .	19%	28.2%
Indian Christians . . . . .	2%	2.55%

(g) Future vacancies will be filled by selection of most suitable *ex*-apprentices and surplus or retrenched staff by Selection Committees composed of senior officers.

#### APPOINTMENT OF LILLOAH APPRENTICES AS TRAIN EXAMINERS.

\*833. The Agent, East Indian Railway, reports that—

(a) As the lists furnished by the Mechanical Department show that there were 40 *ex*-apprentices some of whom were residing in Europe and others a considerable distance away from Howrah, it was decided, as there were only six posts to be filled, only to write to men whose addresses were at stations on the Howrah Division. All *ex*-apprentices from the year 1929 to 1933 who had given an address on the Howrah Division were written to and passes were issued for those who applied to appear before the Selection Board.

(b) and (d). The Anglo-Indian apprentice referred to, completed his apprenticeship in 1933 and appeared before the Members of the Selection Committee. This candidate had an outstanding qualification having passed

the Honours Division in which distinction he stood alone and was selected by the Committee on his merits.

(c) Does not arise.

(e) I would refer the Honourable Member to the reply given to part (g) of question No. 832.

#### APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

\*834. The Agent, East Indian Railway, reports that :

(a) Six ex-apprentices were appointed in August, 1933. It is not possible to say how many more will be appointed this year.

(b) (i) Howrah Division . . . . .	8
Asansol . . . . .	4
Dinapore . . . . .	Nz
Allahabad . . . . .	Nz
Lucknow . . . . .	3
Moradabad . . . . .	7

(ii) Train Examiners.

#### APPLICATIONS FOR LEAVE BY THE GUARDS ON THE EAST INDIAN RAILWAY.

\*1050. (a) Yes, the guards are subordinate to the station masters and the latter have to make arrangements for relief.

(b) 159 applications for leave were received from guards by the station master, Gyn, during 1932. Leave was refused in one case while in five other cases the applicants were required to wait for a few days before their leave could be sanctioned.

(c) Yes, the guards have a right to appeal to the Divisional Superintendent but all such appeals are to be submitted through the station masters concerned who are not authorized to withhold such appeals which must be submitted with their remarks. The Divisional Superintendents have full authority to sanction leave to staff under them whether applications for leave are submitted direct or through the proper channel. The submission of applications for leave through the proper channel is however insisted on for administrative reasons.

(d) This is not a fact. The latter part of the question does not arise.

#### RACIAL DISCRIMINATION ON THE EAST INDIAN RAILWAY IN THE MATTER OF APPOINTMENTS.

\*1105. (a) No.

(b) I would refer the Honourable Member to the information laid on the table of the House in reply to part (c) of starred question No. 833 asked by Pandit Satyendra Nath Sen on 12th September, 1933.

(c) I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) of starred question No. 833 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(d) The apprentice was called for an interview and there was no racial discrimination in this matter. Latter parts of the question do not arise.

(e) Does not arise.

(f) and (g). I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) (iii) of unstarred question No. 266 asked by Sardar G. N. Mujumdar on the 5th December, 1933.

(h) I would refer the Honourable Member to the information laid on the table of the House in reply to part (g) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

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#### APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

\*1106. (a) to (c). I would refer the Honourable Member to the information laid on the table of the House in reply to parts (a) to (c) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(d) and (e). I would refer the Honourable Member to the information laid on the table of the House in reply to parts (e) and (d) respectively of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

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#### APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

\*1107. I would refer the Honourable Member to the information laid on the table of the House in reply to parts (a), (b) and (c) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

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#### APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS AS TRAIN EXAMINERS AND ELECTRICIANS.

\*1108. I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) of starred question No. 834 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

Six time expired apprentices of the Lillooah Shops were appointed on the Howrah Division in August, 1933, and none on other Divisions. Of the six men selected, four were Hindus, one Anglo-Indian and one European.

As regards vacancies lying unfilled, I am informed that there was one vacancy for an Electrician at Lucknow which was not filled up in view of reorganisation which resulted in staff retrenchment in the Train Lighting Department. Two vacancies in the grade of Train Examiners on the Lucknow Division which are lying vacant will be filled up by the surplus Train Examiners existing on that Division.

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#### APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

\*1109. The Agent, East Indian Railway, reports that it is not possible to say how many appointments, if any, are likely to be made this year. If, however, any appointments are made at all, only those who will be selected by the Selection Committee will be appointed and it is not therefore possible to say who will be selected for appointment.

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#### APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

\*1110. (a) No.

(b) Does not arise.



(c)

Name.	Date of completion of apprenticeship training.	Division passed at the Technical School Examination.
Mr. K. P. Mukerji . . . . .	19th February 1929	1st Division.
„ J. N. Chatterji . . . . .	9th February 1930	„
„ N. C. Chatterji . . . . .	11th February 1930	„
„ T. A. Cahoon . . . . .	19th September 1930.	2nd Division.
„ A. N. Mitra . . . . .	2nd February 1931	1st Division.
„ G. B. Allnut . . . . .	2nd May 1933 ..	Honours Division.

The *ex*-apprentices appointed were given Rs. 95 each as starting salary.

#### APPOINTMENT OF APPRENTICES IN THE PRODUCTION DEPARTMENT OF THE LILLOAH WORKSHOPS.

213. The Agent, East Indian Railway, reports :

- (a) The reply given to starred question No. 920 (d) is correct and this will be apparent from the enclosed copy of a certificate given by the Controller of Inspection, Calcutta, to Mr. T. C. Ghosh. Mr. T. C. Ghosh was not the first apprentice to work under the Production Engineer.
- (b) Does not arise.
- (c) The reason for appointing an *ex*-apprentice of 1931 in preference to an apprentice of 1930 is that when the vacancy in the grade of Rs. 50—10—90 occurred the *ex*-apprentice of 1931 who was appointed on 16th February, 1931, had been trained in the Production and Progress Section and had therefore the requisite experience. Mechanics who had no previous experience in production methods, were appointed to make use of existing staff and thus save them from retrenchment.
- (d) It is pointed out that endeavours have since been made to secure employment for Mr. Ghosh. Advice was received from him that his services with the Indian Stores Department had been terminated owing to financial stringency on 31st January, 1932, and he was given an introductory letter to the Chief Mechanical Engineer, North Western Railway, on 7th January, 1933, which however appears to have produced no result. On 25th May, 1933, a vacancy having occurred in the Drawing Office Mr. Ghosh was asked to call to be tested but he replied that he was in the employment of the Nepal Government Railway as a Loco. Foreman (temporary) on Rs. 150 *plus* Rs. 12-8-0 consolidated allowance and free quarters.
- (e) Government do not consider any enquiry necessary.

#### APPOINTMENT OF EX-APPRENTICES ON THE EAST INDIAN RAILWAY.

214. The names of the two Indian *ex*-apprentices referred to are Messrs. Mohammed Mohiuddin and Mahadeo Prosad.

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### APPOINTMENT OF EX-APPRENTICES ON THE EAST INDIAN RAILWAY.

215. The Agent, East Indian Railway, reports :

- (a) No suitable apprentices or ex-apprentices were available at the time of Mechanic Shallcross's transfer to the Sawmill, that is none with any Sawmill experience whatever. Mechanic Shallcross being the son of the former Sawmill Foreman had gained some knowledge of the work from him and was selected for that reason in preference to appointing an outsider.

The Kiln Operators appointed from outside who had no other training except timber seasoning were retained after the closing down of the Kiln Seasoning plant as a purely temporary measure and when this temporary work was completed they were discharged and no question of replacing them arises.

- (b) Every consideration is given to the question of employing ex-apprentices but owing to financial stringency and the prior claims of retrenched mechanics, opportunities at present are remote except only where the ex-apprentice has received special training in a new section, e.g., Heat treatment."

INDIAN STORES DEPARTMENT,

OFFICE OF THE CONTROLLER OF INSPECTION,  
CALCUTTA CIRCLE.

Dated 2nd February, 1932.

Mr. T. C. Ghose was employed as an Examiner of Stores in the Indian Stores Department from 10th February, 1930, to 31st January, 1932. During this period he was employed under an Assistant Engineer (Inspection) in connection with the inspection of orders for wagons and components. His services were terminated owing to financial stringency and the necessity for reducing the staff.

(Sd.) H. F. DAVY,

Controller of Inspection,  
Calcutta Circle.

### NON-APPOINTMENT OF INDIAN APPRENTICES OF LILLOAH WORKSHOPS AS TRAIN EXAMINERS.

265. (a) and (e) (i). Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to starred question No. 828 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(b) Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to part (a) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(c) Yes, in August, 1933.

(d) Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to part (b) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(e) (ii). It is reported by the Agent, East Indian Railway, that the Anglo-Indian who completed his training on 18th September, 1930, had the necessary qualifications for Train Examiner's post and was considered to be the best all round man for the vacant post. His work also has been very satisfactory and his selection has been justified.

(f) The most suitable persons were selected for the posts to be filled. As regards filling of future vacancies, I would refer the Honourable Member to the information laid on the table of the House in reply to part (g) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(g) Does not arise.

GAJESHI

### NON-APPOINTMENT OF INDIAN APPRENTICES OF LILLOOAH WORKSHOPS AS TRAIN EXAMINERS.

266. (a) Yes.

(b) (i). Yes. I would refer the Honourable Member to the reply given to part (e) (ii) of question No. 265.

(ii) Yes. Presumably Mr. G. B. Allnut who completed his training on 2nd May, 1933, is referred to. I would refer the Honourable Member to the reply given to part (b) of starred question No. 833 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(iii) The filling of one-third of the total vacancies in 1933 by members of minority communities was in accordance with the policy laid down by Government.

(c) (i). No.

(ii) Government see no reason why most suitable candidates should not be selected for appointments to be made.

(iii) I would refer the Honourable Member to the information laid on the table of the House in reply to part (g) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

### INTRODUCTION OF THE PREVENTIVE SYSTEM OF CHECK BY POSTING GROUPS OF TRAVELLING TICKET EXAMINERS.

\*1364. The Agent, North Western Railway, reports :

"(c) to (g). The group system has not been abandoned. Each group men work under the charge of a Headman or group-in-charge who is responsible for checking all trains and stations on the section allotted to him.

At the discretion of Divisional Superintendents a group-in-charge may divide his group into sub-groups of two or detail the members of his group to work individually on occasions when this may be desirable. While working in sub-groups or individually all members of a group continue to work under their group-in-charge.

(h) On occasions more than one Travelling Ticket Examiner may have worked on one train, but this was not usual."

### INTRODUCTION OF THE PREVENTIVE SYSTEM OF CHECK BY POSTING GROUPS OF TRAVELLING TICKET EXAMINERS.

" 1365. The Agent, North Western Railway, reports :

(b) The strength of ticket collectors on the North Western Railway is shown below against the dates given :

1st October, 1930	..	..	..	1,054
1st January, 1931	..	..	..	1,053
1st March, 1931	..	..	..	1,053
1st June, 1931	..	..	..	988
1st June, 1933	..	..	..	970

(c) The reduction in strength since 1st October, 1930, has not been progressive. The reduction in 1931 was made as part of the retrenchment campaign when train services were curtailed.

(d) The precautions taken include the erection of fencing when funds permit and instructions to inferior staff employed at road side stations to guard the ends of platforms and to endeavour to prevent ticketless passengers entraining.

- (e) On 31st May, 1931, the staff employed on checking tickets on running trains were Travelling Ticket Examiners to the number of 128. The strength on 31st August, 1933, of Special Ticket Examiners who may be employed alternatively on checking work on running trains and at stations was 236.
- (f) There is no staff now employed exclusively for ticket checking on running trains. The system now followed with Special Ticket Examiners covers both the prevention of ticketless travelling and checking in trains."

#### PREVENTION OF ILLICIT TRAVELLING ON RAILWAY TRAINS.

\*1366. The Agent, North Western Railway, reports :

- "(c) It is presumed that the Honourable Member alludes to Messrs. Mathra Singh and Shah Niwaz Khan, who were officiating in Grade III (Group-in-charge) and after trial were reverted to their substantive posts in Grade II having been found to be inefficient as Group-in-charge and unworthy of promotion to Grade III. They were replaced by others selected from Grade II."

#### ALLOWANCES OF TRAVELLING TICKET EXAMINERS.

\*1375. The Agent, North Western Railway, reports :

- "(c) A statement showing the number of cases detected by Special Ticket Examiners in trains and at stations on the Rawalpindi, Lahore, Multan and Quetta Divisions during the period from July to October, 1933, is given below :

Months.	Rawalpindi.		Lahore.		Multan.		Quetta.	
	In trains.	At stations.	In trains.	At stations.	In trains.	At stations.	In trains.	At stations.
July, 1933.	5,052	129	7,056	592	4,402	28	630	178
August, 1933.	5,264	114	5,978	590	4,170	5	640	210
September, 1933.	4,934	113	6,206	525	3,782	30	618	126
October, 1933.	4,349	66	7,232	182	3,742	86	553	131
Total	19,599	422	26,472	1,889	16,096	149	2,441	645 "

#### LEAVE GIVEN TO RAILWAY STAFF AT JAMALPUR AFTER THE EARTHQUAKE SHOCK.

\*403. The Agent, East Indian Railway, reports as follows :

- "1. Workshops and Deputy Chief Mechanical Engineer's Office at Jamalpur were closed from the 16th to 21st January, 1934, on account of the earthquake and the enforced absence of staff during this period was given special consideration. I decided that staff of all departments other than those who are paid according to the number of days worked and who were unavoidably absent from work owing to the earthquake or who were allowed to leave work in order to take their families away

should be allowed casual leave up to a maximum of 6 days over and above the usual limit of 14 days for such leave.

2. In the case of the staff of the above categories who rendered assistance in the emergency during the period when ordinary work was suspended as a result of the earthquake I decided that they should also be similarly allowed casual leave for a corresponding period, over and above the limit of 14 days after conditions have settled down, and when they can be spared but not later than the 31st December, 1934.
3. I would state that during the five days from the 16th to the 20th January, 1934, the 21st January being a Sunday, there were two holidays in the workshops, one on the 17th January—a paid holiday and the other on the 20th January, 1934—an unpaid holiday. Certain workshop staff who are paid according to time worked and therefore excluded from paragraph 1 above were absent from work between the 16th and 20th January, 1934, and in their case it was decided that the period of absence should be covered by leave in those cases where this was due and in other cases the embargo that men must be present at work immediately prior to and immediately following the paid holidays was lifted in order that the men might get the benefit of holiday pay on the 17th January, 1934.
4. I authorized the issue over the East Indian Railway of additional passes to allow staff employed at stations effected by the earthquake to send their families away, and to remove furniture to other stations when for want of house accommodation they could not safely keep their furniture where they were working."

The Government do not consider it necessary to take any further action.

#### APPOINTMENTS OF FIREMEN AT BULSAR ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

\*633. The Agent, Bombay, Baroda and Central India Railway, reports as follows :

- (a) Yes.
- (b) The appointments were from apprentices but this does not prevent any fireman, who can pass his examination for the special grade, being placed in that grade, as the number in the grade is not limited. The special grade is given for English speaking and writing.
- (c) There were only two retrenched firemen, who have been re-employed.

#### FOOT OVERBRIDGE AT THE ROHTAK RAILWAY STATION.

\*688. (a) The Agent of the North Western Railway has reported that a foot overbridge for the use of the public is in course of construction at Rohtak Station, towards the cost of which a contribution has been made by the Municipal Committee, Rohtak, and not by the Valah High School.

- (b) and (c). The overbridge will be opened as soon as it has been completed.

#### TRAINS, ETC., ON THE FEROZEPUR LUDHIANA SECTION OF THE NORTH WESTERN RAILWAY.

\*708. The Agent, North Western Railway, reports that there are three trains daily each way between Ludhiana and Ferozpur, the same as 20 years ago. As regards the time taken by them, the minimum time taken in 1920 was 5 hours and 30

minutes whereas it is now 3 hours and 15 minutes. It is not possible to reduce the time further as the run is a short one of 77 miles and trains stop at all stations. The existing volume of passenger traffic does not warrant an increase in the number of trains.

The Agent also reports that during the year 1928-29, an additional train (totalling four) each way was tried but had to be withdrawn for want of adequate patronage.

**PROVISION OF CERTAIN AMENITIES ON STATIONS OF THE REWARI-FAZILKA  
AND KOTKAPURA-FAZILKA SECTIONS OF THE BOMBAY, BARODA AND  
CENTRAL INDIA RAILWAY.**

(a) A statement showing the train service on the Rewari-Fazilka Section is appended. The Agent, Bombay, Baroda and Central India Railway, reports that the policy on the Metre Gauge system is to run mixed trains on Branch lines and that, if the mixed trains on this Section are converted into passenger trains, it will cost the Railway Administration an additional sum of Rs. 3 lakhs per annum.

(b) The Agent reports that there are waiting halls at all stations on the above section except at certain flag stations.

(c) and (d). The Agent reports that the work of providing pucca booking offices, waiting sheds, etc., at Boranwala and Ramgarh stations has been held over for want of funds.

*Train Service on Rewari-Bhatinda-Fazilka Section.*

DOWN

			26 Mixed.	24 Passenger.	28 Passenger.	114 Special Service.	162 Special Service.
Rewari . . . . .	Arr.	..	..	..	14 10	From Delhi.	
	Dep.	1 30	8 5	14 55			..
Sirsa . . . . .	Arr.	9 37	15 1	22 33			..
	Dep.	10 7	Mixed 16 10	Mixed 23 10			..
Bhatinda . . . . .	Arr.	12 57	19 5	2 17	..	..	..
	Dep.	13 50	..	3 5	..	..	..
Kot-Kapura . . . . .	Arr.	15 30		4 45	..	..	..
	Dep.	15 58		5 25	11 57	18 57	
Muktesar . . . . .	Arr.	17 12		6 42	13 10	20 10	
	Dep.	17 32		7 2			..
Fazilka . . . . .	Arr.	19 25	..	8 55	..	..	

## Train Service on Rewari-Bhatinda-Fazilka Section.

Up

	23 Mixed.	161 Special Service.	25 Mixed.	113 Special Service.	27 Mixed.
Fazilka . . . . Dep.			7 55		18 15
Muktsar . . . . Arr.		..	9 50	..	20 7
. . . . Dep.		6 58	10 15	13 55	20 37
Kot-Kapura . . . . Arr.		8 10	11 30	15 10	21 50
. . . . Dep.	..		12 0	..	22 20
Bhatinda . . . . Arr.	..	..	13 45		0 10
. . . . Dep.	7 25	..	14 35		1 13
Sirsa . . . . Arr.	10 0		17 30		4 10
. . . . Dep.	Passenger 10 30		18 12		Fast-Pass. 4 35
Rewari . . . . Arr.	17 15		3 23		10 19
. . . . Dep.					10 53 to Delhi.

STATEMENT RE. NET EARNINGS OF CERTAIN NEWLY  
CONSTRUCTED RAILWAY LINES.

Mr. P. B. Rau (Financial Commissioner, Railways): Sir, I lay on the table a statement, giving the information at present available as to the net earnings of certain newly constructed railway lines during the financial year 1932-33, and a comparison of the return given by these earnings on the capital outlay with the return anticipated in the original estimates.

Statement showing net earnings during the financial year 1932-33 of new lines opened after 1st October 1927 throughout for traffic for a full year.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1932-33.	Percentage return of income (column 7 on capital outlay).	Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
							8	9	10
1	Chittagong-Nairhat	A. B.	3' 3-3/8"	22.07	17-3-1930	3,154	1931-32. —0.27	8.50	
2	Chittagong-Dobhazari	Do.	3' 3-3/8"	23.05	10-6-1931	—15,376	*	8.50	
3	Feni-Belonis	Do.	3' 3-3/8"	16.88	1-12-1929	—28,123	—1.91	5.80	
4	Furkating-Badulipara-Jorhat.	Do.	3' 3-3/8"	42.28	1-8-1928	1,29,946	2.01	7.00	
5	Karimganj-Lungai Valley	Do.	3' 3-3/8"	39.45	1-1-1929	—65,437	—1.55	5.50	
6	Netrakona-Mohanganj Extension.	Do.	3' 3-3/8"	17.55	1-4-1929	—8,982	—0.94	9.60	
7	Shaistaganj-Habiganj-Balla	Do.	3' 3-3/8"	25.29	1-12-1929	—19,318	—1.05	6.47	
8	Senchos-Mairabari	Do.	3' 3-3/8"	30.25	20-4-1930	—81,238	—4.46	13.0	
9	Sibsagar-Mhowang	Do.	3' 3-3/8"	33.79	10-11-1927	82,626	2.44	7.00	
10	Maabrak-Thowe Extension	B. & N. W.	3' 3-3/8"	39.32	12-1-1931	(e) 59,789	(a) 1.71	6.00	
11	Raipur-Parratipuram Section.	B. N.	5' 6"	242.14	31-3-1932	12,74,456	*	5.40	
							1932-33.		
							0.14		
							—0.29		
							—1.97		
							3.78		
							—1.87		
							—0.43		
							—0.89		
							—3.63		
							2.37		
							(a) 2.56		
							2.03		



12	Beravi-Vadkal	B. B. & C. I.	5' 6"	3.71	18-4-1929	39,220	(a) -3.65	17.4	5.00
13	Jambisar-Kavi	Do.	2' 6"	17.87	191-8-1929	49,046	(a) 0.49	5.03	8.00
14	Sazmi-Dubej	Do.	2' 6"	24.72	1-3-1930	-7,665	(a) -1.41	-0.76	8.00
15	Vasat-Katana	Do.	5' 6"	26.61	1-9-1930	2,41,782	(a) -0.14	11.1	8.00
16	Heho-Shwyaung	Burma	3' 3-3/8"	11.25	2-5-1929	-17,250	-0.46	-0.61	6.00
17	Kayan-Thongva	Do.	3' 3-3/8"	10.80	15-12-1928	11,150	0.40	0.73	10.75
18	Myingyan-Pateik	Do.	3' 3-3/8"	68.86	13-1-1930	-8,025	-2.10	-0.11	5.50
19	Nyaunglebin-Madauk	Do.	3' 3-3/8"	11.06	15-8-1929	55,994	8.65	4.18	3.37
20	Twingdingyi-Kyakped-sung.	Do.	3' 3-3/8"	71.82	17-7-1930	132	-1.75	0.0012	6.00
21	Abdulpur-Nawabganj	E. B.	5' 6"	56.6	11-2-1930	-1,15,000	-1.88	-1.07	6.20
22	Baraulpur-Lakshmikantapur.	Do.	5' 6"	33.26	15-12-1928	-18,000	-1.51	-0.34	7.00
23	Dinajpur-Ruhce	Do.	3' 3-3/8"	47.80	8-3-1928	1,81,000	-1.34	4.30	6.50
24	Kalukhali-Bhatepara	Do.	5' 6"	53.08	1-3-1932	-2,04,000	*	-3.24	5.00
25	Purnea-Murliganj (with branch from Banmanki to Behariganj).	Do.	3' 3-3/8"	51.93	1-10-1929	1,02,000	-2.65	2.61	6.50
26	Chandpur-Bijnor Muazzampur Narain.	E. I.	5' 6"	37.00	5-1-1930	1,70,190	4.82	5.47	6.10
27	Unao-Madhoganj	Do.	5' 6"	49.00	21-12-1930	75,797	2.21	1.96	6.30
28	Agra-Bah	G. I. P.	5' 6"	49.00	10-4-1929	-38,168	-1.54	-1.23	6.30
29	Dharwa Pused	Do.	2' 6"	42.63	15-12-1931	36,820	*	1.07	6.81

(a) Excludes net earnings of existing lines from new traffic interchanged with new railway. \* Not available.

Statement showing net earnings during the financial year 1932-33 of new lines opened after 1st October 1927 throughout for traffic for a full year.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1932-33.	Percentage return of income (column 7 on capital outlay)		Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
							1931-32.	1932-33.		
I	2	3	4	5	6	7	8	9	10	
30	Cocanada Kotipalli.	M. & S. M.	5' 6"	27.08	1-11-1929	-1,39,900	(d) 1.68	-3.27	6.00	
31	Guntur Macherla.	Do.	3' 3-3/8"	79.83	15-1-1930	1,17,337	(d) 3.48	2.57	5.25	
32	Gudivada-Bhimavaram.	Do.	3' 3-3/8"	40.60	17-9-1928	44,502	(d) 2.21	1.09	6.61	
33	Nidadavolu Narasapur.	Do.	5' 6"	47.16	3-2-1929	95,958	(d) 3.98	1.40	*	
34	Kanivihalli-Swamihalli Extension.	Do.	3' 3-3/8"	11.74	15-3-1928	1,23,245	(d) 50.77	29.91	*	
35	Amritear-Narowal.	N. W.	5' 6"	39.11	6-5-1929	4,80,003	2.39	6.95	5.50	
36.	Chak Jhumra-Khushab.	Do.	5' 6"	70.47	12-3-1932	4,50,710	..	2.59	6.00	
37	Jassar-Shakargarh Chak Amra.	Do.	5' 6"	25.97	1-12-1927	61,357	-3.77	3.72	6.00	
38	Lyalpur-Jaranwala.	Do.	5' 6"	20.75	3-12-1927	-74,867	-6.11	-4.72	5.48	
39	Rohtak-Gohana-Panipat.	Do.	5' 6"	44.01	15-5-1928	-3,04,947	-7.27	-11.89	6.33	
40	Shabdara-Narowal.	Do.	5' 6"	48.33	31-12-1926	4,27,961	2.22	14.30	4.847	

No.	Sind Left Bank Railways.	Feeder	Do.	5' 6"	1944-49	19-12-1931	1,12,271†	..	1-25†	₹
42	Kangra Valley	.	Do.	2' 6"	103-00	1-4-1929	1,84,750 †	-0-71	0-58 †	5-50 †
43	Cuddalore Vriddhachalam	.	S. I.	3' 3-3/8"	35-59	21-6-1928	(a) 83,437	(a) 1-64	(a) 3-06	₹
44	Dindigul Pollachi	.	Do.	3' 3-3/8"	75-10	19-11-1928	(a) 2,06,193	(a) 5-57	(a) 6-25	9-44
45	Madras Bedinayakanur	.	Do.	3' 3-3/8"	55-94	20-11-1928	(a) 2,13,181	(a) 4-14	(a) 3-97	8-73
46	Polbachi Palghat	.	Do.	3' 3-3/8"	33-45	1-4-1932	(a) 81,577	..	(a) 1-54	5-20
47	Salem Mettur Dam	.	Do.	5' 6"	23-20	15-4-1929	(a) 1,03,466	(a) 13-30	(a) 8-00	(b) 4-75
48	Salem Attur Vriddhachalam	.	Do.	3' 3-3/8"	82-53	17-8-1931	(a) 33,211	..	(a) 6-39	5-80
49	Shoranur Nilambur	.	Do.	5' 6"	41-35	28-10-1927	(a)(c)-28,054	(a) -1-2	-0-35(a)	(c) 4-00
50	Villupuram Trichinopoly	.	Do.	3' 3-3/8"	108-00	1-2-1929	(a) 1,00,845	(a) 5-65	(a) 6-45	6-50
51	Trichinopoly Manamadurai	.	Do.	3' 3-3/8"	94-22	1-7-1930	(a) 6,71,468	(a) 4-83	(a) 5-05	5-37

\* This line was sanctioned for construction on the assurance that a minimum output of 35,000 tons of manganese ore annually by the Sandur Mining Company would be enough to guarantee the railway against loss.

† Goes to the extent of Rs. 20,000 guaranteed by local Government so as to obtain a return of 5-5 per cent on capital outlay.

‡ Includes a guarantee of Rs. 4,00,000 payable by the Bombay Government.

§ The annual loss in working the Sind Left Bank Feeder Railways was estimated at Rs. 4-60 lakhs during the first five years after opening and Rs. 2-63 lakhs after the first five years of opening for Traffic. To recoup the loss the Government of Bombay will pay a fixed sum of Rs. 4 lakhs annually for each of the first five years and thereafter the actual loss in working subject to a maximum of Rs. 2 lakhs per annum.

¶ Includes a guarantee of Rs. 4,00,000 payable by the Punjab Government.

‡ The line was considered unremunerative but the District Board of South Arcot, who were interested in it, have expressed their willingness to Government of India against loss, if any, arising out of the construction and working of the line.

(b) Excludes net earnings of the existing lines from new traffic interchanged with new Railway.

(c) The estimated percentage return took into account a maximum payment of Rs. 41,000 to be made good by the Madras Government against loss.

(c) The estimated percentage return took into account a maximum payment of Rs. 1,39,000 guaranteed by the Madras Government against loss.

(d) Calculated on capital expenditure only excluding interest during construction.

(e) Includes maximum guarantee of Rs. 1,30,000 from the Government of Madras.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : May I know whether I will be permitted to ask any question or to review the statement laid on the table ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member knows the rules about the asking of questions.

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : Some information has been given about certain starred questions ; but there were other starred questions about which information was required, and I would like to know when that information will be laid before the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Some information promised, is it ?

**Mr. Vidya Sagar Pandya** : I had put some questions about subsidiary coinage, and I wish to know when I can expect information about it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair does not understand the Honourable Member's question at all.

**Mr. Vidya Sagar Pandya** : Information with regard to certain starred questions has been furnished now. But there are other questions for which information has not been given, and I would like to know when the information about those questions will be laid before the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : You mean some information with regard to a question, which was promised by some Member of Government ?

**Mr. Vidya Sagar Pandya** : Yes : is there any time limit within which the information should be given ? It may be given at the end of the Session when it can be of no use to us.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Some reply has been promised to the Honourable Member in the last Session with regard to some question of his, and he now finds that the answer has not been supplied even now : that is his difficulty ?

**Mr. Vidya Sagar Pandya** : Yes : I should like to know whether replies should not be given within a reasonable time.

**The Honourable Sir James Grigg** : This is a new question to me, and I will certainly look into it and let the Honourable Member know : in any case, information will be given to him as soon as it is available.

**Mr. Vidya Sagar Pandya** : It may be available at the end of the Session when it may be of no use.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair thinks if Government promised some information during the last Delhi Session, they should make an endeavour to supply that information as early as possible.

**The Honourable Sir James Grigg** : This is a new question to me, and I will certainly look into it.

## THE INDIAN DOCK LABOURERS BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Joseph Bore** (Member for Commerce and Railways) : Sir, I beg to present the Report of the Select Committee on the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : With regard to the agenda of this week, Honourable Members will observe that Thursday, the 19th, has been set aside for non-official Bills. The Chair would here point out to Honourable Members that the Temple Entry Bill was sent out for circulation : opinions are still being received, and even those that have been received are so voluminous that they would not perhaps be received from the press sufficiently in time to enable Honourable Members to get copies before the 19th, if the ballot favours subsequent motions on that Bill. So, to meet the convenience of the House, the Chair is prepared to make a change, and, in fact, His Excellency the Governor General has also agreed that, in case the House so desires, he would agree to make the change also. Thursday, the 19th, is the first day for non-official Bills. If Honourable Members agree, that day may be allotted to official work, and then Thursday, the 23rd August, will be given as a day for non-official Bills. The effect of this will be that the first day for non-official Bills will be Thursday, the 2nd August, which gives reasonable time for Honourable Members to study the papers that will be supplied to them. If the House agrees, the Chair will have this arrangement made. (*Honourable Members* : "Yes, Yes ; we agree.") Then the Chair would announce to the House that His Excellency the Governor General has cancelled the allotment of Thursday, the 19th instant, for non-official Bills, and the Chair directs that that day be devoted to official business. The Chair has also to announce that it cancels Thursday, the 23rd of August, for official Bills and that His Excellency has agreed to allot that day for non-official Bills.

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### DEATHS OF SIR BEPIN BEHARI GHOSH AND MR. ARAVAMUDHA AYYANGAR.

**The Honourable Sir Joseph Bore** (Leader of the House) : Sir, death has removed two old Members of this House since last we met, namely, Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Sir Bepin Behari Ghosh was only with us for a short time, but that was sufficient to endear him to those with whom he was brought in contact. A member of a distinguished family which has given to the country some of the highest legal talent, he was himself, I understand, one of the most efficient Judges who have graced the Bench of the Calcutta High Court ; but we here will always remember him for a singularly lovable disposition which endeared him to us all and which we will not soon forget.

I am sure also that Members of this House must have read with deep regret of the death of Mr. Aravamudha Ayyangar. Death has prematurely terminated a career which gave promise of a brilliant

[Sir Joseph Bhore.]

future. Mr. Aravamudha Ayyangar was a member of the Audit and Accounts Service. In every post that he held he showed an outstanding ability and a devotion to duty which are the distinguishing marks of an ideal civil servant. Those qualities were in evidence in every post in which he served, and he served in many important posts. He was, Sir, an Under Secretary to the Government of India in the Finance Department during the time of Sir Basil Blackett's Currency Bill. He was a Budget Officer to the Government of India, and he was also Secretary to the Hilton-Young Currency Commission. He had, Sir, a most unassuming manner and a singularly attractive personality. Government and the country have lost a most valued public servant in him, and I hope, Sir, that you will communicate to the relatives of both the deceased the deep sympathy of this House in their bereavement.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, I associate myself entirely with what has fallen from the Leader of the House regarding the late Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. I had the privilege of knowing Sir Bepin Behari Ghosh somewhat intimately for a long time. He had a distinguished career both in the University of Calcutta and also in the legal profession, of which he was a successful member until he filled the post of a High Court Judge with distinction. As a Judge of the Calcutta High Court, as has been observed by the Honourable the Leader of the House, he made a mark for himself, and he continued the traditions of his family for legal acumen and legal attainments. He was the brother of the late Sir Rash Behari Ghosh, well-known to every lawyer throughout India as a most distinguished writer and learned lawyer, and Sir Bepin Behari Ghosh, as a Judge of the High Court, was conspicuously successful.

We had the pleasure of knowing Mr. Aravamudha Ayyangar here, and there can be no doubt, as has been stated by the Honourable the Leader of the House, that he was a most valuable officer of the Government of India where he had served in various capacities. Sir, I associate myself entirely on behalf of my Party with all that has been said regarding these two deceased gentlemen, and would ask you to communicate the expression of sorrow and sympathy of this House to the members of the families of the deceased gentlemen.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I associate my Party and myself with the sentiments that have just been given expression to by the Honourable the Leader of the House and by the Leader of the Opposition over the sad death of Sir Bepin Behari Ghosh and the demise of Mr. Aravamudha Ayyangar. Sir Bepin Behari Ghosh was a Member of the Executive Council here for a short time. He came here after a distinguished career at the Calcutta Bar, and also after presiding over the Calcutta High Court as a Judge with great distinction. He belonged to that great family of legal luminaries, of which his famous brother, Rash Behari Ghosh, was a member, and whose name is known throughout the length and breadth of India as a distinguished lawyer and philanthropist. During the short time Sir Bepin Behari Ghosh was a Member of the Executive Council here, he had endeared himself to every one, both to the Members of the Government as well as to the Opposition. Sir, we all mourn his loss.

With regard to Mr. Aravamudha Ayyangar, he belonged to a most intellectual family of Southern India. His father-in-law was a Professor of Mathematics in the Engineering College in Madras. The late Mr. Aravamudha Ayyangar gave very great promise from the commencement of his career. After a distinguished scholastic career, he joined the office of the Accountant General in Madras. His abilities were soon recognised and he was translated to the Finance Department of the Government of India. He was Budget Officer for some time in the Finance Department. Apart from his regular duties, he served with great distinction as Secretary to the Hilton-Young Commission. He also worked very recently as Secretary to the Banking Inquiry Committee, and in this capacity he was of immense help to the country. Besides that, as Budget Officer, he had also to act as Secretary to the Public Accounts Committee, of which I have been a member for some time, and as such I have had occasion to come into closer contact with him. He was of immense help to the Finance Member ; he was absolutely thorough with all the facts and figures in the Public Accounts Committee relating to all the Departments of Government which come under review, and, therefore, every Finance Member under whom Mr. Aravamudha Ayyangar had the honour and privilege to serve liked him immensely and he was marked out for a very great appointment. It is quite natural that after the Reserve Bank Act was passed, he was proposed to be the Secretary of that Bank, and in order to give him more training, he was appointed Deputy Controller of Currency in Calcutta. But, just before he took up that office, he had a very bad attack of typhoid, and we were very glad that on that occasion he was rescued from the jaws of death. We all thought that he would survive to serve his country and the Government. He went to England to recoup his health, but we now hear of his sad demise. We all mourn his loss. Sir, we feel that the Government have lost a brilliant public servant and the country has lost a distinguished gentleman. The cruel hand of death has taken away one of the most brilliant careers in India. With these words, I request you, Sir, to communicate our warm feelings of sorrow to the bereaved families of both Sir Bepin Behari Ghosh as well as Mr. Aravamudha Ayyangar.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Centre Party, I join in expressing our deep sorrow at the deaths of our two colleagues.

Sir Bepin Behari Ghosh, during the short period that he was here, had endeared himself to everybody by his unfailling courtesy and unassuming manners. The Honourable the Leader of the Opposition has already said things about his career which I need not repeat. Mr. Ayyangar was one of the most brilliant Indians that one could ever hope to come across. During the debates on the Reserve Bank Bill, I had come in some contact with him, and I feel myself in a position to say that in matters of currency and finance Mr. Ayyangar's want would be long felt in this country. I feel quite sure that had he not been cut off at such an early age and in such tragic circumstances, he would have in the very near future occupied a very responsible Government post, for it is no exaggeration to say that Mr. Ayyangar sacrificed himself in the service of the State. Sir, there is no armour against death, and we, his colleagues, can only mourn his loss. I join the previous speakers in supporting the motion for sending our sympathies to the bereaved families.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I rise to associate my Party and myself with

[Mr. C. S. Ranga Iyer.]

the remarks that have fallen about our departed friends. Sir Bepin Behari Ghosh endeared himself to the Opposition as this House so well remembers. When the Opposition was seething, that great man was smiling away. Amidst great activity on the Opposition side, he was taking the most restful view as one ought to take in one's life, as Lord Sri Krishna says in the Bhagavad Gita. A great career richly endowed was dedicated for the good of his profession and the greatness of his country. Like his great brother, Sir Rash Behari Ghosh, Sir Bepin Behari leaves on the sands of time footprints which generous generations will follow at great sacrifice and with great admiration.

Now, coming to the passing away of that financial genius, Mr. Aravamudha Ayyangar's death is too deep for words or tears. We knew how very enthusiastic he was of the great days, of the spacious days opening before our beloved motherland. A great patriot himself, he knew that the solution of the financial difficulties would solve the national problem. In spite of weak health, he went on a great enterprise, on a great adventure, a great work, and we were all looking forward to his coming back to our country with greater and richer experience to guide us, to guide the ship of State through rocks, steering clear of the Scyllas and Charybdises of the future. And we feel that his passing away is a great national loss. Sir, in the midst of life we are in death, and we can only pray that his family which lies prostrate in dust may derive some satisfaction that a greater family, the nation, shares their great grief. Sir, we sympathise with the bereaved families of the late Sir Bepin Behari and the late Mr. Aravamudha Ayyangar.

**Sir Leslie Hudson** (Bombay : European) : I wish to associate myself and my Party with all that has fallen from my colleagues in this Honourable House with regard to the loss that India has suffered in the deaths of Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar—the former, a noble ornament to the legal profession, who had risen with honour to himself and to his country to the highest judicial post in Bengal, and the latter, an efficient servant of the Government of India, who, as the previous Honourable Member has stated, had given his life for India. We all of us looked forward to a career of great promise for Mr. Ayyangar. His past experience in Government Departments led us to believe that he would rise to very great distinction. I shall be glad if you will convey the sympathies of the European Party along with those of the other Parties when writing to the families of the deceased.

**Mr. A. H. Ghuznavi** (Dacca *cum* Mymensingh : Muhammadan Rural) : Mr. President, I associate myself with what has fallen from my colleagues at the loss of the two great Indians, Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Both of them were my intimate friends, and I mourn their loss as a personal one. Sir Bepin Behari Ghosh was a gentleman first and everything else afterwards.

I was shocked when I read in the newspapers yesterday of the passing away of my dear old friend, Mr. Ayyangar. His untimely death must have been a shock to all who knew him. A meritorious officer of the Government of India, an officer of conspicuous ability, he made his mark during the period when Sir Basil Blackett was the Finance Member of the Government of India. The House deeply mourns the loss of these



two great gentlemen, and I would request you, Mr. President, to convey to their families our sincere condolence and our grief at their loss.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : I rise to pay my tribute of tears to the memory of the two great departed Indians. Mr. Ayyangar was known to us as a brilliant officer, and his unassuming manners and financial abilities were prized by every one. He was a friend of almost all the Members of this House. He was known to every one of us, and we sincerely mourn his untimely loss.

As regards Sir Bepin Behari Ghosh, I cannot find words to express the feelings which are uppermost in my mind at the present moment. He was to me more than an elder brother. He came from the same place as myself, we practised at the same Bar, and probably, not even excepting the present Law Member, I am his oldest acquaintance present here in this Chamber, and I looked upon him as my eldest brother. Sir, if I rise to mourn his loss, it is a sacred and solemn duty which I not only owe to the departed, but to myself also. I can only end by saying that his was a life of which it can be truly said that :

“ Life's race well run,  
Life's work well done,  
And now comes rest.”

With these words, Sir, I beg to pay my tribute to the memory of the great deceased.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the tribute that has been paid to the memory of the late Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Though Sir Bepin Behari Ghosh was a Member of this House for a very short period, he had not merely inspired confidence in every section of the House, but by his charming personality he had made himself one of the most popular Members, and we mourn the loss of one who was loved so well while he was a Member of this House and whose work in the cause of the public has been well appreciated by his colleagues.

In the death of Mr. Aravamudha Ayyangar, we have lost one of the most efficient and devoted of our public servants. Honourable Members have had many opportunities of judging the devotion to public duty and the efficiency with which he discharged the daily task that was entrusted to him. He showed undoubted promise of a great future for himself and greater service for the country, and we all mourn the tragic and untimely death of such a devoted public servant. It shall be my duty as the spokesman of this House to convey to the families of our departed colleagues the deep sympathy and sorrow of this House at the death of those two colleagues whom this House loved so well and whose services this House so greatly appreciated.

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#### THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I move for leave to introduce a Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.”

The motion was adopted.

**The Honourable Sir Harry Haig** : Sir, I introduce the Bill.

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### THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

**The Honourable Sir Harry Haig** (Home Member) : Sir, I move for leave to introduce a Bill to supplement the Assam Criminal Law Amendment Act, 1934.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to supplement the Assam Criminal Law Amendment Act, 1934.”

The motion was adopted.

**The Honourable Sir Harry Haig** : Sir, I introduce the Bill.

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### THE REPEALING AND AMENDING BILL.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments.”

The motion was adopted.

**The Honourable Sir Nripendra Sircar** : Sir, I introduce the Bill.

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### THE INDIAN PETROLEUM BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, my name appears rather more frequently on the agenda for the business of this week than I could wish, but I trust the House will find that the legislative programme that I am putting before it is not so formidable after all. When I moved as long ago as last September that this Bill should be circulated to elicit opinion, I gave an account of our reasons for entirely recasting the present Indian Petroleum Act, 1899, and of the salient features of the new Bill. As the minds of Honourable Members

may have been wearied by varied and contentious legislation since then, a short summary may help their overburdened memories.

I explained last September that, though the short and simple Act of 1899 was sufficient for the needs of the time when it was passed, there had been such great developments in the use and technique of mineral oils that many of the provisions of the Act had become defective or obsolete. I also pointed out that developments in the use of mineral oils were still occurring and that the Bill had been cast into a form which we hope will provide a framework adequate to carry, for some years to come, the further amendments that will in all probability have to be made.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I referred also to the present cumbersome procedure in making rules, whereby model rules are usually drafted in my Department and promulgated by the various Provincial Governments; and I drew the attention of the House to a prominent feature in the Bill designed to simplify this procedure, namely, the centralization of the rule-making powers in the hands of the Governor General in Council.

My motion for circulation was adopted by the House without dissent, and in the period elapsing since then the Bill has been circulated very widely and the opinions we have received have been very carefully considered by my Department. The volume of opinion elicited has shown a lively public interest in the provisions of the Bill, which is as gratifying as it has been to me rather unexpected. Though it is by no means light literature, this Bill may almost be said to be a burning question. The suggestions we have received are very numerous, and I would divide them into three classes. The first class contains the great majority of the suggestions submitted to us or rather submitted to this House and, although these suggestions have been made in the proper spirit of constructive criticism, I hope to persuade the Select Committee that they do not justify any amendment of the Bill. The second class, which is a small one, consists of suggestions which we accept and are prepared to recommend to the Select Committee. The third class, also a small one, comprises suggestions which Government wish to discuss with the Select Committee before making up their own mind. It is satisfactory and is, if I may say so, a tribute to the skill with which the Bill was drafted that the suggestions are all on points of detail and that none of them attack the fundamental principles of the Bill. This, I think, justifies the hope I expressed last September that the Bill would prove to be entirely non-controversial.

I should like to draw the special attention of the House to one or two of the more important suggestions which have been made. Burma has an Act of its own, the Burma Oilfields Act of 1918, which regulates the operations of winning oil in the Burma oilfields. The Government of Burma, and the Burma authorities and interests generally, would like to see all mention of production excised from the Bill. Whilst we fully appreciate the special position of Burma in this respect, and are prepared to have the Bill amended in Select Committee so as to 'save' the provisions of the Burma Act, we are not, as at present advised, prepared to go to the length of excluding production entirely from the Bill. The demand for such exclusion has not arisen in any other part of India, and

[Sir Frank Noyce.]

it seems desirable to follow the line of the present Petroleum Act and to retain a power to control production in the event of fresh discoveries of oilfields outside Burma.

Again, the scientific definition of petroleum contained in the Bill covers commercial turpentine and other substances of vegetable origin known as "terpenes". It may be desirable, in the interests of the turpentine trade, to exclude these entirely from the scope of the Bill and the Select Committee will be asked to advise on this point.

Lastly, clause 11 excludes from control all petroleum which has its flashing point not below 200 degrees. It has been strongly represented that this limit could be lowered with safety, and with a resulting saving in cost and in trouble all round. We shall be glad to take the advice of the Select Committee on this point.

The other matters brought out in the opinions received are points of drafting or technical matters of detail which it would be out of place for me to discuss at this stage. I have full confidence that this Bill, which vitally affects the interests of large producing and distributing agencies and safeguards the public from dangerous accidents, will, when it emerges from the Select Committee, be entirely acceptable to the House.

Sir, I move.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, since this Bill is going to the Select Committee, I do not think I shall be justified in making any lengthy observations at this stage. All the opinions that have been received on this Bill will, I am sure, be carefully sifted in the Select Committee. There is just one point which I should like to mention and which I think the Government would be well advised to look into, as well as the Select Committee. I am referring to clause 12 of this Bill. Clause 12 of this Bill says :

"Nothing in this Chapter shall apply to petroleum which is the property or is in the possession of Government or of any duly authorised officer acting in the execution of this Act."

Now, Sir, this Chapter is very important, because it relates to the custody of petroleum and the way in which petroleum is to be stored, so that it may not be dangerous to public health and safety. Sir, in this connection I should like to refer this House to some opinions with regard to this particular point. I am referring to the opinion of the Director of Industries who objects to this particular clause being retained in this Bill. The Director of Industries of the United Provinces says :

"In my opinion, this clause is objectionable. If the analogy of the Indian Explosives Act, 1884, can be pressed into service for incorporating this new clause into the present Bill, the analogy of the existing Indian Factories and the Boilers

Acts, as well as the proposed Factories Bill, is against exceptional treatment being granted to Government property or concerns. If the importation, possession, storage and transport of petroleum require regulating in the interests of public safety, these considerations are equally applicable to petroleum which is the property or is in the possession of Government or of the duly authorised officers. It is to be noticed that petroleum possessed or owned by railways except in their capacity as carriers has not been exempted, vide clause 10 of the Bill. My experience of the administration of the existing Petroleum Act and similar laws as a Magistrate is that precautions taken in respect of Government property often tend to be inadequate."

Sir, this is the opinion of the Director of Industries of the United Provinces. Objection has also been taken to this clause by the Chamber of Commerce of Bombay, the Burma Shell Oil Storage and Distributing Company of India, Limited, Delhi, Indo-Burma Petroleum Company, Limited, the Upper India Chamber of Commerce, Cawnpore, and also the Bengal Chamber of Commerce. I am not going to read out the opinions of all these bodies. I will only refer to the opinion of the Bombay Chamber of Commerce which is to be found on page 6 of the opinions. It says :

"The intention is presumably to ensure that Government officials will not be hampered in the execution of their duties, but as the principal aims and objects of the Act are to safeguard the public in respect of the handling of dangerous commodities, this clause in its present form, which exempts Government in all circumstances from the necessity of complying with the conditions of Chapter I, seems undesirable."

I will only hope that the Government as well as the Members of the Select Committee will carefully weigh the opinions on this particular point as well as on other points and make suitable amendment so that when the Bill comes out of the Select Committee, it may not be open to the objection to which it has been as it stands at present. With these few words, I commend this motion to the acceptance of the House.

**The Honourable Sir Frank Noyce :** Sir, I need hardly say that the point raised by my Honourable friend, Mr. Gaya Prasad Singh, will be dealt with very fully in the Select Committee. I think it will be found that the Government are by no means adamant on the point.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The question is :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, 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.

## THE INDIAN ARMY (AMENDMENT) BILL.

**Lieut.-Colonel A. F. R. Lumby (Army Secretary) :** Sir, I move :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhuput Singh, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harbans Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. R. D. Dalal and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Lieut.-Colonel A. F. R. Lumby.]

Sir, though this Bill has a considerable number of clauses, there is really only one main object underlying it and that can be simply stated. It is to make legal provision for an important change which is now taking place in the constitution of the Indian army as a result of the gradual development of the policy of Indianization. In a few months time, the first batch of cadets will pass out of the Indian Military Academy at Dehra Dun and will receive their Commissions.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadian) : How many of them there are ?

**Lieut.-Colonel A. F. R. Lumby** : Sixty. As the House is already aware, when they pass out of the Academy, these officers will constitute  
I P. M. an entirely new category of officers in the Indian army, and it is to make legal provision for them that this Bill has been primarily introduced. These new officers are the Indian commissioned officers referred to in clause 5 of the Bill. They will receive the King's Commission of exactly the same type as that now held by the officers of the Indian Air Force. These Commissions are very much the same as those held by officers of the permanent forces of the self-governing Dominions, and I think I am right in saying that the form of Commission which is to be introduced for the Indian commissioned officers and which has already been introduced for the officers of the Indian Air Force is almost word for word the same as the Commission held by the officers of the Canadian Permanent Forces.

With the advent of these officers into the Indian army, there will be in it three different categories of officers. The definitions of these three types will be found in clause 5 of the draft Bill. First, there comes the "British officer", in which term is included the Indian officer who has received his Commission after training at Sandhurst or Woolwich. Then, secondly, comes the new type of officer, the "Indian commissioned officer", for whom it is proposed to make legal provision in this draft Bill ; he will be the officer who comes into the Indian army after training at the Indian Military Academy at Dehra Dun. And, thirdly, comes that fine body of men to whom the Indian army have owed, and still owe, so very much, who are known at present in the Act and throughout the army as "Indian officers", but whom it is proposed to call in future "Viceroy's commissioned officers" in order to distinguish them from the Indian commissioned officers.

Of these three categories, the British officer will gradually decrease in numbers and ultimately disappear altogether as Indianisation progresses and his place is taken by the Indian commissioned officer. The same is true of the Viceroy's commissioned officer, as was announced on the floor of this House. I think as long ago as 1928, by Field Marshal Sir William Birdwood. His place will also be taken by the Indian commissioned officer, because, in an entirely Indian army, there will be no place for two categories of officers, both of them Indians, holding different commissions. And so, in time to come, the Indian commissioned officer will be the only kind of officer left in the Indian army ; in fact it is correct to say that this first batch of officers who will be passing out shortly from the Indian Military Academy will be the prototypes of the officers of the national Indian army of the future.

There is one difference between the British officer and the Indian commissioned officer that I wish to point out. While the British officer is subject to the Army Act, it is proposed in this draft Bill to make the Indian commissioned officer subject to the Indian Army Act. I think the House will probably agree that this is an essential step if, as must be the case, the Indian army of the future is to be governed by one single Act, covering both officers and men, and that an Act which it is within the power of the Indian Legislature to amend. The alternative would be that any amendment to the status of the Indian commissioned officer would have to be legislated for by the British Parliament, that would surely be a retrograde step.

In this connection there is one point that I wish to emphasise most particularly, and that is that, in spite of this difference that I have just pointed out, the Indian commissioned officer will have within the Indian army exactly the same powers and privileges as are at present enjoyed by the British officer; it is intended that there shall be complete reciprocity between these two categories of officers. Any other kind of arrangement would, for obvious reasons, be administratively almost unworkable. Of the forty-two clauses of the Bill, some two-thirds have to do with making legal provision for the Indian commissioned officer. They deal with such things as his right of appeal, the punishments which may be awarded to him, the penal deductions that may be made from his pay, the position that he will occupy on courts martial and all the other provisions that have to be made for him and which are already made for the British officer in the Army Act. There is another small group of clauses which make more specific provision in the Act for the warrant officers who are subject to it. The few remaining clauses aim either at making provision for certain minor changes which have taken place in the constitution of the Indian Army in recent times or at bringing the Indian Army Act into line with the Indian Air Force Act or with the Army Act. I take it that the House would prefer that the Select Committee should go into these matters of comparative unimportance rather than that I should try and add now to the details which are already given with regard to them in the Notes on Clauses attached to the Bill. Sir, I move. (Applause.)

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : Motion moved :

“ That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhuput Singh, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harbans Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. R. D. Dalal, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhannmadan Rural) : Sir, I congratulate the Army Secretary for his lucid maiden speech. (Applause.) He has given us to understand that the system proposed is almost identical with the system now in force in the case of the Canadian Army. I would like to know, and I hope he would reply later on in what way these rules differ or agree with the rules applicable to the British officers trained at Sandhurst.

**Lieut.-Colonel A. F. R. Lumby** : All I said was that the wording of the Commission is almost identical with that of the Commission given to officers of the Canadian forces. It is only the form of Commission I was referring to, and not the rules.

**Mr. Vidya Sagar Pandya (Madras : Indian Commerce) :** Also the faults or shortcomings of the Canadian rules.

**Dr. Ziauddin Ahmad :** I was talking of the present Bill now before us. This particular Bill and the provisions therein are identical with the provisions in a similar Bill applicable to the officers trained in Sandhurst.

**Lieut.-Colonel A. F. R. Lumby :** That is not what I said.

**Dr. Ziauddin Ahmad :** The point which I want to know is this. Whether these rules are exactly the same as are applicable to similar army in England and applicable to the officers trained in Sandhurst or do they differ? If they differ, in what way do they differ?

**Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) :** Sir, I think it is a very important Bill which has been just now introduced by the Honourable the Army Secretary. It is not possible for us to study and understand fully the significance of this measure unless and until we have a more detailed exposition of the objects of the Bill. I happened to be a member of the Indian Military College Committee and now, I believe, this is the first time when a certain number of officers will have passed out of that college. We should like to know, for instance, how many officers will pass out this year for whom and for whose successors this Bill intends to make certain legal provisions. The Army Secretary has told us that the object of this Bill is to have an Indian Act regulating the administration of the Indian army. He has also held out a vision before us that in due course of time,—a phrase with which we are very familiar in this House,—there will be an Indian national army, and it is, therefore, necessary to anticipate that event and to provide for it by this Act. He has further told us that in that future, whenever it may happen, it will be necessary and it will be wise to have an Act which can be amended by the Indian Legislature. There I should like to ask one question, and it is this. Does the Honourable Member mean that the Army Act which is going to be amended will be entirely at the disposal of the Indian Legislature to amend it in any way it likes, including also the control of the army and the regulation of the policy of army administration? I should like to have a definite answer to that question.

Then, Sir, while the Honourable Member was making his speech, a question was interjected, when is the Indian army going to be completely Indianised, if I may use that expression. It may sound somewhat anomalous that the Indian army should require to be Indianised, but that is the fact in the present situation of the country. So far as I recollect, at present there are only about 160 Indian King's commissioned officers out of more than 7,000.

**Lieut.-Colonel A. F. R. Lumby :** There are 3,200 British officers.

**Sir Abdur Rahim :** I am talking of all the King's commissioned officers, and I am taking all the fighting forces.

**Lieut.-Colonel A. F. R. Lumby :** The 7,000 include the officers of the British army.

**Sir Abdur Rahim :** Yes. There is a strength of 3,000 odd King's commissioned officers in the Indian army, and the Indianisation began, I believe, somewhere about 1925, and, in the course of these eight or nine years, we have about 160 officers. I should like to know how long it will



take at the present rate for the Indian Military College to produce a sufficient number of officers to Indianise the whole of the officer personnel of the Indian army.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Two hundred years.

**Sir Abdur Rahim** : I understand, and that was the decision of the majority of the College Committee and the final decision of Government, that the Viceroy's commissioned officers will be scrapped and that is also the case put forward by the Army Secretary. If the Viceroy's commissioned officers disappear, then naturally there will be need for more King's commissioned officers than is the case at present ; and, therefore, I should like the Honourable Member, when he answers my question, to take into account what would be the required strength of the King's commissioned officers or rather the Indian commissioned officers, as now contemplated under his Bill, in order to replace the entire officer personnel including the King's commissioned officers and the Viceroy's commissioned officers by the officers who will be turned out by the Indian Military College.

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

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The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. Deputy President (Mr. Abdul Matin Chaudhury) in the Chair.

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**Sir Abdur Rahim** : Sir, before the adjournment, I was raising the question as to how far this Act would give us or would tend to give us an Indian army whose policy would be controlled by the Indian Legislature. So far as I can gather from the speech of Colonel Lumby, this Bill has nothing to do with the army policy. All that it aims at is to regulate the discipline of the Indian army or rather the Indian officers who will obtain their Commissions through the military college in India. He has also told us in answer to a question put by my Honourable friend, Dr. Ziauddin Ahmad, that this Act is analogous to the Dominion Armies Acts, particularly of Canada, mainly in the matter of form of Commission and not as regards the substance, that is, so far as the question of policy is concerned. We have at present a certain number of Indians in the Indian army holding the King's Commission whose discipline, privileges and status are regulated by the Indian Army Act which was passed by the British Parliament. The object of this Bill is to amend that Act by an Act of the Indian Legislature in those respects without being under the necessity of going to the British Parliament. What I would like to know and I think what the House would like to know clearly and definitely from the Government is this : in what respects will the privileges, status and the discipline of the officers who will be recruited by the Indian Military College be different from those of the Indian officers who now hold the King's Commission ? I think I saw a statement in some of the newspapers that the future recruits to the Indian Officer personnel will have a different scale of pay, and, I believe, also in respect of other privileges such as leave and leave allowances and things of that character. I think the House would like

[Sir Abdur Rahim.]

to be informed whether the question of pay of the future officers of the Indian army has been decided upon by the Government and, if so, why was not the Legislature taken into confidence? This is a matter of very great importance, and I do submit that no decision should be arrived at until the Legislature has the fullest opportunity of pronouncing upon the powers, pay and privileges of the future Indian officers. We know that, under the White Paper Scheme, the whole of the Indian forces will be placed, as regards policy, under the British Parliament; and, certainly so far as the scope of this Bill is concerned, if the pay of the future officers is going to be altered in any way to their disadvantage as compared with other Indian officers who hold the King's Commission now, this is a matter of the greatest importance, and I do ask the Government, before coming to any sort of decision on the point, to consult this House. I do not want at this stage to discuss the question of pay and privileges of these officers on their merits, but, so far as I have been able to look into the Bill, there is no indication in it as to what the pay and other privileges of the Indian officers recruited through the Military Academy at Dehra Dun are going to be. It is very difficult from reading the Bill to grasp its full scope. We want to know what will be the difference in the matter of pay and other privileges, their power of command and prospects in the army between those officers who already hold the King's Commission and those who will in future be recruited from the Dehra Dun Academy. We have been told that the clauses of this Bill, at any rate many of the clauses of this Bill, have been copied from some of the Colonial Acts.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

I do not think that the Honourable Member meant to convey that this Bill is identical in all respects with the Colonial Acts that govern the Colonial armies. So far as I know,—I speak subject to correction, because I am not really familiar with the army matters as the Honourable Member is,—the Colonial Governments have the fullest control over their army, and I believe that is provided for in their Acts. If I am wrong, I am sure the Honourable Member will correct me in his reply. Therefore, it comes to this, that the scope of this Bill is to make certain differences, to emphasise or to create certain differences between the officers who hold the King's Commission at present and the future recruits. I should like, if I am correct in this supposition, that the Honourable the Army Member should explain to us in detail what those differences are. I believe recruitment through Sandhurst and other British Military institutions has been stopped, and, therefore, the Indian officers will in future be recruited entirely from the Dehra Dun Academy, except perhaps those who will join the Air Force, because we have not got as yet an institution for the training of Air Force officers.

As regards the form of the Commission, I am sure that this House would like to be satisfied as to what has made it necessary to make a change in the form of the Commission. We have at present a few Indian Officers,—I believe more than 100,—the number is about 160 or something like that,—who hold the King's Commission, and, so far as I am aware, these officers are at present getting on very well with their

brother British officers in the Indian army. I am not aware that any difficulty has arisen by giving King's Commission to Indian officers. It is true that in most of the self-governing dominions, if not all the Dominions, the Dominion army officers hold what is called the Dominion Commission, but there is a significance in that which is wanting in the present circumstances of India. The dominions are entirely self-governing ; they have entire control, I believe, over their army policy, and some of them, I believe, are still agitating to establish their right to conduct their own foreign relations. There are Dominion Parliaments which are opposing any idea of their dominions being forced into war without their consent. That is the position so far as the dominions are concerned. In India, on the other hand, we have no control whatever over the army policy or over foreign relations, and I do not think it is proposed by His Majesty's Government to confer these powers on the future Government of India. Therefore, in the case of self-governing dominions, there is a significance, there is a meaning in their officers being called dominion officers, but in our case it is the British policy that governs the army, the strength of the army, the expenditure on the army and the regulation of foreign relations. The Indian army is really a part of the British army controlled by the British Parliament.....

**Mr. B. Das :** Quite so.

**Sir Abdur Rahim :** Therefore, I should like to know from the Government where was the necessity for calling our officers of the future Indian commissioned officers instead of continuing to call them King's commissioned officers. If we had the same form of self-government as the self-governing dominions have, and for which we have been clamouring for years together, then one could understand that there was substance in the Bill which has been now put forward. It is all very well to go before the world and say that we Indians have got an Indian army, that we have got Indian commissioned officers and so forth, but what does it really come to ? Is it an Indian army because the rank and file, that is, the other ranks, as they are called, are Indians ? The whole army policy is controlled by the British Parliament. But does not that make all the difference, the fact that the army policy is controlled by the British Parliament, while, on the other hand, the case is just the reverse in the dominions. I do say, so far as I can see at present, unless the Honourable Member is able to persuade us that there is some substantial ground for making this distinction, for creating this new name, which is not, after all, a very happy name,—there is no reason why should we not continue the name of the King's commissioned officers ? Would it make any difference ? That is the point which I want to be explicitly explained to us by the Honourable Member. Or is it merely a change of name, then why this change ? Has it any significance at all ? Has it a significance in favour of the future officers, or has it a significance adverse to their interests ? If it is a mere name, I do submit that there is no necessity for changing the name. As a matter of fact, there is a feeling in India at present that the design of this Bill is, and the effect of the Bill will be, to reduce the status and position of the future Indian officers. We should like it to be made absolutely clear that that is not the design of the Bill and that it does not contain any provisions which can be worked to that effect. I know the Bill is couched in very general

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terms, but the Honourable Member must know what is the real object of this Bill.

So far as discipline of the army is concerned, we have not a word to say against the principles on which discipline is enforced in the British army, and we are prepared to accept it wholesale. Nobody has yet objected to it. I am a great admirer myself of the army discipline, and I should indeed like that the spirit of this discipline should spread even to our civil life. But that cannot be the entire object. There must be some other object, because there is no provision as regards the pay or privileges of the officers in this Bill, though, I dare say, power will be taken in order to make such alterations as the army authorities may think fit. Sir, Indian opinion, as voiced in the Military College Committee, was that the future recruits should enjoy absolutely the same rights and privileges, the same power of discipline over the men, the same sort of regulations as now prevail in the British army. That was the basis on which we worked on the Committee, and, so far as I am aware, not a word was said at the time that there was going to be any change or alteration made even in the pay of the future recruits. If the Indian Legislature want to reduce the pay, undoubtedly they will do so in the interests of India itself. We know the Indian finances—I speak in the presence of the new Finance Member—are not in a very flourishing condition. I do hope parenthetically that he will be fortunate enough to give us a better budget than we have been used to for several years past ; but whatever may be the nature of the next budget, there can be no doubt that India, in the opinion of all Indian public men that I know of, finds herself very much handicapped in meeting the heavy military expenditure of this country. Therefore I fully recognise and realise that if we could reduce that expenditure, we should certainly do so. But we should like to know beforehand what is in the contemplation of the Government, what will be the status and privileges and salaries of the British officers who will be serving in the same regiment, in the same battalion, what will be the prospects of promotion of the Indian officers of the future *vis-a-vis* the British officers of the Indian army. Will this Bill give power to Government in any way or to the military authorities by any executive order to make any alteration in that respect ? These are very important matters. This House is well aware that Indian public opinion lays very great stress on the question not only of military expenditure but of the Indianisation of the army. We want to be self-contained and self-sufficing with reference to our defence, and we want our defence expenditure to be regulated and controlled according to the actual necessities, and not fancied contingencies. At the Round Table Conferences and before the Joint Parliamentary Committee the Indian delegates strongly advocated that a time limit should be laid down by which the defence of India would be made a responsibility of the Indian Legislature and the Indian Legislature alone. So far as that is concerned, I know that my Honourable friend, the Army Secretary, will say that this Bill has nothing to do with that. I know that that is not the scope of this Bill, but it has an indirect bearing. We want to know why there should be any alteration in even the designations of the officers unless we are within sight of being responsible for the defence of the country. We do not want merely names. It may be a very good thing to put forward before the world that there is an Indian army with Indian commissioned officers, and, therefore,

India has been given the same status as the self-governing dominions. But that is not the fact. India is not being given, and I do not see when it is going to be given, the status of a self-governing dominion within any near future.

So far as the present Bill is concerned, I do not oppose the motion for reference to a Select Committee. It is going to the Select Committee, but we should like to know, before we are going to give a final decision even on this point, why this Bill has been introduced now, what are the circumstances which have made it necessary that this Bill should be brought forward before the Legislature and an Act must be passed like this amending the Indian Army Act. If we are satisfied that this Bill only wishes to place in the hands of the Indian Legislature the question of the discipline of the Indian army of the future—if that is the real scope of the Bill, I do not think that there will be any dissentient voice. But we are not yet satisfied on that point and it will be for the Honourable Member to explain on behalf of Government whether that is the whole scope of the Bill, and at the same time I do hope he will explain to us what are the exact difficulties that have arisen in the present state of the law which have to be met. So far as I am aware and so far as we have heard from the Government from time to time, I do not think any sort of difficulties have arisen with respect to the Indian commissioned officers, and I believe these officers are acquitting themselves well to the satisfaction of the army authorities.

Now, Sir, as regards the Viceroy's commissioned officers, that is another point on which there was a difference of opinion in the Military College Committee. It was strongly urged by some of us that the Viceroy's commissioned officers served a very useful purpose and that was strongly evidenced by the fact that it was not intended to do away with the Viceroy's commissioned officers so long as there were British officers in the Indian army. But it was definitely proposed by the military authorities that when Indian officers are recruited in India with a view to Indianization, at present of one Division, then in that case it would be superfluous to retain the Viceroy's commissioned officers. In that connection I should like to ask my Honourable friend whether the new scheme will not be indeed more expensive than the present arrangements under which the cost of the Viceroy's commissioned officers is much less than that of the King's commissioned officers, both Indian and, still less, of British. Perhaps the Honourable Member will explain to us whether the proposed scheme of doing away with the Viceroy's commissioned officers will not entail a larger number of King's commissioned officers, or Indian commissioned officers as they will be called in the future, and, therefore, a much larger expenditure will be involved. What, Sir, is the justification for it? I remember it was cited to us that neither in Britain nor in any continental army were there these two classes of officers. That is so. I accept that as a fact as it is stated by the military authorities, but even then, things have been going on very well indeed under the present arrangements.

Then I should like to ask where is the necessity for altering that arrangement so as to increase considerably the cost of the Indian army? Sir, that is a question also which has to be answered by the Honourable the Army Secretary. I should like, therefore, my Honourable friend to explain to us in as clear a language as possible what is the present scope of this Bill, what will be its effect on the future recruits *vis-a-vis* the British

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officers, who, under the present definition, will include also the King's Indian commissioned officers. Sir, if there is not going to be any difference of substance, then I do submit that it is extremely embarrassing—and not only embarrassing to the public, but I think it will be extremely embarrassing to the officers themselves to have so many classes of officers at the same time. There will be British officers of British origin, there will be British officers of Indian origin, there will be Indian King's commissioned officers, there will be the Viceroy's commissioned officers, apart from the non-commissioned officers. Now, I ask, is that desirable? It may be said that this is purely a military matter, but why have so many nomenclatures and so many distinctions? Indian opinion, as the Honourable Member must be aware, is extremely sensitive, and naturally so under the present conditions, as regards any distinction being drawn between officers of Indian and British origin serving in the same regiment or even in the same office in a civil Department, and I do think it is a wrong policy on the part of the Government to go on multiplying classifications and nomenclatures unless the Government have something substantial and distinct in view. It may be said that Indians by nature are very suspicious and sensitive. Let it be so. Why not take that fact into consideration? Why create all sorts of further difficulties when there is no necessity?

Now, take, for instance, this fact. There will be not only a distinction between Indian commissioned officers and British commissioned officers of British origin, but there will be a distinction between Indian commissioned officers and the Indian officers holding the King's Commission. Now, that is not going to ensure the smooth working of the army. Remember that in the army it is absolutely essential that there should be absolute discipline and contentment. It would be a disaster if there should be any sort of feeling created in the officer personnel of the Indian army or rather one class of officer personnel that in some way or other they are not on the same footing as the other officers. Surely, Colonel Lumby ought to be the first man to realise that as vividly as anyone else. Is that desirable? We know in the civil Departments how much heart-burning is there over any distinctions that are made between two officers discharging similar duties on the ground that one officer is recruited from overseas and the other officer is recruited in India. Colonel Lumby must have heard of Lee concessions. He must know, because they have also been extended to the army. He should know what considerable bad feeling has arisen owing to the Lee concessions both because they entail a very heavy expenditure indeed and also because they create a distinction between two officers engaged in performing the same duties from day to day. Now, it will not be merely in name that the distinction is going to be created, for the Honourable Member has told us in so many words that there is going to be reduction in salary and other privileges also. I should ask him and the Government seriously to consider whether that is a desirable step to take now. Sir, I had been a member of one important Public Service Commission which for three years collected evidence from the officers of Government as well as from the public, and nothing impressed us more than the undesirability of drawing distinctions among the same class of officers unless it can be shown that one class of officer is discharging duties of a different order from another class of officers. Sir, if the result of this Bill in the long run be that power will

be taken in order to affect the salary and the privileges of the future recruits without the full consent of this Legislature as representing the public, then I do say that it will be adding another trouble to the troubles that are already there.

I do not wish to take any more of the time of the House, because, if the explanation that we expect from the Honourable Member is given to us and is found satisfactory, we shall go to the Select Committee and there we shall have full opportunity of discussing all the details, but we do want at this stage to know very clearly what the exact scope and effect of this Bill is going to be. If the Honourable Member is able to satisfy us that there will not be any change of the nature about which I have expressed an apprehension, then in that case there will be no difficulty whatever. In the course of his speech he suggested—I do not think he meant to convey it—that this Act is likely to place us in the position of being master of our defence policy. I do not think he meant that.

**Mr. B. Das :** He did not mean it.

**Sir Abdur Rahim :** I know he did not mean it. If that were so, we should have hailed the advent of the Honourable Member in this Assembly with acclamation which no other Honourable Member has yet received. But I know the policy does not lie with him, nay it does not lie even with his Government. His Government are to carry on the dictates of the Whitehall. We know that fully well. We know from our day to day experience that the Government of India are not the masters of the situation. They are a mere agent of the Secretary of State who, in army matters, is to be guided by the Army Council and by the policy of the British Government. Sir, I do not think that this Bill will in any way take us one step further than where we are at present so far as the control of the army is concerned. It may be a mere change of name, though I am not clear about it. I have suggested that it might create further difficulties. If it be a mere change of name, even that is not desirable. But if it is going to create any distinctions of a substantial character in the privileges of different classes of officers, I am sure, this side of the House will not give its support to the measure.

**Mr. B. Das :** Sir, in a way it is but appropriate that our old friend, Colonel Lumby, should pilot this measure on the floor of this House. Let me take this opportunity to join hands with Dr. Ziauddin Ahmad to congratulate him on his able maiden speech. To some of the old Members of the House Colonel Lumby is not a stranger. We met him in the Skeen Committee and we also met him, as the Leader of the Opposition pointed out, in the Indian Military College Committee and in other Committees. We have found that he has a heart of gold and a heart which is full of sympathy, but, Sir, as Army Secretary he is helpless. He is utterly helpless, because, not only the Army Secretary, but also the Government of India are in the grip of the vice of the British War Office which is grinding the Government of India and which is committing India into too excessive expenditure for the imperialist policy of Great Britain, not only in Asia, but all over the world. If our gallant friend, Colonel Lumby, therefore, is unable to give a satisfactory answer to those very pertinent questions that the Leader of the Opposition has addressed him, we will excuse him, because he is entirely helpless. He is under the dictates of his master, the British

[Mr. B. Das.]

War Office. Sir, as one who has studied behind the scenes, I mean from the floor of this House, the doings of the Round Table Conferences and the Joint Select Committee.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : This House is not behind the scenes !

**Mr. B. Das** : Behind the scenes of the Round Table Conferences and also the Joint Select Committee, and if I have read aright that paper known as the White Paper which is dubbed as the Black Paper for India, the army portfolio is going to be a completely reserved subject. It will be under an Army Councillor. Some people gossip—I have seen it in the newspaper gossip—that Indians are also considered fit to be an Army Councillor provided they are benighted Knights and provided also they are harmless and sufficiently safe, so that without having any power of voting in the future Federal Assembly he will come and read his sermon and his homily to the elected representatives of the Assembly. I must not forget that these representatives to Federal Assembly will no longer be elected. Already, it is in the air that the Federal Assembly will have indirect election. So, Sir, what is the hurry to have this Bill ? Why not wait for another two or three years ? Let the new Constitution Act come. Let us see what is the position of the army under the new Constitution.

My Honourable friend, Colonel Lumby, has tinkered with the Skeen Committee report and with the other Committees' reports regarding the policy of Indianisation. I know my Honourable friend, Captain Sher Muhammad Khan, is very anxious to speak and he will talk of the Indianisation of the eight units. He will talk of many things on Indianisation, but I wish that he will give us the figures as regards the question that was put by the Leader of the Opposition, and he will tell us when the Indian army will be completely Indianised. I am not talking of the British section of the army, I am talking of the Indian section of the army. There was a wave of Indianisation all round. The Simon Commission report, and the Government of India Despatches are now dead letters. But a scheme was given for Indianisation by one Member of the Executive Council. I do not know if he is present, because all old friends are going away, they are translated elsewhere or they retire. In the Government of India Despatch, paragraph 107, it is said :

“ A scheme contingent on exclusion of defence :—In this connection one of our number wishes to draw attention to a scheme which in his view would deserve careful consideration, if it were found possible in agreement with Indian opinion to place the administration of the army and the defence of India in the hands of the Governor General.”

Sir, it went on to suggest to have an Indian army under the Governor General in Council, to Indianise the army completely and by and by to do away with the British army in India. If that was not acceptable to the majority of the Executive Council, then, in 1930, when this Despatch was sent out, how could it be acceptable today to the die-hard British Government which has gone back on its pledges not once, not twice, but hundred times. How could that scheme, put forward by the Indian Executive Councillor, be acceptable to the British now, and here I pay my tribute to that Executive Councillor, whoever he is, I pay him my tribute as well as the tribute of the Indian nation for conceiving and



boldly putting forward that scheme before his colleagues in the Governor General's Executive Council.

As I was saying, what was the hurry for this ? What will happen ? The Army Secretary's only plea is, what would be the position of these few students who will come out of the Indian Sandhurst ? They will be still army officers. If they do not get this Indian Commission, they will get the King's Commission. As I read the other day, the *Statesman* was trying to propound that riddle. The *Statesman* suggested that if the Assembly throws out this Bill, then naturally these officers will hold King's Commission. I do not mind their holding the King's Commission or any other Commission. But, at this stage, I would have expected the Army Department to have brought forward this Bill two or three years ago. They did not do so. At this stage, we know that the whole question of the army is on the anvil and we also know that we are going to get nothing. The British army has completely entrenched itself in India. This view I have expressed on the floor of the House. While Britain talks of peace in Europe and speaks of disarmament in Europe, Britain creates in India a huge army, so that Britain could fight Japan and fight the menace to Australia and to other dominions that defy Britain herself and do not spend any money on the army. The Indian army which conquered China and which helped Britain to conquer Egypt will go to fight for Australia, although Australia is a white man's country and Indians are banned from entering that country. I do not find my Honourable friend, Mr. Bajpai, here to contradict me that Indians have got certain rights in Australia. That is the British policy and those of us who have read the White Paper line by line, those of us who have understood the implications of the White Paper know it for certain that the Indian army, that an army under the Viceroy or the Government of India is a myth and an impossibility. If that is so, then I do not care, I do not want this Indianisation of these small units, providing a few jobs to a few of the old officers' sons or the sons of non-commissioned officers or other Government officers. What is the result ? Will Colonel Lumby, when he replies, tell us how many of these Indian Lieutenants and Captains have been cashiered, have been disqualified ? Do they receive equal consideration from the European officers in the army ? Do they receive equal pardon from the Army officers ? How many of them have been shunted off, as officers looking after the Cantonments ? How many Indian army officers are cantonment officers ? That shows that they want to prove that the Indian has no army mentality. They want to prove that the Indian is unfit to command armies. My Honourable friend Captain Sher Muhammad Khan might have commanded a regiment. I do not know what he did. But when it comes to the brass tack and when it comes that an Indian like Captain Sher Muhammad Khan should lead an army, that British officers should serve under him, they say, "no, that should not happen". If that be the case, I do not want this Bill. I would like to wait, I would like to see the whole picture, the complete picture that our Round Tablers have brought to us from England. I find very few of them present here, even our friend, Mr. Ghuznavi, is not here at the present moment. To Britishers, they would leave all the bigger issue ; they never thought of the huge army expenditure that is sucking India's life blood like an octopus. I am always sceptical, and at this moment also I am sceptical. The present Army Secretary and his predecessor, knowing as they did that the Capititation Tribunal was going to enquire into

[Mr. B. Das.]

the whole question, yet had blocked the House from discussing that point. The previous Army Secretary said, no, it was not going to enquire into the bigger question of India's defence problem, but yet when the report came out, we found that it dealt with the whole subject. Sir, I am divulging no secret of the Public Accounts Committee when I say that in that Committee there was a certain document from the Home Auditor which said that the net result of the Capitation Tribunal award was that India should not pay a penny to England and that England will not pay a penny to India and the former Finance Member on the floor of the House felt elated to talk to us that he got a windfall of Rupees two crores which will tide over his difficulty. Of course it has tided over his difficulty momentarily. He has left the shores of India and, if any further difficulty comes in, it is the new Finance Member that has to face the payment to England on the heavy capitation charges and other home charges. Neither the Finance Member nor the Army Secretary ever took this side into their confidence and told us that the net result of the British War office award was zero. India gains not a pie ; India pays on for the arbitrary charges of England for maintaining a huge British army in India,—the capitation charges for British infantry and the Royal Air Force balance the War office contribution of a million and four thousand pounds. Is it not a shame, Sir ? Where is the give and take policy in this House from the side of Government to this side of the House ? We moved two adjournment motions on the Capitation Tribunal. The Finance Member made speeches and asked us to demand for more contribution from England, but the whole story was not given out. It is for the Opposition to find out the real position. So, I am not sanguine that even the present Army Secretary who is so friendly will impart the secrets of the War office or the Army Council, and rightly, therefore, has the Leader of the Opposition asked him the main question as to what is behind it all. There is something behind it. This camouflage will not do, this smoke screen will not do. No longer will a few non-commissioned officers' sons trained at an Indian Sandhurst or a London Sandhurst satisfy India. India wants to know where she stands. And we will not know it until the new Constitution Bill is passed, until the Joint Committee report comes out, trickled down and whittled down by the die-hards in England like the Churchills and the Rothermeres. Until that is done, then, in spite of assurances, in spite of fond hopes from this side, we will not believe that the people of India, the elected representatives of India in the future Legislature, will have any control over the army. So, what do we care for a few army officers which, as the Leader of the Opposition pointed out, number only 163 ? And he put the question, when it will be Indianised ? I said, two hundred years. Not even in two hundred years, because the human span of life is only 30 years ; and, through the merciless cashiering policy of military Generals and British officers, most of these officers will be decapitated from service before they become Captains.

Sir, the Army Secretary said that if this Bill was not passed here, it would be an Act of the House of Commons. I will prefer that it should be an Act of the House of Commons. Then, all the sins of omission and commission will be on England. We say and we maintain that Britain is maintaining an impressed army here. So we are not going to allow any legislation on the army and navy to be passed on the floor of this House.

let it be legislated in the House of Commons. Even under the new Constitution Bill, as it is contemplated,—I am subject to correction by my new friend, the Honourable the Law Member,—80 per cent. of the finance will be controlled by the Financial Adviser and not the elected Financial Minister in this House. So, 80 per cent. of the finance will be controlled by means of legislation in the British Parliament. So, why not let the whole army question be controlled by legislation in the House of Commons? That is my view and, for that reason, I oppose this Bill. I oppose this Bill and I believe that on that account the slow process of Indianisation will not be stopped. It will continue, but let the British Parliament legislate. Let it segregate these Indian officers to a different rank. And, as the Leader of the Opposition rightly pointed out, the dominions enjoy dominion status. Therefore, the dominion officers have a status of their own. In India the new Constitution Bill is bringing us nothing; it is perpetuating our slavery for another 50 or 100 years unless another great war begins or some revolution takes place in England whereby India gets her freedom and gets at least dominion status. If India does not get dominion status, what is the use of this puny, tiny legislation, making a few Indian boys think they are commissioned officers of the Government of India? And what is this Government of India? (*Captain Sher Muhammad Khan Gakhar*: "You, Mr. Das.") The Government of India I am talking of is a slave of the British Government. If I live up to that age, when I become a member of the Dominion Government of India, then we will not be slaves of the British Government. We will be equals of the British Government and of all the Dominion Governments. That kind of Government I contemplate, and until that Government comes, this kind of Bill is trash and useless, and, on these grounds, I oppose the Bill.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official): Sir, I join my Honourable friends, Dr. Ziauddin Ahmad and Mr. Das, in congratulating the Army Secretary on so ably explaining the objects of the Bill.

Before I deal with the objects and the necessity of the Bill, I should not forget to say a few words about my Honourable friend, Mr. Das. My Honourable friend, Mr. Das's speech is a blank shell to me as we fire blank shells in manœuvres without any result. I do not think my Honourable friend has read the Bill. He has talked of the policy of the army, but I do not believe that my friend has given any attention to the object and the necessity of the measure. As far as I understand, the necessity of the Bill is, that, within a short time, the first batch of the Indian army cadets will come out of the Indian Military College and their designation will be Indian commissioned officers. In this Indian Army Act, there is no word as Indian commissioned officers. This deals only with British officers, Indian officers, warrant officers, non-commissioned officers and men. So we must have a provision, before the first batch comes out from the Indian Military College, to bring them under the Indian Army Act.

**Sir Abdur Rahim**: Why should they not get the King's Commission?

**Captain Sher Muhammad Khan Gakhar**: I am coming to explain that. There are two kinds of Commissions at present in the army, King's commissioned officers and Indian officers with the Viceroy's Commission. The King's commissioned officers are of two kinds, Indians

[**Captain Sher Muhammad Khan Gakhar:**]

holding King's Commissions and Englishmen holding King's Commissions in the Indian army. Any person holding a Commission in His Majesty's forces,—does not matter whether he is an Indian, Canadian, New Zealander or English,—is a British officer. So we have two kinds of officers in the Indian army, British officers and Indian officers with the Viceroy's Commission. Now, the object of the Bill is that we want to bring the Indian commissioned officers who are coming out from the Indian Military College under the Indian Army Act. We must have a definite provision for that purpose, and that is the object and necessity of the Bill. The British officers and Indian officers are already under the Indian Army Act, and these officers from the Indian Military College have to be brought under that Act. My friend, Mr. B. Das, says that we should wait till the new Constitution comes. It will take I do not know how many years, but the first batch is coming out next year from Dehra Dun, and we have to bring them under the Indian Army Act. That is why this Bill has been introduced.

My Honourable friend, Dr. Ziauddin Ahmad, asked, why should we not make the same rules and regulations for the Indian army as for the Dominion army?

**Dr. Ziauddin Ahmad:** I said for the British army. I am told the Canadian army rules are the same.

**Lieut.-Colonel A. F. B. Lumby:** I only referred to the form of the Commission which is the same as that held by the officers of the Canadian permanent forces. I did not refer to the rules.

**Captain Sher Muhammad Khan Gakhar:** That was what the Honourable the Army Secretary meant, that the form of the Commission is just like the form of the Canadian Army Commission. The Canadian Army Commission, as I understand, is given by the Governor-General of Canada on behalf of the King-Emperor and signed by him. In the same way, these Commissions to be given to the Indian commissioned officers will be given by the Governor General in India on behalf of the King. That is what the Honourable the Army Secretary meant, that the form of the Commission is just the same as the Canadian Army or the New Zealander or Australian. I understood the fear of my Honourable friend, the Leader of the Opposition, Sir Abdur Rahim, to be this: that now that the total strength of active officers is 3,200 and we are only giving 60 Commissions annually, how are we going to fill the wastage?

**Sir Abdur Rahim:** I said the total number of Indian officers holding the King's Commission is about 161. What was the number recruited last year and this year? I think it was about 23.

**Captain Sher Muhammad Khan Gakhar:** I do not believe the Government will stick to this 60. His Excellency the Commander-in-Chief said in the Indian Military College Committee:

"Our first task is to create a steady flow of fine young officers. Once that is established, we can then proceed to expand as much as you like. Up to that point, however, I see no alternative to developing Indianization within a definite field. Accordingly we must fix our intake to start with, and trust to increasing that figure as soon as we are assured that a regular supply of candidates of the requisite qualifications is forthcoming, and that the class of candidate we are getting is of the right type."

**Sir Abdur Rahim :** What is the actual number that has been recruited from Dehra Dun so far ?

**Lieut.-Colonel A. F. B. Lumby :** None yet : the first batch is going to pass out at the end of this or the beginning of next year ; it is for that reason that this Bill has been brought forward.

**Sir Abdur Rahim :** Has not a certain number passed out of Dehra Dun ?

**Lieut.-Colonel A. F. B. Lumby :** Not from the Indian Military Academy.

**Sir Abdur Rahim :** I was told about 23.

**Lieut.-Colonel A. F. B. Lumby :** No, no.

**Captain Sher Muhammad Khan Gakhar :** At present the total strength of officers on active list is 3,200. Under the new scheme, the Indian commissioned officers coming from Dehra Dun will replace Viceroy's commissioned officers in Indianised units. At present the total strength of British officers and Indian officers is 13 and 19, respectively, in each unit of cavalry or infantry. When these Indian officers are completely replaced by the Indian commissioned officers from Dehra Dun, the total strength of officers in a unit will be about 28, as in the British army. As far as I understand, the new designation is introduced to differentiate between Viceroy's commissioned officers and British officers ; and, as long as the Viceroy's commissioned officers and British officers exist in the army, we must have this new designation to bring them under the Indian Army Act, because now, as the Commission will be given by the Governor General in Council on behalf of the King, these officers are not entitled to be called British officers ; there will be no difference, simply bringing in the word Indian commissioned officers to distinguish them from the others. There will be no difference either in the power or the status or dignity of these Indian commissioned officers. I questioned the Honourable the Army Secretary privately and asked him : suppose in one Brigade there is a British unit and an Indian unit and an Indianised unit and there are Indian officers coming out of Dehra Dun called Indian commissioned officers ; if he is a senior, will he command the whole Brigade and have the same power of command ? Then my friend told me that there will be no difference at all between Indian commissioned officers and King's commissioned officers in status, power and dignity.....

**Sirdar Harbans Singh Brar (East Punjab : Sikh) :** They will introduce the 8 unit scheme, so that Indians will never have Britishers under them.

**Captain Sher Muhammad Khan Gakhar :** But when the units are combined, there will be no difference at all. As regards Indianisation of the army, there is no doubt that when these Viceroy's commissioned officers are replaced by the Indian commissioned officers, then the total strength of one unit would be increased and there will be about 6,000 officers altogether. Then we will have to increase the number—we cannot stick to this figure of 60. His Excellency the Commander-in-Chief himself has said this in his first note that when the experiment proves successful, the number can be increased : the present number will not suffice to fill the gap of the wastage caused when we have 6,000 officers.

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Therefore, I am sure that when the time comes, the number of Commissions will have to be increased if we are to replace the British officers.

As regards the Viceroy's commissioned officers, I quite agree with my Honourable friend, Sir Abdur Rahim. I opposed and protested against the disappearance of these officers ; they have served the Indian army for a century and have served well and ably during the Great War even when they were not given a chance to command. In the old days, the highest ambition of an Indian sepoy was to be a Subedar-Major or Risaldar-Major ; but, under the new scheme, when the Viceroy's Commission disappears, the ambition of the new educated recruit will be to become a Commander-in-Chief : he can become one if he obtained all the required certificates after passing the course at Dehra Dun ; he can rise to the highest post if he is able to pass the Staff College. If the Viceroy's Commission disappears and these boys get this education and this privilege of joining the academy at Dehra Dun, they can rise to the highest rank.....

**Mr. B. Das :** Can he become the Commander-in-Chief and command the British officers or the British regiments in India ?

**Captain Sher Muhammad Khan Gakhar :** When he is Commander-in-Chief, he will command every unit, no matter what nationality it is.

The other question is about the complete Indianisation of the army : that question was discussed in the Round Table Conference also : I quite agree with my friends who are anxious to rapidly Indianise the army : a Resolution was moved in Delhi and it was carried : I have every sympathy with Indianisation ; but, at the same time, we should not lose efficiency : and, if this one Division scheme is successful, then the number of Commissions will be increased and we will get more rapid Indianisation as soon as possible. With these few words, I support the motion that the Bill should go to Select Committee.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the motion of the Honourable the Army Secretary that this Bill be sent to a Select Committee. But, at the same time, I must say that I am not still convinced of the necessity of this Bill.

**An Honourable Member :** Then why support the motion ? (Laughter.)

**Mr. B. V. Jadhav :** At this time the reason given is that a new batch of cadets from the Indian Academy at Dehra Dun will come out some time next year. But I do not see why a special nomenclature should be invented for them. The cadets that came out of Sandhurst are now classed as British officers, because they are holding the King's Commission. The officers that will come out of the Indian Academy are also going to hold His Majesty's Commission. I am reading from clause 5 (b) (2) where it says :

“(2) ‘ Indian commissioned officer ’ means a person commissioned, gazetted or in pay as an officer holding His Majesty's Commission in the Indian Land Forces, and includes, in relation to a person subject to this Act when serving under such conditions as may be prescribed, a person holding a Commission in the Indian Air Force.”

Now, Sir, if this officer, who is coming out of Dehra Dun, is to hold a King's Commission, I do not see any special reason as to why he should be called an Indian commissioned officer and why there should be a difference in the commissions of the persons who come out of Dehra Dun and those who come out of Sandhurst or Woolwich. Sir, I want to be convinced of the necessity for the change in nomenclature. If there is necessity for the change in nomenclature, then, of course, the amendment of the Bill will be justified. We are assured by the Honourable the Army Secretary that, under the Indianization scheme, as time goes on, the number of the British officers will be reduced and ultimately they will disappear, and also under the new scheme adopted by the army as regards the Indianized units the Viceroy's commissioned officers will diminish gradually and ultimately they will disappear. Much has been said against this policy of doing away with the Viceroy's commissioned officers. My friend, the Leader of the Opposition, has given his reasons, and I entirely agree with them. The Indian army is a very expensive machinery, and this side of the House has been calling upon Government to reduce the army expenditure. I understand that under the new scheme the officers, who will come out of the Indian Academy, will receive a smaller salary than the British officers coming out of Sandhurst. As a measure of economy, I shall not say anything against it, but I think this differentiation in pay will spell a lower status and a lower dignity, and, therefore, I do not support the new scheme of reduced salaries. British officers will receive a higher salary than the Indian officers serving in the same unit, and perhaps the Indian officer may be senior to a British officer; but still if he is not to receive the same salary, the differentiation will be very much felt by the Indian officers. And, Sir, it is a well known fact that service in the army at least during the first few years is not remunerative and that the army officers are generally indebted to the money-lenders in military stations. If their salary is still reduced further, how can the new officers maintain their dignity and their status? If they do not keep up the same position, the inferiority complex will come into operation and the Indian officers will be held in contempt by their colleagues who come out of Sandhurst or Woolwich. That is also another reason why the new scheme should not be supported.

Then, Sir, if the reduction in the salary of the Indian officer is necessary in the interests of economy, why add expenditure by substituting the Indian commissioned officer for the Viceroy's commissioned officer? That also will entail very heavy expenditure, and ultimately it will be found that the army expenditure will increase enormously and that will place a heavier burden on the revenues of India.

Then, Sir, there is another point in doing away with the Viceroy's commissioned officers. At present each Indian regiment is provided with 12 British officers, that is, officers who have passed out of Sandhurst. Under the new scheme, 28 officers will be required, and so the rate of Indianisation will be retarded by two and one-third times. If Indianization would have taken place within a number of years, now it will take 2-1/3 years for it. That is an additional burden, that is an additional impediment thrown in the path of Indianization. Sir, the army discipline must be maintained. The army is a very necessary thing, and India is always proud of her army. The Indian army has distinguished itself not only in India, but also in foreign countries, and I know

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that Indian officers have done their best to maintain the credit of their country and add to the lustre of her fame. Indian officers will continue to do the same. We have now only 60 admissions to the Indian Military Academy, but normally wastage is between 120 and 180. According to the estimate of some it is about 180, while others estimate it at 120. But when the Viceroy's Commission is done away with, the wastage will still be greater, and I think it will be about 240. With the yearly wastage of 240, only 60 cadets will come out of the College every year. That is a very small number, and, therefore, there is necessity for at least quadrupling the number. His Excellency the Commander-in-Chief has promised to look into this matter later. He wants to see the actual working of the Indian cadets who have come out of Sandhurst; when they actually attain the status of company commanders, then he will see whether the Indianization scheme is going to succeed or not, and only then he is going to consider the question of increasing the number of admissions to the Military Academy. I hope, Sir, that time will soon come and that the Military Academy will be enlarged.

Now, Sir, this Amending Bill seeks to add to the category of officers in section 7 of the original Bill. I have already stated that I do not see any necessity to add another category. At the time when the Bill was passed in 1911, the Indian officer was known only as the Viceroy's commissioned officer, but now another category of officer is sought to be added to it, and in process of time it is intended that the Viceroy's commissioned officer only will disappear. I do not like this contingency of the disappearance of the Viceroy's Commission, and I do hope that, in the interests of efficiency and economy, the Army Department will see the necessity of keeping it. At present they propose to Indianise only one Division. In other Divisions the Viceroy's commissioned officers will remain and there the new men from the Academy will be posted also. In that case there will be two categories of Indian officers,—the Indian officers from the Military Academy and the Indian officers who are now known as Viceroy's commissioned officers. So, in the non-Indianised units these two officers will work side by side, and if that does not come in the way of efficiency—and there is no reason why it should come in the way of efficiency, because we have seen that the Viceroy's commissioned officers have discharged their duties very creditably on the field of battle and also in service in peace time,—so, if in the non-Indianised units the presence of the Viceroy's commissioned officer does not come in the way of military discipline and efficiency, there is no reason to say that in the Indianised units the number of Viceroy's commissioned officers should gradually dwindle down until they disappear altogether. So I think the Army authorities should reconsider the question, and I would ask them to retain the services of the Viceroy's commissioned officers. I do not like the idea that the new officers that will be trained in India should have a lower status than their brethren who come out from the British Sandhurst or Woolwich. It is necessary for the good discipline of the army that there should be no class distinction. Class distinction should be abolished altogether and all should be on a footing of equality. At the same time I must raise a voice of protest against the insinuations of my Honourable friend, Mr. B. Das, that the army officers are generally



recruited from the sons of commissioned officers and non-commissioned officers. It is not so. 30 admissions are made every year to the Military Academy from the young men who offer themselves from the various colleges. These men have generally no previous connection with the army, and, in this way at least half the strength of the army will be from those who are generally not previously connected with the army. Therefore, there is no reason to say that the army is a preserve kept for the sons of men who are actually serving in the army. The cadets that are taken directly on the results of a competitive examination are treated in the same way as the cadets who are taken from the ranks, and although those who are taken from the ranks have got a good deal of previous training, the period of training at the Military Academy now has been kept the same, that is 2½ years I think. I may say that the cadets from the army who have actually served in the ranks for some years are not treated as well as those who have come up on the results of a competitive examination; the latter are treated actually better. So, those who have not got any military traditions behind them have not got any grievance at all and their advocates, I think, should take all these things into consideration and abstain from making irresponsible statements.

**Lieut.-Colonel A. F. R. Lumby :** If in my speech this morning I gave the impression that this Bill dealt with the policy of army administration, I must apologise to the House. What I wished to convey was that it dealt wholly and solely with discipline. The Indian Army Act is the Act which at present governs the discipline of the Viceroy's commissioned officers, warrant officers, non-commissioned officers and other ranks of the Indian army, and now it is proposed to include the new type of officer coming out of the Dehra Dun Academy in the Act as well. The first batch of these Indian commissioned officers will be leaving Dehra Dun at the end of the year, and it is essential that some arrangement should be made for their status and discipline. That is the reason why this Bill has been brought forward now and why we do not consider that it can be kept over until the new Constitution, as suggested by my Honourable friend, Mr. Das, comes.

As regards the Indian commissioned officer, it was said by the Leader of the Opposition that everything in connection with these officers had been done secretly and that the House had not been taken into the Government's confidence. As far as I know, all proposals connected with the Indian commissioned officer have been made known from time to time in this House, first of all, by Field Marshal Sir William Birdwood in 1928 and at various times since then by the Army Secretary in his Budget speeches. At the time of the Indian Military College Committee. His Excellency the Commander-in-Chief certainly made a statement to the Committee as regards the reduction in pay; and a press communiqué was also issued announcing this fact. It has always been known to all the cadets who have now been for two years at the Academy. But the point that I want to make is that, though there will be this reduction in pay to bring the Indian commissioned officer on to an Indian scale of pay instead of the British scale of pay drawn by the Indian officers trained at Sandhurst, there is every intention that otherwise his powers and privileges, and certainly his powers and privileges under this Act shall be the same as those of the British officers of the Indian army with whom he will be serving.

[Lieut.-Colonel A. F. R. Lumby.]

The rate of pay which it is proposed to give the Indian commissioned officers is based, like the rate of pay that is now being given to the officers of the Indian Air Force, on the pay that is drawn by the British service officer serving in England. That seems to me to be a reasonable arrangement. Then, again, the Indian commissioned officer is to have different leave terms to the British officer. That, again, seems to be a reasonable arrangement; for he has not ordinarily got to return some thousands of miles to his home when he goes on leave and there is no point in giving him leave concessions which, for an officer living in his own country, would be over-generous. The fact that the Indian commissioned officer will thus be in certain respects on a different footing to the British officer, particularly in the matter of pay, is one of the reasons why he is being given the separate title of Indian commissioned officer. Another reason is that he and the officer of the Indian Air Force were born together in the mind of the Government; and it is Government's desire that they should both be on the same footing. It seems much more logical to insist that the officer of the Indian Air Force and the Indian commissioned officer of the Indian army should be on the same footing in all respects than that there should be an exact similarity between the British officer of the Indian army and the Indian commissioned officer.

Then, as regards my Honourable friend, Dr. Ziauddin Ahmad's, question as to whether the rules which it is proposed to make under this Act for the Indian commissioned officer are the same as those which govern the British officer who gets his commission after training at Sandhurst or Woolwich, I can assure you that the various clauses in the Bill which deal with matters such as right of appeal, penal deductions, punishments and the like, are based on the corresponding clauses of the Army Act, and, therefore, it may be said that the British officer, though he is under the Army Act, and the Indian commissioned officer, will, to all intents and purposes, be governed by exactly the same rules. I am afraid I know nothing about the detailed rules by which the officers of the Canadian forces are governed. The only thing I know is that the form of Commission which they hold is almost word for word the same as the Commission which is being given to the Indian commissioned officer and which has already been given to the officers of the Indian Air Force.

There is another point with regard to the proposal to institute this separate category of officers. If the officers coming out from Dehra Dun were given the same type of King's Commission which has been given to the officers who came out of Sandhurst, the cost of a battalion or of a cavalry regiment of the Indian army would be no less than it is at present; and if it was proposed, as is the case, to adopt a homogeneous officer establishment for these units, the cost would be far greater than it is at present. Actually, the establishment, which is proposed for the future, with nothing but Indian commissioned officers will be cheaper than the present establishment consisting of British officers and Viceroy's commissioned officers.

With regard to the sad fact that it has been decided that the Viceroy's commissioned officer shall gradually disappear out of the Indian army, I would merely say that this decision was reached on

grounds of efficiency as much as anything else, and I would add that everything possible is being done to provide the class who formerly could rise from the ranks to obtain the Viceroy's Commission with other openings in the army. As has already been stated this afternoon, their sons have allotted to them at the Indian Military Academy fifty per cent. of the vacancies, and in addition there will be in the new battalions and regiments of the Indian army a number of warrant officers who will have much higher status and a higher rate of pay than the warrant officer of the past has had. These appointments will give those of the rank and file, who cannot aspire to enter the Indian Military Academy, a chance of rising to positions in the army which, though not as high as the Viceroy's Commission, will not be very far behind.

I would refer now to the matters of policy which were raised originally by the Honourable the Leader of the Opposition. It is a fact that for the present the output from the Indian Military Academy will only be sixty a year. That output is based on the Division which, as was announced some years ago by His Excellency the Commander-in-Chief, it is proposed to Indianise as a start. In the same speech of His Excellency the Commander-in-Chief to the Indian Military College Committee from which my Honourable friend, Captain Sher Muhammad Khan, quoted, His Excellency said that at the present time it was impossible to judge of the success of the experiment of Indianisation, but that he thought that probably in seven years' time it would be perfectly possible to judge. I think that statement was made in 1931. In any case the figure of sixty is no hard and fast figure. There is no reason why in time it should not be increased. The point I wish to make is that the time when it is increased and the extent to which it is increased will, as stated by His Excellency the Commander-in-Chief when he opened the Indian Military Academy, depend in actual fact on the cadets who are now at the Academy and who will shortly be passing out of it, and on their successors. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee, consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhuput Singh, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harban Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. Dalal, 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.

## THE INDIAN CARRIAGE BY AIR BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

[Sir Frank Noyce.]

Sir, there is, I think, very little I need say in support of this motion. As has been set out in the Statement of Objects and Reasons, the Bill has been framed to enable India to implement the provisions of an International Convention on the subject of carriage by air which was signed at Warsaw by certain Governments in October, 1929. India was not one of those Governments, and the Convention has not yet been signed on behalf of India; but its provisions have been carefully examined and we have found that they appear in all respects suitable to Indian conditions. It is, therefore, proposed to ratify the Convention, the provisions of which are, as will be seen, incorporated in the First Schedule to the Bill as soon as the Bill itself is passed. The Convention defines the liability of international air carriers *vis-a-vis* passengers and consignors and consignees of goods by air, the conditions which have to be fulfilled by the respective parties, the form of passenger tickets and consignment notes, and related matters. It applies only to international carriage by air, which is defined as carriage from the territory of one High Contracting Party to that of another, but, in certain conditions, carriage from one point to another within the territory of a single High Contracting Party is included. The House will see that by far the greater part of the Bill and its Schedules is devoted to the details of the conditions to be complied with, the form of tickets and consignment notes and such-like matters. It is, I think, unnecessary for me to weary the House with a detailed explanation of these matters. They were settled after examination, extending over several years, by a Committee of experts who had both legal and air-transport experience. This Committee (Comité International Technique d'Experts Juridiques Aériens) has for some time been engaged in the examination of questions of air law—a subject which has been found to contain many thorny problems. We who have not their wide knowledge and experience are not in a position to improve on their conclusions. There is one point to which I might perhaps direct the special attention of the House. The liability of air carriers is expressed in French gold francs at their last stabilised value. For the purpose of determining the compensation payable in a case brought before a Court in British India the sum will be converted into rupees at the current rate of exchange at the time judgment is passed. For example, the limit of liability in the case of death or injury of a passenger is Frs. 125,000 which is equivalent approximately to Rs. 22,000 today. A Protocol to the Convention provides that a Contracting State may at the time of accession make a declaration to the effect that the provisions of the Convention shall not apply to commercial operations carried out directly by the State. It is not proposed to make any such declaration on behalf of India, so that should the Government of India at any time operate a State air service and should that service engage in international carriage as defined in the Convention, then they would have the same obligations and secure the same protection as ordinary commercial operators.

I need not, in a House which has always shown special interest in air transport, dilate on its rapidly growing importance. It is not perhaps an exaggeration to say that new air services, both international and internal, are coming into operation in some part of the world every month. The merest glance at the map of the eastern hemisphere reveals one outstanding fact. India lies athwart every main route between the east and the west, with one exception, the trans-Siberian route; with that exception, no air service can be operated between Europe in the west and all the

great countries of the east, China, Japan, Australia and the Dutch East Indies, without crossing India ; and it is for that reason that it behoves us to set our house in order and to get our air laws on a satisfactory basis. A journey lasting only a day or two may take an air carrier across the territory of several States, and, in these circumstances, the desirability that the law governing contracts in relation to passengers and goods should be uniform requires no emphasis from me. There are already three international air services, the trans-India service operated in conjunction by Imperial Airways and Indian Trans-Continental Airways, the Royal Dutch Air Line and Air France, and the need for legislation has therefore become urgent. I should mention that the British and Indian companies operating the trans-India service have provisionally applied the conditions of the Warsaw Convention to their relations with passengers and consignors of goods, and that both France and Holland are signatories to the Convention. There is at present no specific law which governs the conditions of internal carriage by air in India, beyond the general law of contract and the law relating to carriers on land. Provision has therefore been made in the Bill giving powers to the Governor General in Council to make rules extending the conditions of the Convention, with such modifications and adaptations as may be necessary, to carriage by air within India. I think there can be no doubt of the advantage of applying a uniform system of law to regular air transport in India whether it be internal or international. I would only say in conclusion that, as this and the Bill in regard to which I shall be making a motion shortly deal with closely related subjects, it has been thought convenient that the same Select Committee should deal with both. The names I have mentioned will, therefore, also be put forward for the Select Committee on the other Bill which I am moving in regard to the control of the manufacture, possession, etc., of aircraft.

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtnza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajeo Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I am sorry that I have to oppose this motion for Select Committee mainly because of the personnel. I find that by secret arrangement names are put in for Select Committees and at times certain Parties are shown a preference and other Parties are kept in oblivion. I have noticed that in the two previous Select Committee personnel, and, if I did not raise my voice at that time, it was because I was inquiring of the executive of my Party as to what was the reason behind it. I was told that I should not raise any objection now and in future more Members will be taken from my Party. I am not for that. I do record my protest and submit that two or three names at least should be added before I can accept the motion. I suggest, therefore, that to the personnel already suggested, the names of Mr. Jog . . . .

**An Honourable Member** : He is already on the Select Committee !  
(Laughter.)

**Mr. Amar Nath Dutt** : Then I suggest that the names of Mr. Sitakanta Mahapatra and Sirdar Harbans Singh Brar be added.

**An Honourable Member** : Also the name of Mr. Amar Nath Dutt.

**Mr. Amar Nath Dutt** : No, certainly not ; I am not for any Select Committee. If my suggestion is accepted by Government, I have no objection to the motion.

**The Honourable Sir Frank Noyce** : I can only say that, to the best of my knowledge and information, the usual procedure has been followed in this case. The Leaders of all Parties were consulted and the names were given to me as having been obtained from them.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The usual practice in the House is for the Member in charge of Government or some one representing him to get into touch with the Leaders or Secretaries of Parties and then give an agreed list of names for the Select Committee. Does the Chair understand the Honourable Member, Mr. Amar Nath Dutt, to say that his Party was not consulted ?

**Mr. Amar Nath Dutt** : No, the matter was not put before my Party. Somebody went round and consulted one of the executive of the Party and suggested that we might not have two names or three names and might be satisfied with one only. Sir, this sort of dictation my Party will not accept.

**Rai Bahadur Sir Satya Charan Mukherjee** (Nominated Non-Official) : Sir, I approached Mr. Ranga Iyer, who is the Deputy Leader of the Party and I asked him to give me one name, because, according to the numerical strength of various Parties, only one member is usually taken from the Nationalist Party for every Select Committee. Just now I came to know that the number of that Party has gone up to 16, but so far as I knew, during the last Session, their number was 12 or 13. So I followed the usual practice and suggested to Mr. Jog and Mr. Ranga Iyer that they should give one name, but they did not object to it. That is how I got only one name from the Nationalist Party.

**Mr. Amar Nath Dutt** : In that case I propose that the other two names which I have already suggested be added to the names of the members of the Select Committee.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, apart from the controversy that Mr. Amar Nath Dutt has raised, as a personal reference has been made to me by the Deputy Whip, I believe, of the Government, Sir Satya Charan Mukherjee, whom I congratulate on his Knighthood, I rise to substantiate that he is absolutely correct in his reference in his statement about the arrangement.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member, Mr. Amar Nath Dutt, in the light of these facts, wish to make his proposal for additional names ?

**Mr. Amar Nath Dutt** : I do propose.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What are the names ?

**Mr. Amar Nath Dutt** : The names of Sirdar Harbans Singh Brar and Mr. Sitakanta Mahapatra.

**The Honourable Sir Joseph Bore** (Leader of the House) : I am afraid, Sir, the Government must oppose this proposal, because it is not in consonance with the practice which has been followed in the House, and, if we accept it, the proportion between the various Parties would be upset. For that reason and for no other, on behalf of Government, I must oppose this motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the names of Sirdar Harbans Singh Brar and Mr. Sitakanta Mahapatra be added to the Select Committee.”

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The original question will now be open for discussion.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I had no mind to speak, but as nobody is rising, I have to intervene. This House has always honoured international conventions. As we have no nationalism, no national prestige, we should like to come through the backdoor of internationalism in gaining certain credit in outside world and certain equality of status within the British Empire and with the sovereign countries of the world. Therefore, I welcome this measure that has been introduced by my Honourable friend, Sir Frank Noyce. Sir, I may say that India is getting air-minded. The other day we read in the papers that three Indian airmen reached London in three different aeroplanes and that they did not meet with any accident on the way and this is a matter of congratulation. I also read in the papers that one Indian airman was trying to have a world tour in an aeroplane of his own. If that be so, if Indians are going to participate in air tours all over the world, India will have to accept the international conventions, although, while these conventions were signed at Warsaw, I do not know whether the Government of India sent any representatives there and why that representative did not sign the air convention.

**An Honourable Member** : None was sent.

**Mr. B. Das** : I believe no representative was sent there. As is the practice so often, we find always the British representative signs something and afterwards the dominions, particularly subordinate Governments like the Government of India are made to accept. Sir, that is a point of honour with us, and, therefore, I speak on this motion. Although Indians at times visited these international conferences, yet in very few conferences they have equality of status with sovereign nations, in spite of India being an original Member of the League of Nations. I need not raise the topic that we raised during the last Assembly Session that the Right Honourable Sastri once signed certain naval conventions at Washington, and another gentleman signed certain other convention at Geneva, but usually what happens is this, that a British officer of the Government of India goes as an Adviser to the British delegate at these international conferences. However, I do hope that whatever be the fate of India under the new Constitution, the Government of India should in future assert themselves and send direct representatives, and not be the hand-maid of the British delegates. Of course, the Leader of the House might bring in the question of political complex of India, that India cannot negotiate direct any treaty with any foreign nation. If that be so,

[Mr. B. Das.]

then why not walk out of the League of Nations ? Let us have nothing to do with these European nations or with the sovereign nations of the world. But if the policy is that we will have to stand as equals, to be treated as equals, let us send our own representatives who will sign those treaties and conventions. I would have been very happy—and I take this opportunity to say again on the floor of the House—if my Honourable friend, Sir Joseph Bore, had signed the Indo-Japanese Agreement which, I understand from the papers, has been signed, I do not know, with what modifications. It will be to my pride that one of my representatives, not my own representative, but the Government representative signs it on behalf of India. However, that is another issue, but that is an issue that always crops up like the King Charles head. I welcome these two measures and I do not think the draft requires any drastic modification. But I was a little alarmed when my Honourable friend, Sir Frank Noyce, said that the Government of India reserved to themselves the right to make rules. Are the Government of India going to play the rôle of a bureaucrat or are they going to rise up to the dignity and status of a sovereign nation ? If the rules can be applicable in Russia, in Germany, in France and other European countries and in Japan, if those rules are good for those countries, they are quite good for India also. Why not have a set of international rules rather than have a set of special rules and special powers reserved to the Government of India ? Such rule-making powers may not be misused, but I do not like reservation of powers. We have had too many reservations and too many safeguards. With these few observations, I support the measure.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan, 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.

### THE INDIAN AIRCRAFT BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft be referred to a Select Committee, consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, there are very few, if any, fields of human endeavour in which progress has been as rapid during the last quarter of a century as it has been



in that of civil aviation. And, yet aerial navigation in this country is still governed by an Act passed in 1911, though it is true that it was amended some three years later, and by Rules framed under it which are fourteen years old. An Act passed 23 years ago is obviously entirely inadequate to meet the present day conditions. We might have made efforts to patch it up but we have felt that here, as in the case of the Petroleum Bill, and also in the case of the Factories Bill, the better and more convenient course was to place an entirely new Bill before this House. One very important reason why new legislation has become imperatively necessary is that since the existing law was framed, India in common with a large number of other countries has entered into international commitments to unify the law with regard to aviation. I might perhaps interpose here to reply to the point which was raised by my Honourable friend, Mr. B. Das, a few moments ago. He is very jealous, and very rightly so, of our international status, and it might perhaps satisfy him if I explained that we were actually invited to the Warsaw Conference. As a matter of fact, we were represented by the British representative. We had no one here at the time whom we could spare very conveniently and for that reason we acted through the British representative who was instructed by us. I have no doubt that as this country develops in the matter of civil aviation we shall find it more convenient to have a representative of our own at such Conferences. As long ago as 1919, an International Convention for the Regulation of Aerial Navigation was signed by the plenipotentiaries of 27 countries, and Mr. Das will be very glad to hear that those 27 plenipotentiaries included one from India. This Convention was entered into with the dual object of establishing regulations of universal application and of encouraging the peaceful intercourse of nations by means of aerial communication. The Convention deals with practically all questions relating to international air navigation but its main principle may be summed up in the statement that it is an instrument designed to secure freedom of international air navigation among the contracting States. The fifteen years which have passed since the Convention was signed have, I think, very fully established the necessity for such an agreement and the manifold benefits which have resulted from it. The House may care to hear a few of the many important matters which are regulated by the Annexes to the Convention. These deal, amongst other things, with the registration and marking of aircraft, the certification of airworthiness, rules governing lights, signals, air traffic and aerodromes, the examination and licensing of pilots, navigators and other personnel, the production of aeronautical maps, the co-ordination of wireless and meteorological services and the unification of customs rules. They thus cover an extremely wide field. Under the existing Act, it has not been possible to implement many of the provisions of the Convention. Let me give the House two examples of this. The present Act provides no power to make rules for aerodromes. Consequently Government are not in a position to make a rule that every aerodrome must be provided with a wind indicator, though a wind indicator is obviously essential to secure safe landings. Again, the definition of aircraft is incomplete and does not include balloons. While there is a rule that articles may not be dropped from aircraft, there is nothing in the Act or the rules to prevent anyone from going up in a balloon and dropping bricks whenever and wherever he feels inclined. The present position is that we are muddling along under legislation which is already out of date and that the regulation of manv

[Sir Frank Noyce.]

important matters rests more on the good will of the flying citizens than on the power of the State to control them.

A stage has, therefore, been reached in which it is no longer possible to control air traffic efficiently and to implement India's international obligations without fresh legislation. The present Bill is designed to enlarge the rule-making powers of the Governor General in Council, in order to provide the necessary elasticity to meet modern developments, to enable Government to give full effect to the provisions of the International Convention and its Annexes and to provide for certain other matters on which legislation has become necessary. My friend, Mr. Das, objects to any enlargement of the rule-making powers of the Governor General. I may remind the House that we must have some elasticity in these matters, that it is not advisable that we should come before the House every time we want to make some small change in the law to meet some new and unexpected development, and that the rule-making powers are only given to us to the extent that the Legislature is prepared to entrust them to us. Rules can obviously be criticised and altered and that, I think, is the real safeguard.

I should like to draw the attention of the House to a few important principles which are incorporated either explicitly or implicitly in this Bill. In the existing Act Local Governments, subject to the control of the Governor General in Council, are empowered to make rules dealing with many matters and in particular to declare areas prohibited to the navigation of aircraft. As a matter of fact, those powers have never been exercised by any Local Government. It is hardly surprising that this should be the case, for it is very difficult, if not entirely impossible, for a Local Government to make rules on matters of that kind without causing confusion or infringing the terms of the International Convention. In these circumstances, we have not thought it necessary to include any provisions of this character in the draft Bill.

Again, there is no statutory provision at present for the investigation of aircraft accidents which unfortunately occur all too frequently, though the number is not really very high in proportion to the number of air miles flown. For the last three years, although there is no statutory provision on the point, every accident which has occurred in India has been investigated by the staff of the Civil Aviation Department. For minor accidents, the local investigation is carried out with the assistance of the local technical personnel. When more serious accidents occur, an officer of the Civil Aviation Department proceeds to the scene. In all cases, the report is finally reviewed by the Director of Civil Aviation. The result is that we have a very valuable analysis of the underlying causes of accidents and that the knowledge we have thus gained is applied to the improvement of methods of training and to the introduction of modifications designed to reduce the risk. Last year there were 29 accidents to Indian aircraft which, after investigation, were considered to be more than minor mishaps and to justify classification as accidents. Successful investigation of the causes of these accidents at present depends entirely on the good will of the pilots, owners and others involved. It does seem to us essential that statutory powers should be taken to ensure that it rests on a more satisfactory basis than that, and whilst we have every reason to thank

those who have helped us in this matter we think that it is desirable that we should have definite powers to investigate accidents.

Other points which deserve mention are that the Bill applies the provisions of maritime law with regard to wreck and salvage to aircraft at sea and that the administration of the customs law in respect of aircraft will be much simplified by the provision which is made for the application of relevant parts of the Sea Customs Act.

Finally, Sir, lest the old accepted doctrine of "*usque ad collum*" might be cited by an indignant landowner to prevent flight over his property, provision is made in the Bill to give aircraft the right to use the air without liability to suits for trespass or nuisance, so long as the method and height of flight are reasonable. I trust, Sir, that I have said enough to convince the House of the necessity for this legislation.

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft be referred to a Select Committee, consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Sahab Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan 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.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th July, 1934.