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**THE  
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(Official Report)**

**VOLUME II**

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**SECOND SESSION**

**OF THE**

**LEGISLATIVE ASSEMBLY, 1921**



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# LEGISLATIVE ASSEMBLY.

*Wednesday, 21st September, 1921.*

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

## MEMBER SWORN :

Mr. Abdur Rahim Khan.

## QUESTIONS AND ANSWERS.

### INDIANS IN THE ROYAL AIR FORCE.

415. **Munshi Iswar Saran :** (a) With reference to the undertaking given by Sir Godfrey Fell in answer to Question No. 682 put on the 28th March 1921 that Government 'propose, however, to inquire from His Majesty's Government what is the exact position in regard to the admissibility of Indians into the Royal Air Force,' will Government be pleased to lay on the table the correspondence (if any) that has passed between the Government of India and His Majesty's Government in England on the subject ?

(b) If for any reason Government is not prepared to lay the correspondence on the table, will Government state the result of the inquiry made ?

(c) If the correspondence be not complete as yet, will Government communicate to this Assembly and to the public the result of the inquiry when completed ?

**Sir Godfrey Fell :** The Government of India regret that they are unable to lay the correspondence on the table. They have recently asked the Secretary of State for India to move the Royal Air Force authorities in England to permit a limited number of suitable Indian lads being sent home for training in the Royal Air Force with the object to their ultimately serving as officers in the Royal Air Force in India. They have also asked for detailed information regarding the conditions on which candidates are accepted for Royal Air Force training establishments and regarding the length of course and other relevant matters. They have not yet received a reply from the Secretary of State.

### OFFER OF AN INDIAN OFFICER TO THE LEAGUE OF NATIONS.

416. **Munshi Iswar Saran :** (a) With reference to Question No. 568 and the reply given by the Honourable the Law Member, will Government state if the Secretary General of the League of Nations has accepted the Indian officer offered ?

(b) If the answer be in the negative, will Government press the appointment of an Indian officer in view of the importance of India and the contribution made by it towards the expenses of the League ?

**The Honourable Dr. T. B. Sapru :** (a) The answer is in the affirmative.  
(b) The question does not arise.

#### INDIANS IN POLITICAL AND FOREIGN SERVICE.

**417. Munshi Iswar Saran :** (a) With reference to the statement made by the Honourable the Law Member on the 15th March 1921 in this Assembly which runs as follows :

‘ I am authorized to state on behalf of Government that the principle of taking Indians into those higher appointments in the Political and Foreign service has been conceded by the Government and that a scheme is being prepared which, when it is ready, will, I venture to think, afford every satisfaction to this House and to the outside public.....’

Will Government lay on the table the scheme that was being prepared on the 15th March 1921 ?

(b) If the scheme be not ready, will Government state how much more time will its preparation take ?

(c) Will Government be pleased to expedite the preparation of the scheme ?

**The Honourable Sir William Vincent** (on behalf of the Honourable Sir John Wood) : The Honourable Member is referred to the answer given to Question No. 171 put by Mr. N. M. Joshi.

#### PAY IN SECRETARIAT AND ATTACHED OFFICES.

**418. Mr. M. K. Reddi Garu :** Will the Government be pleased to say if it is a fact :

(a) that the Secretariat Establishment Committee presided over by the Honourable Mr. Hailey had considered proposals as regards increases of pay of both the Secretariat and Attached Offices ; and

(b) that the scales as announced by the Staff Selection Board on the 6th September 1920 are the same as recommended by the Establishment Committee ?

**The Honourable Sir William Vincent :** (a) Government are not aware how far the Committee considered the question of Attached Offices. They made no recommendations as to the pay of the clerical staff of such offices.

(b) This question therefore does not arise.

#### ATTACHED OFFICES, GOVERNMENT OF INDIA SECRETARIAT.

**419. Mr. M. K. Reddi Garu :** Will the Government kindly furnish a statement showing the Attached Offices classified according to their importance and the scales of pay granted, or likely to be granted with the date of effect of revisions in each case ?

**The Honourable Sir William Vincent :** The information has been called for and will be supplied to the Honourable Member when complete, but I may say at once that it is impossible to classify the Attached Offices according to importance.

REVISION OF PAY IN ATTACHED OFFICES.

420. **Mr. M. K. Reddi Garu :** Will the Government kindly state :

- (a) If all the Attached Offices, including those in Calcutta have been granted revisions on the time-scale basis with full benefit of past services to each of the staff and with retrospective effect of revisions as in the cases of the Imperial Secretariat offices and all higher services ?
- (b) If the answer is in the negative, will the Government kindly say why such a differentiation has been made or is being made in each case as regards scales of pay and date of effect of revisions and why there should be any disparity of treatment ?
- (c) Is the case of the office of the Director-General of Posts and Telegraphs being considered ?

**The Honourable Sir William Vincent :** (a) The information has been called for and will be furnished in due course.

(b) I cannot answer this sub-question until the information asked for in the foregoing sub-question is forthcoming.

(c) Yes.

OFFICE OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

421. **Mr. M. K. Reddi Garu :** Will the Government of India be pleased to state :

- (a) If they are prepared to place the office of the Director-General of Posts and Telegraphs on the same footing with the Bengal Secretariat ?
- (b) Whether the Government will now grant to the staff of the office of the Director-General of Posts and Telegraphs the same time-scale of pay with full benefit of past services for each clerk as has been recommended by the MacAlpin Committee for the Bengal Secretariat offices ?

**Colonel Sir S. D'A. Crookshank :** As the answer involves giving a somewhat lengthy explanation, perhaps, with your permission, Sir, I may place the reply on the table.

(a) The Government of India are not prepared to place the office of the Director-General of Posts and Telegraphs on the same footing with the Bengal Secretariat as they consider that the scales of pay in that office should be fixed with reference to those prevailing in other large administrative offices under the Imperial Government or the Government of Bengal situated in Calcutta, and do not agree that the conditions of service in the office in question are identical with those in the Bengal Secretariat.

(b) The Government of India appointed a special Committee under the chairmanship of Mr. J. R. T. Booth, I.C.S., Postmaster-General, with instructions, among other things, to submit recommendations for the revision of pay in the office of the Director-General of Posts and Telegraphs. This Committee recommended the following scales :

					Rs.
A class clerks	...	...	...	...	80—250
B class clerks	...	...	...	...	50—150

The Government of India, with the approval of the Standing Finance Committee, have sanctioned the following scales :

A class clerks	...	...	...	...	Rs.
B class clerks	...	...	...	...	80-250
					50-140

They see no reason to adopt the scales recommended by the McAlpin Committee for the Bengal Secretariat in preference to those recommended by the Booth Committee after detailed local inquiry into the special conditions of the Director-General's office establishment.

#### 'POSTAL POLICY IN INDIA.'

422. **Mr. M. K. Reddi Gurn :** (a) Has the attention of Government been drawn to the article 'Postal Policy in India' at page 5 of the last June edition of *Labour*, the Postal organ of the Post Office employees in Calcutta?

(b) Will the Government state :

- (i) If it is a fact that the avowed policy advocated by the Post Office Commission of 1850 was that the Post Office was to be maintained for the benefit of the people of India and not for *swelling the revenues* ;
- (ii) Is it a fact that the Post Office Department is not working at a loss, but that its heavy surplus revenues since the last few years are being credited to Government ordinary revenues?

**Colonel Sir S. D'A. Crookshank :** (a) Government have seen the article referred to.

(b) (i). The fact is as stated by the Honourable Member.

(ii) Since 1910-11 the Post Office has not been working at a loss, the average annual surplus for the 5 years ending 31st March 1920 being about Rs. 60 lakhs. In arriving at this figure, however, the cost of post office buildings was not taken into consideration. Charges on this account together with the revisions of pay sanctioned last year at an annual cost of more than Rs. 130 lakhs have entirely absorbed the surplus. As the Honourable Member is aware, the rates of postage were raised slightly from the 18th April last but it is as yet too early to state with any accuracy what the increase in revenue has been. It is not expected to exceed 12 lakhs a year on this account.

#### REMOVAL OF THE HYDERABAD SIND GARRISON.

423. **Mr. S. C. Shahani :** (a) Are Government aware that on the 23rd March 1921, His Excellency the Governor of Bombay informed the Municipal Deputation that waited upon him from Hyderabad, Sind, to request the removal of the garrison stationed there from their present site to a site on the Ganja Takar, that the question was under the consideration of the Army Department and that the question would be personally gone into by the Western Command with His Excellency the Commander-in-Chief and a decision arrived at?

(b) Will the Government be pleased to state the result of the discussion and correspondence in the Army Department on the subject?

**Sir Godfrey Fell :** (a) The Government of India have no information regarding the Municipal Deputation which waited upon His Excellency the Governor of Bombay in March 1921.

(b) The position is as follows :

From the military point of view, the present Cantonment is satisfactory. If the removal of the Cantonment to another site is to be considered, a primary condition is that no fresh expenditure should be thrown upon the military estimates.

The Government of India have recently directed that the question should be further examined by the local, civil and military authorities concerned, and thereafter by the Government of Bombay in communication with the General Officer Commanding-in-Chief, Western Command. The Government of India have not yet had any final report regarding the result of these discussions. They have, however, received a report from the General Officer Commanding-in-Chief, Western Command, which shows that there is no other site in the vicinity of Hyderabad which can be compared with the present site either in height, in freedom from mosquitoes, or in space available for parade grounds.

The Ganjo Takar site, to which the Honourable Member refers, is reported to be a series of small flat-topped hills surrounded by water and infested with mosquitoes in wet weather. These hills would only accommodate a few bungalows apiece; the Cantonment would be strung out to an impossible length; and space for parade grounds and recreation could not be fitted in.

The Honourable Member will therefore realise that the removal of the Cantonment presents considerable difficulties. The Government of India are considering whether, subject to the fulfilment of the condition mentioned above, the Cantonment could be removed to some other locality altogether, but they are not prepared at present to hold out any hopes that this will prove practicable.

#### TELEGRAPH OFFICE FOR MIRPUR BATHORO.

**424. Mr. S. C. Shahani :** (a) Is it a fact that there are no Telegraph Offices in the Karachi District from Tatta right up to Ketī Bunder ?

(b) Do Government propose to consider the advisability of opening a Telegraph Office at Mirpur Bathoro, where there is a local demand for it ?

**Colonel Sir S. D'A. Crookshank :** (a) and (b). The Post and Telegraph Department has at present local demands for 277 new combined offices. Estimates for 45 of these have not yet been made out. The remaining 232 involve the construction of 3,304 miles of telegraph line, the erection of 3,900 miles of wire and an expenditure of :

						Rs.
Cash	...	...	...	...	...	3.17 lakhs.
Stores	...	...	...	...	...	10.66 "

The amount asked for for the current year for the construction of Railway, Canal and Departmental construction work was :

						Rs.
Cash	...	...	...	...	...	28.78 lakhs.
Stores	...	...	...	...	...	150.75 "

which included :

						Rs.
Cash	...	...	...	...	...	2,00,000
Stores	...	...	...	...	...	8,00,000

for combined office extensions. The Legislative Assembly having reduced the cash portion of this demand by Rs. 13 lakhs there was a corresponding reduction under stores of Rs. 60,75,800.

So far as can be foreseen at present there will be less than

						Rs.
Cash	...	...	...	...	...	50,000
Stores	...	...	...	...	...	2,00,000

available for the construction of combined office lines in India and Burma and whatever amounts are available will be distributed to the various Directors of Telegraph Circles to be used to the greatest advantage. Directors are in communication with Postmasters-General and Local Governments as to priority of claims.

To link up Mirpur-Batharo would cost approximately Rs. 2,527 Cash and Rs. 11,300 Stores. It is fifth in the priority list for Sind and will have to take its turn with places on the priority list of the Southern, Northern and Central Divisions in the Bombay Presidency. There are 8 Post Office Circles to deal with, which, assuming the availability of Rs. 50,000 Cash and 2,00,000 Stores would give each Circle about Rs. 6,250 Cash and Rs. 25,000 Stores. The possibility of linking up this place for some years to come is, therefore, it is feared, somewhat remote.

#### ASSISTANT COLLECTORS IN THE KARACHI CUSTOMS HOUSE.

425. **Mr. S. C. Shahani :** (a) Will Government be pleased to state, if there is a rule that ordinarily no gazetted officer is to remain in the same post for over three years?

(b) If the reply is in the affirmative, will Government be pleased to state if any extraordinary circumstances have necessitated the continuance for more than three years of the two Assistant Collectors in the Custom House, Karachi?

**The Honourable Mr. C. A. Innes :** Certain principles have been laid down regarding the tenure of certain Secretariat appointments. These principles, however, have no application to the Imperial Customs Service. Officers of this Service are liable to transfer from one port to another according to the exigencies of the Service and their tenure of appointment at particular ports is not limited by rule.

#### PAY AND PROSPECTS OF EMPLOYEES OF KARACHI CUSTOMS OFFICE.

426. **Mr. S. C. Shahani :** Will Government be pleased to state if they have received from the Bombay Government any proposals regarding the improvement of the pay and prospects of the employees other than the Imperial Service, and the Preventive Officers, in the Customs, Karachi, which were forwarded to the Bombay Government by the Commissioner in Sind in September 1920?

**The Honourable Mr. C. A. Innes :** Not yet.

#### PROMOTION OF TELEGRAPHISTS, ETC., IN THE POSTAL DEPARTMENT.

427. **Mr. S. C. Shahani :** Will Government be pleased to state:

(a) if telegraphists as also subordinate employees in the Postal Department have been recently given promotions according to their length of service;

(b) if it is intended that the concessions made in the case of the classes of employees referred to above will be extended to the non-ministerial employees of other Imperial Departments like Customs and Income-Tax who rise from the ministerial to the non-ministerial grade; and

(c) if the reply to part (b) be in the negative, the reasons why the concessions are not to be extended?

**The Honourable Mr. W. M. Hailey :** (a) The clerical staff in Post Offices who were formerly on a graded system have been brought on to a time-scale of pay according to the length of their past permanent service in the Department. Telegraphists have from the first been on a time-scale; this has recently been revised.

(b) and (c). In the Customs Department, promotions from the ministerial to the non-ministerial grades are made only in exceptional cases and there is no intention of allowing service in the ministerial grade in such cases to count towards increments in the non-ministerial grade. Without a reference to Local Governments concerned, it cannot be stated whether the concession referred to in part (a) of the question has been or will be extended to the Income-Tax Department. It is only recently that special income-tax agencies have been organised in the different provinces for the administration of the Income-Tax Act and the staffing of the Department has been left in the hands of Local Governments.

#### RISE IN PRICES OF CORN.

428. **Mr. Muhammad Yamin Khan :** What steps has the Government taken and what further steps, if any, is it going to take to check the rise in prices of corn and to bring them to pre-war normal standard?

**Mr. J. Hullah :** The Honourable Member is referred to the reply which I gave on the 19th September to Question No. 312.

#### GAMBLING IN GRAIN PITS.

429. **Mr. Muhammad Yamin Khan :** Is the Government aware of the evils of gambling in grain pits, and is it going to stop it by legislation?

**Mr. J. Hullah :** Government are aware that speculation in grain is often regarded as an evil, but they do not think that sufficient grounds exist for attempting to control the practice by legislation.

**Mr. Abul Kasem :** Is it not a fact that gambling in grain pits is prevented by legislation in Bengal?

**Mr. J. Hullah :** Not so far as I know.

#### RAILWAY ACCIDENTS ON OUDH AND ROHILKHAND RAILWAY.

430. **Mr. Muhammad Yamin Khan :** (a) How many persons were killed and injured by the Railway accident caused by a broken bridge near Amroha on the Oudh and Rohilkhand Railway Line?



(b) What steps or precautions, if any, has the Government taken to stop or avoid an occurrence of this nature in future ?

**Colonel W. D. Waghorn :** (a) The number of persons killed in the recent railway accident at Amroha, Oudh and Rohilkhand Railway, as far as is known, is 42 including the engine crew of 3, and the number of injured 30.

(b) So far as avoiding a recurrence at the site is concerned, a committee of experts appointed by Government has recommended that the new bridge should be built with about 50 to 60 feet of additional waterway, and with piers and abutments founded on wells sunk to 15 feet below the bottom of the deepest hole scoured out on the day of the disaster.

As regards precautions for the general avoidance of such accidents, it is not possible to take any measures which will constitute a guarantee of safety. There are already in force rules governing the construction and inspection of bridges generally. By this means every reasonable precaution possible has been taken.

#### CORRESPONDENCE *re* CALCUTTA MUNITIONS CASE.

431. **Mr. A. B. Latthe :** (a) Will the Government place on the table the correspondence leading up to the order of the Government of India directing the withdrawal of the complaint against Rao Bahadur Karnahi and Mr. Banerjee, two of the accused in the Calcutta Munitions case ?

(b) If this cannot be done, will the Government explain fully the reasons which induced the Government to pass that order ?

(c) Is the Government aware of the reply which was given by the counsel for the accused in this case to the remarks of the Advocate-General ? If so, does the Government accept that reply as correct ? If it does not, is the Government going to take any steps against the said accused ?

(d) What is the total expenditure incurred on this case up to the withdrawal of the case against the two accused ?

(Vide reply to Question No. 373.)

#### SOUTH AFRICANS VISITING OR RESIDING IN INDIA.

432. **Mr. A. B. Latthe :** Does the Government propose to undertake any legislation sanctioning the same treatment to South Africans visiting or residing in India as is meted out to Indians who have been residing in or visiting South Africa ?

**Mr. J. Hullah :** The attitude of the Government of India towards retaliatory legislation against South Africans residing or settling in India was fully explained in the speech of the Honourable Sir George Barnes delivered on the occasion of the introduction of the Indian Emigration Bill in the Legislative Assembly on the 21st March 1921.

#### EXPENDITURE ON THE MUNITIONS FRAUD PROSECUTIONS.

433. **Rai S. C. Sen Bahadur :** (a) Will the Government be pleased to state the amount of total expenditure that the Government incurred in the Munitions Fraud prosecutions ?

(b) Are the Government aware that while withdrawing the prosecution against Rai Bahadur Sukh Lal Karnani, Mr. J. C. Banerjee and Mr. H. Stringer in what is known as the Munitions Fraud Case before the Chief Presidency Magistrate of Calcutta the Advocate-General of Bengal made a statement to the effect that the Government of India had been informed from various sources that if the prosecution of Karnani and Banerjee were proceeded with, widespread commercial and industrial interests would be seriously affected? Will the Government be pleased to state what widespread commercial and industrial interests would have been affected if the trial against these two persons were proceeded with?

(c) Will the Government be pleased to state when the Government first came to know that widespread commercial and industrial interests would be seriously prejudiced if the prosecution against the said two persons were proceeded with?

(d) Will the Government be pleased to state if there is any truth in the report of the Associated Press telegram, dated Simla, August 12, that the Government's decision to apply for permission to withdraw the said prosecution was not known to His Excellency the Viceroy until the withdrawal had actually taken place? If so, will the Government be pleased to state on whose authority the sanction to withdraw the case was accorded?

(e) Did any one approach the Government for withdrawing the prosecution against the said two persons? If so, who?

(f) Will the Government be pleased to lay on the table all papers relating to the withdrawal of the above prosecution?

(Vide reply to Question No. 373.)

#### ASSAM TEA GARDEN COOLIES AT CHANDPUR.

434. **Rai S. C. Sen Bahadur:** (a) Are the Government aware that with reference to the treatment of the Assam Tea Garden coolies at Chandpur in April last the Secretary of State for India stated in the House of Commons that the Government of Bengal had acted towards the coolies with great humanity?

(b) Will the Government be pleased to state if the said statement of the Secretary of State for India in the House of Commons was based on any material supplied to him by the Government of India? If so, will the Government be pleased to state what acts of the Government of Bengal were meant in the said statement of the Secretary of State?

**The Honourable Mr. C. A. Innes:** The statement referred to by the Honourable Member was based on the information contained in the Press Communiqué published by the Government of Assam on the 6th of June last and the Report of the Honourable Sir Henry Wheeler published on the 8th of June. Copies of these documents were cabled home to the Secretary of State.

## TRANSFER OF BABU T. P. MUKERJEE OF THE POSTAL DEPARTMENT.

435. **Mr. M. K. Reddi Garu** : Will the Government be pleased to state :

- (a) if it is a fact that under departmental regulations, Postal officers in the grade of Rs. 250—350 are liable to transfer only within the circle and outside the circle in which they work ;
- (b) if it is a fact that an officer by name Babu Tarapada Mukerjee of Calcutta has been transferred out of India, on his own pay ; and if so, on what grounds ;
- (c) if it is true that he is the leader of the Post Office workers and the founder of the R. M. S. Association, Calcutta ;
- (d) will the Government be pleased to lay on the table any Resolution of protest on his transfer, received from the Provincial Postal and R. M. S. Association, by Government, and what action have the authorities concerned taken on that Resolution ?

**Colonel Sir S. D'A. Crookshank** : (a) There are no such regulations. A postal officer of any grade is liable to serve in any part of India or Burma, but it is the practice of the Department to confine the posting of the men in the lower grades to the postal circle in which they are recruited. The present limit of Circle transfer is Rs. 350.

(b) Yes. Babu Tarapada Mukerji is, for administrative reasons, under order of transfer to Burma where he is likely to get acting promotion in the next higher grade. Acting promotion in the grades above Rs. 250—350 generally involves transfer to another Circle.

(c) Government has no definite information on the point, but it is believed to be so.

(d) The papers are laid on the table.

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*Copy of a telegram dated 13th August 1921, from Secretary, Burma Postal Association, to the Director General of Posts and Telegraphs.*

Burma Postal Association strongly protests against transfer of Babu Tarapada Mukerjee from Bengal to Burma on same pay. This is a flagrant and deliberate violation of solemn pledge given not to penalise the executive officers of Postal Associations on the hackneyed reason of interest of service. Solicits sympathetic reconsideration.

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*Extracts from the Proceedings of a Meeting of the Sylhet District Postal Association held on the 8th August, 1921.*

2. Resolved unanimously that Babu Tarapada Mukherjee's name be suggested as president elect at the coming session of the Postal and Railway Mail Service Conference to be held at Lahore on the 9th, 10th and 11th October 1921.

3. This Association views with alarm the transfer of Babu Tarapada Mukherjee to Burma on the hackneyed reason of "interest of service" who is the recognised leader and the backbone to the entire body of Postal and Railway Mail Service employees throughout India and records its indignant protest against this transfer.

5. Resolved that the number of appointments in the selection grade be increased and that such appointments be kept open to the officials of the clerical cadre.

6. This Association records its deep disappointment at the present mode of recruiting men for the Telegraph Department from outside thus ignoring the claims of the registered postal candidates in the Postmaster-General's office.

7. The reply of the Director General refusing the grant of special concession to the combined hands is disappointing in consideration of the additional telegraph work thrust on the shoulder of the already overworked officials of the Department.

8. The officials picked up for the Inspectors and Superintendents' Head clerk have got better pay and prospects than those of the clerical cadre. With the introduction of the time scales of pay their pay has been raised to Rs. 100—175. Again some junior men of this cadre have got the lion's share in the selection grade in the Bengal and Assam Circle although it is altogether inconsistent with the Government of India Resolution No. 6458, dated the 23rd September 1920. It is therefore urged that the selection grade appointments be kept entirely open to the men of the clerical cadre.

9. Resolved that the copies of the Resolutions Nos. 2, 3, 5 to 8 be sent to the Viceroy, the Director General, Postmaster-General, Deputy Postmaster-General, Shillong, the S. P. Sylhet and the Secretary to the Provincial Postal Association, Calcutta.

H. C. SINHA, Secretary,  
Postal Association, Sylhet.

*An Extract from proceedings of the general meeting of the Association held on the 17th August 1921 at 6 p. m.*

III. Read the Resolutions passed by the Provincial Association, Calcutta, in a meeting held on the 2nd August 1921 and forwarded by the Honorary Secretary, Provincial Association, Calcutta, with his endorsement No. 100, dated the 2nd August 1921.

(a) Resolved that this Association learns with alarm and dismay the action of the Government in ordering transfer of Babu Tarapada Mukherji, B. A., a staunch devotee to the cause of the Subordinate staff of the Department generally to Burma on his own pay on the hackneyed plea of "interest of service" when his wife is struggling between life and death and holds that such an action on the part of the authorities, which is in direct contravention of Government's repeated assurance of good will to the Association is nothing but an attempt to persecute the recognised leader of the movement and thereby to repress the legitimate and constitutional development of the Association.

(b) Resolved also that this Association enters its most indignant protest against the persecution of such a recognised leader when humanity itself is calling aloud for sympathy and compassion on him and records a note of warning to the authorities that the continuance of such persecution will only lead to a tension of feeling amongst the employees and urges upon the Government to cancel said order of transfer in order to arrest the seriously increasing discontent.

(c) That this Association fully endorses the views of the Provincial Association, Calcutta, as embodied in their resolutions above referred to and urges upon the Government to take immediate steps in the matter.

No. 10P., dated Mymensingh, the 23rd August 1921.

Copy forwarded to (1) the Director General, Posts and Telegraphs, Calcutta, (2) the Government of India, Department of Commerce, (3) the Postmaster-General, Bengal and Assam, Calcutta.

(Sd.)

Honorary Secretary,  
Postal and Railway Mail Service Association, Mymensingh.

POSTAL CLUB.

CALCUTTA.

*The 2nd August, 1921.*

At a meeting of the members of the Postal Club held on Tuesday, the 2nd August 1921, the following resolutions were unanimously carried:—

(a) After the recognition by the Government of the right of the employees to form associations and after the assurance repeated on occasions that office bearers and those taking

active interest in the cause of the associations would not be penalised, this meeting is surprised to find that Babu Tarapada Mukherjee, who has been devoting the best of his energies on behalf of the Postal and Railway Mail Service Association and for the subordinate staff generally, has been transferred to Burma on his own pay on the hackneyed reason of 'interest of service' without any the least justifiable ground for this transfer out of India except for the purpose of penalising him on account of the interest he was taking on behalf of his fellow workers.

(b) This meeting records its indignant protest against the persecution of the recognised leader of the subordinate staff and is deliberately of opinion that nothing is calculated to exasperate the officials and try their patience to the breaking point more than this heartless and senseless transfer of their leader when he is under the shadow of an impending calamity—possibly the greatest which can overtake a family man.

(c) This meeting is constrained to construe the Director General's action as an attempt towards injuring the Postal and Railway Mail Service Association and therefore views the Director General's action as a breach of faith.

(d) This meeting while indignant at the Director General's action, recognises that the Postal and Railway Mail Service employees in Burma would have sufficient reasons to congratulate themselves and to be grateful to the Director General for transfer of Babu Tarapada Mukherjee if the Postal and Railway Mail Service officials in Bengal and Assam Circle would consent to his expatriation.

. . . . .

#### WAR INDEMNITY PAYABLE TO INDIA.

**436. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state whether they have made out the exact sum due to India out of the Indemnity payable by the enemies in the late war? If not, whether they do not propose to do so immediately and submit it to the Home Government?

**The Honourable Dr. T. B. Sapru:** The Government of India have furnished the India Office with an estimate of the various claims (approximating Rs. 80,75,947) official and private against Germany and her Allies under categories (1) to (4), (6) and (8) to (10) of Annexure 1, Section I, Part VIII of the Treaty of Versailles for presentation to the London Reparation Committee. Claims under categories (5) to (7) relating to pensions to naval and military victims of the war and allowances to the families and dependants of mobilised persons, etc., which constituted the bulk of India's claims, were preferred by Secretary of State himself direct. Details are still awaited but the Government of India have some reason to believe that the amount of £17·4 millions, which has been allotted by the Imperial Conference held in London, to India as its share of the total amount due from Germany, is, on the calculations made at Home, in excess of the actual sums by which India should eventually be out of pocket under the headings for which Germany admitted in the Treaty of Versailles her liability to payment of reparation, and that no other part of the Empire has obtained a similar proportion.

#### ENHANCEMENT OF RAILWAY FARES.

**437. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state:

- (a) whether the raising of the railway fare during the war period was not done on the understanding that the former rate would be restored after the war;
- (b) whether Government has approved the action of the Railway authorities in raising the fare still higher;
- (c) are the Government aware that the raising of the fare still higher is very much felt and resented by the travelling public?

**Colonel W. D. Waghorn :** (a) On the assumption that the Honourable Member refers to passenger fares, I may say that when Government in 1917 sanctioned increased maxima rates for first and second class passenger fares generally and for intermediate and third class fares by mail and fast passenger trains only, there was no understanding such as is implied in the question.

(b) Railway administrations are permitted to vary the basis of the fares charged between the maxima and minima rates prescribed by Government. As is indicated in the reply to (a), the enhancements sanctioned by Government referred to first and second class fares, and to intermediate and third class fares by mail and fast passenger trains only, the maximum rate for ordinary third class traffic being retained—Railway administrations which have taken advantage of the increased maxima rates sanctioned by Government, and of their ability to quote rates on the basis of the maximum sanctioned for third class traffic by ordinary trains, have done so in order to meet the greatly increased working expenses on Indian Railways, and in the opinion of the Railway Board their action is justified.

(c) Government recognise and regret the inconveniences involved in any enhancement of fares which affects the poorer classes of the community, but circumstances have rendered necessary the steps taken to enable the earnings of railways to keep pace with the increase in working expenses, and it is only in the case of the fares of intermediate and third class passengers who elect to travel by mail and fast passenger trains that revised maxima were sanctioned in 1917.

#### DISBANDMENT OF THE 2-73RD MALABAR INFANTRY.

438. **Mahmood Schamand Sahib Fahadur :** (a) Will the Government be pleased to state the reasons that induced them to mark out the 2-73rd Malabar Infantry for disbandment?

(b) Do the Government propose to reconsider their decision as this is the only regiment from Malabar?

**Sir Godfrey Fell :** (a) Owing to reductions that are being made in the Indian Army, the disbandment of units which are surplus to India's requirements must be carried out. The 2-73rd Malabar Infantry was considered unfit for service in Mesopotamia and had to be returned to India.

(b) The Government of India regret that they cannot reconsider the decision to disband the regiment.

#### TRANSFER OF ADEN TO THE COLONIAL OFFICE.

439. **Mohmood Schamnad Sahib Fahadur :** Will the Government be pleased to state whether the transfer of Aden to the Colonial Office has been decided on with the consent of the Government of India? If so, what are the reasons that induced them to consent?

**The Honourable Dr. T. B. Sapru** (on behalf of the Honourable Mr. Denys Bray): I would refer the Honourable Member generally to the answer given by the Honourable Mr. Bray in the Council of State on the 26th March 1921, to a question on the subject of Aden asked by the Honourable Mr. Bhurgri. The question of the transfer of the administration of the Aden Settlement to the Colonial Office is still under consideration.

**CLERICAL ESTABLISHMENT IN THE OFFICE OF THE DIRECTOR OF MEDICAL SERVICES IN INDIA.**

440. **Bal Bahadur Bakshi Sohan Lal:** Will the Government be pleased to state :

- (a) The total strength of the clerical establishment of the Office of the Director of Medical Services in India before the outbreak of war and the number of appointments sanctioned on account of war since 1914 ?
- (b) The minimum pay of clerks and the pay of the Chief Clerk before the present revision in the Office of the Director of Medical Services ?
- (c) The minimum pay of the clerks in the Office of the Director-General of Indian Medical Service and that of the Chief Superintendent before the present revision ?

**Sir Godfrey Fell :** (a) The authorised strength of the clerical establishment of the Office of the Director of Medical Services in India at the outbreak of the war was 31. This was increased during the war to 109. The present sanctioned strength is 67.

(b) The minimum pay of a clerk before the present revision was Rs. 40 per mensem ; the pay of the Chief Clerk was Rs. 559 a month.

(c) The minimum pay of a clerk in the office of the Director-General of Indian Medical Service, before the present revision was Rs. 50 a month ; the pay of the Chief Superintendent was Rs. 500 a month.

**OPIMUM SOLD IN AND EXPORTED FROM INDIA.**

441. **Mr. N. M. Joshi :** (1) Will the Government be pleased to give the most recent figures for :

(a) the amount of opium sold per annum (i) in India, (ii) for export abroad ;

(b) the price realised by the Indian Government for the export of opium in the last financial year ;

(c) the amount of the Indian opium exported to Mauritius ;

(d) the amount of the Indian opium exported to the Straits Settlements ?

(2) Will they also be pleased to state the terms of the five years' opium contract with the Hong Kong Government ?

**The Honourable Mr. W. M. Hailey :** The most recent figures available and the years to which they refer, are given below :

(a) Amount of opium sold per annum :

For consumption in India	...	...	...	Mds.
				10,986
				in 1919-20 ;
For export abroad	...	...	...	9,837 chests.
				(=14,215 Mds.) in 1920-21.

(b) The price realized by sales for export in 1920-21 is Rs. 3,04,37,750 ;

(c) Nil in 1920-21 ;

(d) 3,040 chests in 1920-21 ;

(2) The agreement provides for the supply of opium at Rs. 4,000 per chest, subject to reduction if a lower price is charged to any other Government. The Government of Hong Kong agrees to take substantially the whole of its requirements from India, but is under no obligation to take a minimum quantity of opium.

**DAINGEROUS DRUGS BILL.**

**442. Mr. N. M. Joshi:** Is the Government of India prepared to introduce, on its own initiative, a Dangerous Drugs Bill, similar to Mr. Shortt's Bill recently passed for the United Kingdom and Ireland?

**The Honourable Mr. W. M. Hailey:** So far as the Government of India are concerned, that is, as regards the import and export of these drugs, there is already in existence completely effective legislation. As regards the internal traffic in opium and its derivatives this also is strictly controlled by legislation; it is, however, now a provincial transferred subject and, therefore, one which in future would more appropriately be regulated by legislation, should this be necessary, in provincial legislatures.

For fuller information on the subject, I would refer the Honourable Member to the despatches on the subject published in the Supplement to the 'Gazette of India' of the 17th instant.

**COMMITTEE ON LABOUR CONDITIONS IN FIJI.**

**443. Mr. N. M. Joshi:** Will the Government of India be pleased to state if the Committee recently appointed by them to proceed to Fiji with a view to inquire into the labour conditions in that Colony is free also to inquire into the causes of the Indian riots of February 1920 and the methods adopted to suppress them?

**Mr. J. Hullah:** The attention of the Honourable Member is invited to the Press Communiqué, dated June 27th, 1921, paragraph 6 of which reads as follows:

'The Government of India and the Government of the Fiji Islands have agreed accordingly that the terms of reference to the Committee about to visit Fiji should be as follows: (1) To inquire into the condition of Indians now resident in Fiji and to ascertain the causes of discontent; (2) to advise whether or not, having regard to all the circumstances of the case, Fiji offers a suitable field for Indian colonization. It will be understood that it is not the intention of Government of India that the Committee should interfere in the domestic affairs of the Colony. Its functions will be to collect first-hand information regarding the conditions of Indian life in Fiji. It will report to the Government of India, and its report will furnish material for decision by the Indian Legislature whether Indian colonization in Fiji should be permitted under the new Emigration Bill.'

It will thus be seen that it is not the intention of the Government of India to interfere with the domestic affairs of the Colony, though the Committee may and will ascertain the causes of discontent with a view to enable them to furnish material in their report for a decision as to whether Indian colonization in Fiji shall be permitted under the new legislation regarding Emigration.

**TRANSFER OF ADEN TO THE COLONIAL OFFICE,**

**444. Mr. N. M. Joshi:** (a) Has the transfer of the administrative control of Aden from the Government of India to the Colonial Office been decided upon?

(b) If so, what steps did the Government of India take to consult Indian public opinion on the point especially the opinion of the large Indian community settled in Aden?

(c) Are they aware of the fact that the proposed transfer has excited considerable discontent in the Indian commercial community in Aden?

(d) If the transfer has not yet been finally settled, will they give the Indian Legislature an early opportunity of discussing the whole question? And, if so, how and when do they propose to give such opportunity?



**The Honourable Dr. T. B. Sapru:** (a) I would refer the Honourable Member generally to the answer given by the Honourable Mr. Bray in the Council of State on the 26th March 1921, to a question on the subject of Aden asked by the Honourable Mr. Bhurgri. The question of the transfer of the administration of the Aden Settlement to the Colonial Office is still under consideration.

(b) The Government took no special steps to ascertain the views of particular communities, in view of the unanimous Resolution passed by the Aden Chamber of Commerce on the 19th January 1920, expressing 'its earnest desire that Aden should be placed under the British Colonial Office, which it is believed would be conducive to the extension of Aden trade and the welfare of its inhabitants.'

(c) The Government are aware that certain traders and residents of Aden have since shown considerable discontent over the proposed transfer.

(d) Government would welcome an expression of the opinion of the Indian Legislature. I would remind the Honourable Member that the proposal has long been a matter of common knowledge, and that it has been open to any Honourable Member of either House to raise a discussion on it by means of a Resolution at any stage in their last sessions and in this.

**Mr. N. M. Samarth:** Is it or is it not a fact that the Aden Chamber of Commerce referred to in the reply have since represented to Government that they were under the impression that Aden was going to be transferred to the Egypt Government?

**The Honourable Dr. T. B. Sapru:** I want notice of that question.

#### EMOLUMENTS OF THE INDIAN IMPERIAL SERVICES.

445. **Mr. N. M. Joshi:** Will the Government of India be pleased to state:

(a) if they have received protests from public bodies like the Deccan Sabha of Poona and the Western India National Liberal Association with regard to the proposed increments in the emoluments of the Indian Imperial Services, as foreshadowed by the Secretary of State in his recent replies in the House of Commons?

(b) If so, whether they will give an opportunity to the Indian Legislature for a discussion of the new proposals before they are given effect to?

**The Honourable Sir William Vincent:** (a) Yes.

(b) I would refer the Honourable Member to the Home Department Resolution No. D.-449, dated the 26th July 1921, and Finance Department Resolution No. 1559-E.A., dated the 18th August 1921, from which he will see that we have already given effect to the orders of the Secretary of State on the memorials of the services.

#### PASSENGER ACCOMMODATION IN TRAINS BETWEEN ELLICHPUR AND YEOTMAL.

446. **Khan Sahib Maulvi Abdul Qadir:** (a) Are the Government aware that in all the trains running between Ellichpur and Yeotmal there is only one upper class compartment available and that there are no second and intermediate class carriages in those trains and in consequence of the absence of such carriages middle class passengers are put to much inconvenience?

(b) If so, will Government take early steps to remedy the defect?

**Colonel W. D. Waghorn :** The matter has been brought to the notice of the Railway Administration concerned who are making inquiries as to whether second and inter class carriages can be provided on the trains referred to and also whether the additional upper class accommodation asked for is justifiable.

**THE BENGAL MUNITIONS CASE.**

**447. Dr. H. S. Gour :** (a) Is it a fact that the Bengal Muniton prosecutions have been finally withdrawn ?

(b) If so, by whose authority were the prosecutions launched and who authorised their withdrawal, and why ?

(c) Is it a fact that the misappropriations are estimated at 9 Crores of Rupees ? If not, what is their correct estimate ?

(d) What has been the total cost of this prosecution ? Will Government name all the solicitors, pleaders and counsel engaged for the prosecution and the total sums paid to each of them ?

(e) Is it a fact that the direct charges related to Rs. 1,49,000 alleged to have been obtained by cheating by the accused ?

(f) What arrangement has the Government made, or does it propose to make for the realization of this money ?

(g) Is the Government aware that the withdrawal of this prosecution has caused great public indignation ?

(h) Will the Government lay on the table all papers relating to the subject ?

(Vide reply to Question No. 373.)

**PAY OF THE CLERICAL STAFF, MEDICAL SERVICES, ARMY HEADQUARTERS.**

**448. Rai Bahadur Bakshi Sohan Lal :** (a) Will the Government be pleased to state how far it is correct :

(i) that the scale of the pay of the clerical staff of the Medical Services in the Army Headquarters is nearly double that of the clerical staff of the Director-General of Indian Medical Service ;

(ii) that there are two efficiency bars in both the lower and upper divisions of the attached offices, whereas there is only one in the Secretariat ?

(b) If so, what is the reason for this differentiation ?

**Sir Godfrey Fell :** (a) (i). No. A comparative statement shewing the rates of pay sanctioned for the clerical staff in the office of the Director of Medical Services at Army Headquarters and of the Director-General, Indian Medical Service, is laid on the table.

(a) (ii). Yes, except in the case of Army Headquarters offices, where there is only one efficiency bar in each division as in the Secretariat.

(b) The pay of the clerical staff in the office of the Director of Medical Services is based on the scales of pay authorised for Army Headquarters offices, and that of the clerical establishment of the office of the Director-General, Indian Medical Service, is the general rate of pay for Attached Offices. The Honourable Member is referred to the reply given by Mr. O'Donnell on the 1st March 1921 to clause (b) of Question No. 337.

As regards the efficiency bars, when the Secretariat scale was introduced, one bar was thought to be sufficient ; but when the point was reconsidered later on in the case of the attached offices, it was thought desirable, in the interests of efficiency, to have two bars in future instead of one.

*Statement showing the existing rates of pay sanctioned for the clerical establishments of the Medical Services in Army Headquarters and of the office of the Director-General, Indian Medical Service.*

Name of office.	Chief clerk in Medical Services or Chief Superintendent in Director-General, Indian Medical Service office.	Superintendent.	Assistants.	Clerks.	Stenographers.	REMARKS.
Office of the Director-General, Indian Medical Service.	Rs. 600—40—800	Rs. 350—25—600	Rs. *120—8—160—10—350 with efficiency base at Rs. 200 and Rs. 300.	Rs. 75—4—155—160—5—175 with efficiency base at Rs. 115 and Rs. 155.	Rs. 150—10—300—150—5—250.	* A technical assistant draws Rs. 250—10—450.
Medical Services at Army Headquarters.	600 plus a duty allowance of Rs. 50—25—75.	500—20—600	*200—12—440 with an efficiency bar at Rs. 338—350—20—450.	*90 8—250 with an efficiency bar at Rs. 146—250—25—300.		† Probationers officiating and temporary assistants draw Rs. 175. ‡ Probationers officiating and temporary clerks draw Rs. 75.

SHIPMENT OF WHEAT FLOUR TO FOREIGN COUNTRIES.

449. **Rai Bahadur Pandit J. L. Bhargava :** (a) Is it a fact that large quantities of wheat flour are being shipped to foreign countries from the Port of Karachi?

(b) If the answer be in the affirmative, will the Government be pleased to consider the advisability of stopping forthwith the export of wheat flour, wheat and other foodgrains outside India?

**Mr. J. Hullah :** (a) No. The export of wheat flour from Karachi or any other port in India is not allowed except in very small quantities allotted to certain countries in the Indian Ocean.

(b) The export of all food grains from India is already under severe restrictions amounting almost to complete prohibition.

RAILWAY POLICE COMMITTEE'S REPORT.

450. **Mr. K. B. L. Agnihotri :** Will the Government be pleased to state the steps that they propose to take, on the recommendations of the Railway Police Committee's report, to stop thefts on the railways?

**The Honourable Sir William Vincent :** Railway Administrations are being consulted with reference to the recommendations contained in the Report of the Railway Police Committee, and the steps it is proposed to take on them will be considered when replies have been received.

FINANCIAL RELATIONS WITH PROVINCIAL GOVERNMENTS.

451. **Mr. P. S. Kamat :** (a) Will Government be pleased to say if they have considered whether the time has come to revise the financial relations with Provincial Governments and get the Meston Committee's arrangements modified?

(b) Are Government aware of an acute feeling prevailing amongst Bombay merchants particularly about the division of income-tax receipts between the Central and the Provincial Governments in the light of the state of Provincial finance in Bombay?

**The Honourable Mr. W. M. Hailey :** (a) Government do not consider that there would be any justification for a general revision of the nature suggested.

(b) I am aware that representations were made from Bombay both to the Financial Relations Committee and to the Parliamentary Joint Committee asking for a larger share of the income-tax receipts than was finally allotted to the provinces in the Devolution Rules framed by Parliament.

DUTY ON COMPONENT PARTS OF MACHINES.

452. **Mr. B. S. Kamat :** (a) Will Government be pleased to state if their attention is drawn to the fact that a duty of 11 per cent. is chargeable on the component parts of machines, whereas the machines themselves are charged a duty of 2½ per cent. only?

(b) If so, do Government propose to take any steps in the matter?

**The Honourable Mr. C. A. Innes :** The attention of the Honourable Member is invited to item 53 of the Import Tariff Schedule under which

machinery and component parts thereof as defined in the item are admitted at the 2½ per cent. rate of duty. Component parts of machinery which do not satisfy the criteria imposed in item 53 are assessed at 11 per cent. The whole question of the definition of machinery and component parts thereof is at present under the consideration of the Government of India.

#### SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

453. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Will the Government be pleased to state if the separation of executive and judicial functions was given effect to as an experimental measure anywhere in India ? If so, when, where, and how ?

**The Honourable Sir William Vincent :** There has been during the last fifty years in India a gradually extending separation of judicial from executive functions, but there has been no experiment of a complete separation anywhere in India.

#### EMOLUMENTS OF ALL-INDIA SERVICES.

454. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Have the Government of India submitted any proposals to the Secretary of State regarding the increment in emoluments of all-India Services ? If so, will the Government be pleased to place them on the table ?

**The Honourable Mr. W. M. Hailey :** I would invite the Honourable Member's attention to the replies which I have already given to questions asked by Mr. Rangachariar and Mr. Neogy.

#### EXPENDITURE ON HIS ROYAL HIGHNESS THE PRINCE OF WALES' VISIT.

455. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Will the Government be pleased to state what is the estimated expenditure in connection with the visit of His Royal Highness the Prince of Wales ? If an estimate of the same is prepared, will the Government be pleased to place it on the table ?

**The Honourable Sir William Vincent** (on behalf of the Honourable Sir John Wood): A sum of Rs. 20,00,000 has been provided in the Budget for expenditure on account of His Royal Highness the Prince of Wales' visit, and the Government of India do not anticipate that this amount will be exceeded. Estimates within this figure are still under consideration, and it is not proposed to place them on the table.

#### COST OF INDIAN ADMINISTRATION.

456. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Is the Government of India aware that there is real and widespread discontent among the people that the present administration of the country has become too costly and top-heavy ? If so, do the Government propose to take any steps to effect a reduction ?

**The Honourable Sir William Vincent :** Government do not propose to take any steps to effect a reduction in the Government of India itself where the administration is by no means top-heavy. In the Provinces,

Ministers are appointed by the Governor, and their salaries are voted by the Legislative Council of the Province. The Members of a Governor's Executive Council are appointed by His Majesty and are of such number not exceeding four as the Secretary of State in Council may direct. The Government of India will, however, always be prepared to consider any representations from a Local Government that the number of Members is excessive, but it must be remembered that they are not the controlling authority and the work has increased very greatly under the Reforms. The Honourable Member will readily understand that the new system of ministerial and council Government inevitably requires a larger Secretariat.

#### KHOREAL SHOOTING CASE.

457. **Mr. K. Ahmed:** (a) Is it a fact that the Government has received complaints regarding the Khoreal Shooting Case tried at the Calcutta High Court sessions?

(b) Will the Government be pleased to state whether it intends to take steps in the way of legislation to meet such complaints?

(c) Are the Government aware that the father of Hira had exclaimed in the course of the trial that justice has been denied to him?

(d) Are the Government aware that in the Editorial Column, the *Indian Daily News* in its issue of the 24th June 1921, has remarked that 'In our view the verdict is to be regarded not only with suspicion but with pity at the perverse mentality of those who were only too ready to pronounce the prisoner not guilty in 5 minutes, lest the prestige of the British Raj suffer by the conviction of a European'?

**The Honourable Sir William Vincent:** (a) No complaints, apart from the adverse comments in the public press, have been received.

(b) The question of undertaking legislation is under consideration, and I have already stated what the intentions of Government are.

(c) Government have no information on the point.

(d) No. I cannot find any such passage in the editorial column of the *Indian Daily News* of the 24th June 1921.

**Mr. K. Ahmed:** Was there a telegram sent by a pleader of Howrah to His Excellency the Viceroy with regard to this matter?

**The Honourable Sir William Vincent:** I am afraid all telegrams sent to the Viceroy do not come to the Home Department.

**Mr. K. Ahmed:** Is it not a fact that a memorial was sent to the Government asking for the removal of this great anomaly of miscarriage of Justice?

**The Honourable Sir William Vincent:** I have told the Assembly that we propose to appoint a Committee to investigate the system. I cannot remember any petition asking us to reopen this particular case, though I am speaking of course from memory and may be wrong.

#### ISLAMIC DEPUTATION TO ENGLAND.

458. **Mr. K. Ahmed:** (a) With regard to the Islamic Deputation to England, will the Government be pleased to state how and under what circumstances the said Deputation was sent and how its members were selected?

(b) Was there any hint for such selection of members given from England through the Secretary of State for India or did Government select them according to their discretion?

(c) Will the Government be pleased to state in full what was the cost for such Deputation giving particulars in detail regarding what subsidies they have received and whether the amount paid was that demanded by its members?

(d) Were the members of the said Deputation received by His Majesty's Government and given reception and hospitality similar to other Deputations from different countries received by His Majesty's Government in England?

(e) Is it a fact that the costs of the Deputation were borne by the Government of India, whereas the cost of the other Deputations from different countries received by His Majesty's Government in England were defrayed by the British Exchequer?

(f) Will the Government be pleased to lay on the table the statements submitted by the members of the said Deputation?

(g) What principle was followed for payments towards the cost of the Deputation if its expenses have been met from Indian revenues?

**The Honourable Sir William Vincent:** (a) In order that the views of Indian Muslims might be fully represented in England, the Government of India who had already made frequent representations considered it advisable in the last resort, to make a further effort by sending a Deputation consisting of influential Muhammadans to place their views before the Conference in London. The Members were selected by the Government of India.

(b) No. The Members were selected at the discretion of the Government of India.

(c) The precise cost of the Deputation is not known; approximately the total cost was between £2,000 and £3,000, i.e., between 30,000 and 40,000 rupees. The delegates were allowed actual travelling expenses between India and England; cost of their passports; rent of flats and ten guineas (approximately Rs. 130) a day each during their stay in England. Members claimed 20 guineas a day (i.e., approximately Rs. 300). The amounts were fixed by the Secretary of State.

(d) Government have no information, but they were no doubt hospitably received.

(e) Yes. No information is available as to the procedure adopted in regard to the Deputations from other countries.

(f) Complete statements have not yet been received.

(g) As the Deputation sent out was in all India interests, the expenditure is being borne by Indian revenues.

**Mr. R. A. Spence:** Is there any chance of the Legislative Assembly being paid on the same rates as the Deputation was paid?

**The Honourable Sir William Vincent:** I am afraid, not.

#### INDIAN REPRESENTATIVES TO CONFERENCES.

459. **Mr. K. Ahmed:** Do Government propose to make it a rule that in the matter of selecting representatives to represent India and its people, at any Conference anywhere it should be left entirely to Indians or their representatives to select their own people?

**The Honourable Sir William Vincent :** Government are not clearly aware of the Conferences to which the Honourable Member refers. If the people of India wish to select persons to represent themselves at any Conference to which they are entitled to send a representative, they will doubtless do so.

ENGLISH LIQUOR SOLD IN INDIA.

460. **Mr. K. Ahmed :** Will the Government be pleased to state of what amount of money and of what quantity Great Britain sell wine and liquor per year in India ?

**The Honourable Mr. C. A. Innes :** The Honourable Member is referred to the annual and monthly statements of the Sea-borne Trade of British India, which are available in the Library.

INDIAN AND BRITISH OFFICERS IN THE WAR BETWEEN GREECE AND TURKEY.

461. **Mr. K. Ahmed :** (a) Will the Government be pleased to state in full whether any Indian and British officers are in the battle fields where the Greeks and their allies are fighting with the Turks ?

(b) If the answer be in the affirmative, will the Government be pleased to take early steps through the Secretary of State and the Prime Minister to withdraw the officers ?

**Sir Godfrey Fell :** (a) So far as the Government of India are aware, the only officers of our forces who are with the Greeks in Anatolia, are a few British officers of comparatively junior rank who are attached to the Greek Headquarters *behind the fighting line* and who take no part whatever in the operations. Their sole function is to study the course of operations from a professional point of view. It is customary when any foreign powers are engaged in hostilities for officers of neutral powers to be attached in this manner.

The Greeks, it is understood, have no allies.

(b) In view of the reply just given, this question does not arise.

**Mr. K. Ahmed :** Are the Greeks allied to the British in this war ?

**The Honourable Sir William Vincent :** The answer is in the negative, if as I understand the Honourable Member inquires whether the British are the allies of the Greeks in this war.

URINAL AND OTHER CONVENIENCES IN THIRD CLASS CARRIAGES.

462. **Rai T. P. Mukherjee Pahadur :** Is the Government aware of the inconveniences of the public for want of privies and urinal arrangements and water arrangements in all third class compartments of Railway trains ; if so, does the Government intend to remove them ?

**Colonel W. D. Waghorn :** Government have received no complaints from the travelling public in regard to the want of latrines in third class carriages.

It may be stated that all railways have provided adequate arrangements in this respect in third class stock recently constructed, or now being built.

As regards arrangements for drinking water, I would refer the Honourable Member to my reply to a somewhat similar question asked by my Honourable friend, Rai Sahib Lakshmi Narayan Lal.



## RETURN TICKETS.

463. **Rai T. P. Mukherjee Bahadur**: Is the Government aware of the inconvenience of the public owing to discontinuance of the practice of issuing Return Tickets? If so, does the Government intend to introduce it in the near future?

**Colonel W. D. Waghorn**: It is presumed the Honourable Member refers to the issue of return tickets at reduced fares. In view of the demands for passenger accommodation which exceed the available supply, and of the increased cost of working railways in India, Government do not propose to ask Railways to re-introduce the concession of return tickets at reduced fares in the near future.

## EXTERNEES FROM CANTONMENTS.

464. **Dr. Nand Lal**: (a) Will the Government be pleased to give a detailed statement of all externees from the different Cantonments throughout India during the last five years, with cause of their externment?

(b) Is the Government aware of complaints that Section 216 of the Cantonment Code, 1912, operates very harshly on the civil population of Cantonments? If so, does it mean to modify the Section accordingly?

(c) Has the Government gone through the columns of the *Fortnightly Cantonment Advocate*, a magazine of the All-India Cantonments' Association, for the months of January to May last, and noted the orders of the different Cantonment Magistrates under Section 216 of the Cantonment Code, 1912?

(d) Has the Government noted the correspondence which has passed between one Kashmiri Lal Bansal, Sub-overseer, Dal Mandi, Ambala Cantonment, and the Military authorities, reported in the columns of the same magazine, *Cantonment Advocate*, for 25th May 1921, pages 11, 12 and 13? If so, does the Government intend to interfere in the matter?

**Sir Godfrey Fell**: (a) and (b). The Honourable Member is referred to the reply given to a somewhat similar question asked by Mr. Agarwala on the 19th September, No. 242.

(c) Yes.

(d) The Government have seen the correspondence in question. The facts of the case are as follows:

The Amballa Cantonment Committee have made a rule—which they are competent to do—that private water connections are to be given only to those houses which pay a water-tax on a basis of at least a Rs. 40 rental. Lala Kashmiri Lal, the registered rental of whose house was Rs. 4, obtained a private water connection without the permission or knowledge of the competent Cantonment authority. On discovering these facts, the Cantonment Committee raised the registered rental of Lala Kashmiri Lal's house to Rs. 40 and demanded and recovered from him the water-tax based on this amount. Lala Kashmiri Lal appealed to the Commissioner, who decided that the Cantonment Committee were not competent to impose the enhanced rental of Rs. 40 and cancelled the order. He directed that any amount paid in excess of that due on a basis of a Rs. 4 rental should be refunded to Lala

Kashmiri Lal. Meanwhile the Cantonment Committee cut off the connection which Lala Kashmiri Lal had obtained surreptitiously and without authority. In so doing they were acting within their powers. The Government of India do not intend to interfere in the matter.

#### SUNDAY FEES.

465. **Mr. E. L. Price:** With regard to Sunday Fees and Mr. C. A. Innes' undertaking given on 9th March last (page 799 of the Official Reports) will Government be pleased to state whether the practice at Karachi and Madras has now been brought into line with Bombay and Calcutta?

**The Honourable Mr. C. A. Innes:** The subject has been examined. It was found, however, that the question of Sunday fees opened up that of overtime fees generally. Certain inquiries are now being made with the object of seeing how far the practice both in regard to Sunday fees and overtime fees can be assimilated from port to port, and the Government of India hope to be in a position shortly to discuss provisional proposals to Local Governments.

#### ELECTORAL ROLLS OF THE BOMBAY EUROPEAN CONSTITUENCY.

466. **Mr. E. L. Price:** (a) Is the Government of India aware that the electoral rolls of the European constituency in the Bombay Presidency for electing Members to the Legislative Assembly were prepared last year and are being prepared this year in accordance with the old definition of the terms 'European' and 'Anglo-Indian' and not in accordance with the revised definition of European as finally sanctioned by the Secretary of State and notified in Government of India Referees Office Notification No. 767-F. of 27th July 1920, Schedule II, Part II?

(b) Will the Government of India be pleased to state what steps are being taken to rectify this anomaly?

**The Honourable Dr. T. B. Sapru:** The Government of India have no information as to what definition of the term 'European' has been adopted by the Bombay Government in preparing the electoral rolls referred to, but the Local Government have been addressed on the subject and a copy of the Honourable Member's question has been sent to them.

#### REFUSAL OF COINED SILVER IN THE PUNJAB.

467. **Mr. E. L. Price:** (1) Are Government aware that Government Treasuries in the Punjab have lately refused coined silver tendered by the public?

(2) Will Government be pleased to state why such action has been permitted?

**The Honourable Mr. W. M. Hailey:** (1) and (2). Government have made inquiries regarding this matter, and understand that in May last, owing to great difficulties as regards storage which had arisen from the accumulation of large stock of coined rupees, the Accountant General, Punjab, authorised the Rawalpindi, Amritsar and Jullundur treasuries to accept only so much coin, tendered for the issue of supply bills or telegraphic transfers or

for exchange into notes, as could be accommodated locally. He gave instructions however to the Treasury officers concerned that coin tendered in payment of Government dues was on no account to be refused. From a letter recently received by Government from the Karachi Chamber of Commerce it appears that similar instructions were issued to the Ludhiana treasury last month. The Controller of the Currency reports that he is now arranging to remove coin from the Lahore to other Currency offices, in order that the facilities in the Punjab which had to be restricted can be restored.

#### INCREASE OF ARRIVALS BY RAIL INTO KARACHI.

468. **Mr. E. L. Pridie :** (a) Are Government aware that the arrivals by rail into Karachi rose steadily year by year from 1911 to the period of the Great War, showing enormous improvement in Railway carrying capacity?

(b) Are Government aware that the capacity of the Railways for carrying goods into Karachi has very seriously deteriorated since 1918, and that even the smaller traffic offering has not been readily moved and that in March 1921 produce on the Oudh and Rohilkhand and Bengal and North Western Railways could not be lifted, in consequence of which four chartered steamers were detained in Karachi Port for 16 to 30 days on demurrage?

(c) Can Government give the public any assurance that in the event of any revival of Karachi trade the Railways will now be able to lift and rail into Karachi more traffic, and, if so, up to what quantity per mensem?

**Colonel W. D. Waghorn :** (a) The reply is in the affirmative.

(b) Apart from circumstances which resulted directly from the War, and temporary congestions of traffic which occurred on account of the shortage of coal, and strikes in the early part of this year, Government are not aware that the capacity of railways for carrying goods into Karachi has seriously deteriorated since 1918.

(c) Government are able to say that in the event of a revival of the trade at Karachi, railways will be able, unless unforeseen circumstances arise, to cope with the traffic offered.

It is not possible to indicate the detailed figure asked for in the last part of the question as so much depends on the locality and the particular railway on which the traffic originates.

#### WAGES IN FIJI.

469. **Mr. K. P. L. Agnihotri :** (a) Has the attention of the Government been drawn to a telegram of Mr. C. F. Andrews published in the *Statesman* of 14th August 1921?

(b) Are Government in a position to state if Mr. Andrews' calculation regarding wages in Fiji is substantially correct?

(c) Will the Government be pleased to publish and lay on the table the report of the Fiji Wages Commission, along with Mr. Chowla's note of dissent?

**Mr. J. Hullah :** (a) Yes.

(b) Mr. Andrews refers in his telegram only to the wages of field workers, and in making his calculations, he has taken the rate of exchange to be two

shillings for each rupee. On the assumption that the rate of exchange averages for the current year 1s. 6d. per rupee, the wages including the regular bonus of 6d. per day, but excluding the additional bonus of 1s. 0d. to 4s. 6d. per week, which Indian labourers now earn in Fiji would work out as follows :

		Minimum per month.	Maximum per month.
		Rs. A. P.	Rs. A. P.
Field labourers	... ..	37 5 4	49 5 4
Mill labourers	... ..	38 0 0	65 5 4
Skilled labourers such as loco. drivers	... ..	86 0 0	94 10 8

The prices at which Indian commodities are supplied by employers in Fiji and the mean prices ruling in the United Provinces and Madras may be compared as follows :

<i>In Fiji.</i>	<i>In India (Retail prices reported by Director of Statistics on July 26, 1921).</i>
Rice 4 seers per rupee ...	<i>United Provinces</i> —4 seers 2 ch. per rupee. <i>Madras</i> .—5 seers 13 ch. per rupee.
Dhall 3 seers 9 ch. per rupee ...	<i>United Provinces</i> .—4 seers 11 ch. per rupee. <i>Madras</i> .—Not quoted.
Salt 9 seers per rupee ...	<i>United Provinces</i> .—10 seers 8 ch. per rupee. <i>Madras</i> .—15 seers 12 ch. per rupee.

Mr. Andrews appears to be mistaken in stating that the wages now obtained by the bulk of Indian labourers in Fiji are equivalent roughly in purchasing power to between nine and fourteen rupees per month in Indian currency.

(c) A copy of the report is laid on the table. The report is, however, over 16 months old, and is of little value as a picture of the conditions now actually subsisting in Fiji.

## INTERIM REPORT

TO

HIS EXCELLENCY CECIL HUNTER RODWELL, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF FIJI.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the Commissioners appointed by the Commission issued to us under Your Excellency's hand and the Public Seal of the Colony bearing date the thirty-first day of January, one thousand nine hundred and twenty, have the honour to submit herewith an interim report dealing with the question of the present cost of living as compared with the cost in former years in its relation to the rates of wages paid to Indian labour.

2. Pursuant to the powers vested in us under the terms of Your Excellency's Commission, the Commission co-opted Mr. S. S. Chowla, a selection which was in accord with the views of the Indian community, whilst Mr. D. M. Manilal, Barrister-at-Law, appeared before the Commission in support of the Indian interests.

3. The Commission further invited Mr. J. L. Hunt, Chairman of the Planters' Association, to co-opt with them in their investigations, and it is to be regretted that that gentleman did not see his way to accept the invitation. Mr. Hunt, however, expressed his willingness to appear as a witness before the Commission which he subsequently did and gave useful evidence.

4. The Commission entered upon its labours on the 3rd February last, and has held sittings at Suva on the 8rd, 6th, 7th, 9th, 10th, 20th, 27th and 28th February and on the 1st, 2nd and 4th March, and examined twenty witnesses solely in connection with the subject indicated.

*Cost of Foodstuffs.*

5. A mass of evidence was adduced before the Commission to prove the increased cost of foodstuffs and other articles considered essential to support life per unit in reasonable comfort. In 1913 it was stated to have averaged about two pounds six shillings per month, as against four pounds fifteen shillings per month at the current rates, being an increase of over one hundred per cent. The cost of the statutory ration prescribed by the Indian Immigration Ordinance, 1891, for the same periods varies from two shillings and eight pence half-penny per week in 1913, to, say, five shillings and six pence at the present time. A reliable guide to the increased cost of living is furnished by a return prepared by Mr. Dalton, the Acting Inspector General of Prisons. The dietary scale for Indian prisoners contains the foodstuffs, with the exception of ghee, which constitute the basis of all Indian diets. The increased cost on this scale is some eighty-eight per cent. and in making any comparison it is to be remembered that the prices paid are Government contract price.

6. During the sittings of the Commission on more than one occasion it was pointed out that an attempt was being made to raise the pre-war standard of living. Mr. Manilal, who appeared on behalf of the Indian interests, admitted that such was the case. However landable his ambition may be, and however much it may meet with sympathy, yet the scope of the Commission it was felt did not permit of such a proposition being entertained in the manner admittedly put forward. The functions of the Commission as they are understood to be, were to report upon the present cost of living as compared with the cost in former years, and to report whether existing wages at the present cost of necessaries afforded a reasonable means of livelihood when compared with the wages prevailing in former years. This, in the opinion of the Commission, does not in any way indicate a raising of the standard of living from the pre-war rate.

*Scale of Foodstuffs.*

7. The subjoined table shows the statutory scale of diet sanctioned by law under the Indian Immigration Ordinance, 1891, and the scales in support of which evidence was called before the Commission.

*Weekly quantities.*

Article.	Statutory Scale.	Petition Scale.	Jaganath's scale.
Sharps	...	16 lbs	10 lbs.
Rice	9½ lbs.	6 lbs.	7 lbs.
Garlic	...	...	¼ lb.
Dhall	1½ lbs.	2 lbs.	2½ lbs.
Mustard oil	3½ oss.	¼ bottle.	¼ bottle.
Masala	...	¼ lb.	¼ lb.
Ghee	7 oss.	1 lb.	1 lb.
Milk	...	1s. worth.	7 pints.
Onions	...	1s. 6d. "	1 lb.
Vegetables	...	6d. "	2s. worth.
Salt	7 oss.	¼ lb.	¼ lb.
Sugar	14 oss.	2 lbs.	3 lbs.
Tobacco	...	1s. 6d. worth.	3d. worth.
Tea	...	4 oss.	¼ lb.
Kerosene	...	1 bott'le.	1 bottle.
Matches	...	6d. worth.	4 boxes.
Coconut oil	...	6d. worth.	¼ bottle.
Soap	...	...	3d. worth.
Blue	...	...	2d. worth.
Soap and blue	...	9d. worth	...
Salmon	...	...	1 tin.
Curry	2½ oss.	(see masala).	(see masala).
Shaving	...	3d. worth	...
Cigarette paper	...	4d. "	...
Meat or fish	...	1s. "	...

Witnesses were called with the object of proving that the statutory scale was totally insufficient; in fact two witnesses went so far as to depose that they, whilst under indenture, consumed their weekly rations in three days, and for the remaining four days of the week lived on their friends or as best they could. Such evidence as this is obviously unworthy of credence; thousands of Indians since 1891, during the first six months of their indenture, have

lived upon this scale of ration without detriment to their health. The Commission after reference to the report of Messrs. McNeill and Chimman Lal, the Commissioners appointed by the Government of India in 1913, to report upon the conditions of Indian immigrants in Fiji and other Colonies, find that, in setting out the scale in the report it is in no way adversely criticised, nor do the immigrants themselves appear to have made any complaints on the insufficiency or otherwise of the statutory ration, since no mention of any complaint of such a nature is to be traced in the report. Whilst the Commission are of opinion that the present allegation has no real foundation, but is one born of yesterday and only now advanced to bolster up a claim to a higher standard of living, they desire to qualify the preceding observations by pointing out that the statutory scale was only applicable to immigrants for the first six months of their residence in Fiji, and that it does not include such articles as milk, tea or vegetables, articles which the Commission consider the labourer may reasonably expect to be able to afford.

8. It soon became obvious to the Commission that it would be a hopeless task to attempt to follow the line taken by Mr. Manilal and his adherents and deal with each article in detail as set out in the mass of evidence before the Commission, but that the most satisfactory method would be to adopt a scale of essential foodstuffs, ascertain the present day cost thereof as compared with the cost of a similar scale in 1914. With this object in view a scale was prepared by Dr. Aubrey Montague, Acting Chief Medical Officer. The Commission have adopted this scale as a maximum diet scale. It is as follows :—

*Weekly scale.*

	1920.		1914.	
	s.	d.	s.	d.
Rice, 7 lbs. at 3d.	...	...	1	0
Sharps, 7 lbs. ...	...	...	0	10½
Dhall, 1½ lbs. at 6d.	...	...	0	7½
Ghee, ¼ lb. at 3s.	...	...	1	6
Mustard oil, ¼rd bottle	...	...	1	0
Masala ¼ lb.	...	...	1	0
Sugar, 2 lbs. at 2d.	...	...	0	4
Salt, ¼ lb.	...	...	0	1½
Milk, 1 lb.	...	...	1	0
Vegetables, 8½ lbs.	...	...	1	0
Tea, ¼ lb.	...	...	0	6
Total	...	13 1	...	5 5

This scale contains only articles of food usually consumed by Indians, the different ingredients are in the proportions generally regarded as those most suitable for nutrition; but the total quantities represent the maximum both of flesh-forming and energy-producing materials that the average person can obtain physiological benefit from. With it as a maximum diet scale may be compared the statutory scale, approximately a minimum one on which moderate health can be maintained and which is devoid of the simplest accessories. The great majority of Indian labourers undoubtedly live and throughout their residence in Fiji always have lived on a diet lying between these two extremes. The maximum scale cost five shillings and five pence per week in 1914, ten shillings and a penny per week in 1920; the minimum cost two shillings and eight pence half-penny in 1914 and five shillings and six pence farthing in 1920, or slightly less if flour is substituted for the whole or a portion of the rice ration. The increase in cost on the maximum scale amounts to eighty-six per cent; on the minimum approximately one hundred per cent. These figures are based in each case upon the current retail prices. The Commission consider that the daily cost of food for the Indian labourer at the present day if he is to maintain health, and the pre-war standard of living, which was a reasonable one, is from one shilling to one shilling three pence, representing an increase over the pre-war cost of at least eighty-six per cent. All the evidence shows that the increase in the cost of many other goods, particularly all fabrics and metal goods, since 1914, is at a much higher ratio than this, and the Commissioners after making allowance for those expenses in which there has been no change, consider that the increased cost of living to the Indian labourer amounts at moderate estimate to not less than one hundred per cent. Part of this increase is due to a scarcity of raw products and manufactured articles resulting from the war, and the results of this scarcity must be borne by the community generally. The rest may be due to the vast inflation of currency as a result of paper money and various other causes and may properly be remedied by an increase of wages.

*Rates of wages.*

9. The Commission find that from a date previous to 1910 the minimum wage paid to a town labourer was two shillings per diem, and that this wage was increased by the Government and by the Municipal Council of Suva towards the end of 1919 to two shillings and six pence per diem, and further that in the districts of Rewa and Navua a rate of six pence per diem less than the town rate obtained generally.

10. A witness expressed the opinion that the equitable method of comparison of wages in 1914 and 1920 would be between the wages of an indentured Indian labourer in the former year and of a free Indian labourer in the latter. The Commission are unable to accept this method of comparison whether as an estimate of the relative cost of labour to the employer or reward of labour to the employed. As regards the cost to the employer of indentured labour, there should be added to the daily wage paid a proportion of the cost of introduction of the labourer to the Colony and of other charges incidental only to the indentured system, amounting in all to the additional sum of about 6d. per diem. As regards the remuneration of the indentured labourer, besides the receipt of a wage of one shilling a day, he by each day's work reduced his indebtedness to his employer for the cost of his immigration to the Colony by about six pence. This is in agreement with the fact that the labourer could commute his obligations to his employer by the payment of a sum of money. The Commission consider, and in this they are in agreement with the arguments generally used in favour of the indenture system, that when the immigrant had completed the term of his indenture, he had a just expectation that his wage-earning capacity would be at least equal to his pay as an indentured labourer, together with the daily proportion of the expenses of his introduction. This has always been obtained by him whether altogether as a daily wage or partly as a wage and partly as a bonus on reindenture.

*Recommendations.*

11. So as to adjust the disproportion between the cost of necessities and prevailing rates of wages, the Commission beg to submit the following recommendations. As already stated the town labourer before the war earned two shillings per day, and it is on this basis that our calculations have been founded. In 1919, the two shillings rate was increased to two shillings and six pence as already shown; if, therefore, the labourer were to receive from his employer each week free of cost or in the alternative the current retail costs of: 7 lbs. rice; 7 lbs. sharps; 1 lb. dhall; one-third of an Imperial quart bottle of mustard oil (or the proportionate part thereof for less than one week) commodities which at the date of this report, can be purchased retail for 4s. 6d. he, together with the 25 per cent. advance which he has already received on the 2s. rate of wage, would be in receipt of 62½ per cent. to 66 per cent. advance on that rate.

12. In the case of the country labourer, his wages are influenced by such perquisites as free lodging and land or by facilities for renting land, and thus augmenting his income by his own work in his spare hours or by the work of his family. The evidence obtained regarding the Rewa and Navua districts shows that the rate of wages has been lower in these districts compared with that of the town labourer by six pence per day, and it is likely that similar conditions have maintained the wages in other country districts at a similarly lower level than in town. Therefore it appears equitable that the differences in the wage should be maintained and, owing to the increased cost of commodities, that the additional facilities obtained by country labourers should be now valued at nine pence per day as compared with town labourers. The Commission beg to recommend, as a country wage comparable to the town wage that they have recommended one shilling and nine pence per day, together with the supply free of cost each week or, in the alternative, the retail cost current at the time of: 7 lbs. rice; 7 lbs. sharps; 1 lb. dhall; one-third of an Imperial quart bottle of mustard oil (or the proportionate part thereof for less than one week).

13. The Commission quite realise that the position of the country labourer is controlled by a variety of considerations which do not exist in the case of the town labourer. It follows, therefore, that no precisely uniform figure can be arrived at as in the case of a town labourer, but we consider the above mentioned recommendations would constitute a fair working basis. It represents an increased wage of a little over sixty-six per cent.

14. In submitting this recommendation the Commission desire to point out that the commodities selected for supply to the labourer free of cost and at the expense of the employer are the staple commodities of the Indian national diet in which, even at the present time, an immediate rise in price may be anticipated. Any such rise falls consequently upon the employer and not upon the labourer; the latter's position is therefore fully secured.

15. The Commission have considered the possibility of reducing the cost of living by encouraging the increased production of food crops in the Colony, and hope that their recommendations may lead employers to take steps in this direction. It must, however, be remembered that the labour supply is limited and it would probably be false economy to divert labour from the highly remunerative industries of copra or sugar cultivation and preparation to the possibly less remunerative cultivation of rice and other staple Indian foodstuffs unless the prospect of their increasing scarcity should make it a necessity.

16. As regards prevailing prices, the Commission find that the price of the essential foodstuffs has been from time to time controlled by the Necessary Commodities Commission, and are therefore accepted by this Commission as being fair and reasonable under the existing condition of things, but that no such control has been exercised over the selling price of articles of wearing apparel. This Commission have endeavoured to ascertain the selling price of such articles both in India and in England, but so far have not been able to form an opinion whether profiteering to any great extent is current with respect to the class of goods in every day use by the Indian labourer. Should it be found on the further information obtained from India or elsewhere that it is possible to sell in Fiji the goods referred to at a rate cheaper than the rates deposed to in evidence before the Commission it is recommended that the Necessary Commodities Commission control the prices of standard qualities of such goods or, if this is found to be impracticable, that the Government import such goods in wholesale quantities and retail them throughout the Colony at rates slightly over the cost price. Further relief would thus be afforded to the Indian community which, we feel certain, would be fully and gratefully appreciated.

We have, etc.,

A. K. YOUNG,

*Acting Chief Justice,*

*Chairman.*

A. MONTAGUE.

P. R. BACKHOUSE.

BADRI MAHRAJ.

E. L. BAKER,

*Secretary.*

*Dated the 4th March 1930.*

1. Mr. S. S. Chowla dissenting.

2. Mr. Brabant and Mr. Ellis dissenting from any report being made for the present time for political reasons and before the evidence of all classes of the community has been heard.

# APPENDIX 1.

## PETITION SCALE.

*Weekly expenses for a single man.*

	£	s.	d.
16 lbs. sharps ...	0	3	0
8 lbs. rice at 8d. ...	0	1	6
2 lbs. dhall at 6d. ...	0	1	0
½ bot. mustard oil ...	0	1	6
½ lb. masala ...	0	0	9
Onions ...	0	0	6
Vegetables or potatoes ...	0	1	6
1 lb. ghee ...	0	3	0
½ lb. salt ...	0	0	1½
2 lbs. sugar ...	0	0	4
4 ozs. tea ...	0	0	9
Milk ...	0	1	0
1 bot. kerosene ...	0	0	9
Matches ...	0	0	6
Soap and blue ...	0	0	9
Tobacco ...	0	1	6
Coconut oil ...	0	0	6
Shaving ...	0	0	3
Cigarette paper ...	0	0	4
Meat or fish ...	0	1	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>6½</b>



## APPENDIX 2

## JAGANATH'S SCALE.

Living expenses—a single man.

					Prices, 1914.	Prices, 1920.
					£ s. d.	£ s. d.
10 lbs. sharps	...	...	...	...	0 1 8	0 1 9
7 lbs. rice	...	...	...	...	0 1 0	0 1 9
4 lb. garlic	...	...	...	...	0 0 1	0 0 6
2½ lbs. dhal	...	...	...	...	0 0 6	0 1 8
4 bot. mustard oil	...	...	...	...	0 0 6	0 1 6
4 lb. masalas	...	...	...	...	0 0 3	0 0 6
1 lb. ghee	...	...	...	...	0 1 8	0 3 0
7 pea. milk	...	...	...	...	0 0 7	0 1 9
1 lb. onion	...	...	...	...	0 0 3	0 0 6
Vegetables and potatoes	...	...	...	...	0 1 0	0 2 0
4 lb. salt	...	...	...	...	0 0 1	0 0 1½
8 lbs. sugar	...	...	...	...	0 0 6	0 0 6
Tobacco	...	...	...	...	0 0 8	0 0 8
4 lb. tea	...	...	...	...	0 0 3	0 0 6
1 bot. kerosene	...	...	...	...	0 0 4	0 0 7
4 box matches	...	...	...	...	0 0 1	0 0 4
4 bot. coconut oil	...	...	...	...	0 0 3	0 0 6
Soap	...	...	...	...	0 0 3	0 0 6
1 tin salmon	...	...	...	...	0 0 9	0 1 6
Blue	...	...	...	...	0 0 1	0 0 2
TOTAL					0 9 5½	0 19 5½

For 52 weeks or a year

... 23 18 10 49 4 10

## Yearly expenses—

					Prices, 1914.	Prices, 1920.
					£ s. d.	£ s. d.
Land rent	...	...	...	...	1 5 0	1 5 0
Hut tax	...	...	...	...	0 10 0	0 10 0
1 belt	...	...	...	...	0 0 6	0 1 0
2 pair dhoties	...	...	...	...	0 10 0	2 2 0
1 only handkerchief	...	...	...	...	0 0 6	0 1 0
2 only shirts	...	...	...	...	0 6 0	0 13 6
2 singlets	...	...	...	...	0 1 0	0 3 0
1 pair socks	...	...	...	...	0 0 6	0 1 6
2 pair dagri suits	...	...	...	...	0 12 0	1 16 0
1 blanket	...	...	...	...	0 3 0	0 8 0
1 mosquito net...	...	...	...	...	0 5 0	1 0 0
1 sheet	...	...	...	...	0 3 0	0 12 0
1 pair boots	...	...	...	...	0 12 6	1 5 0
1 hat	...	...	...	...	0 2 0	0 8 0
1 umbrella	...	...	...	...	0 3 0	0 8 6
1 towel	...	...	...	...	0 1 0	0 2 6
2 yards calico	...	...	...	...	0 1 0	0 4 0
2 plates	...	...	...	...	0 1 0	0 2 6
2 bowls	...	...	...	...	0 1 0	0 3 0
1 frying pan	...	...	...	...	0 1 0	0 2 6
2 sauce pans	...	...	...	...	0 2 0	0 8 0
2 large spoons	...	...	...	...	0 1 0	0 2 6
1 billy can	...	...	...	...	0 0 6	0 1 6
1 bucket	...	...	...	...	0 1 0	0 2 0
1 lantern	...	...	...	...	0 3 0	0 6 0
1 lamp	...	...	...	...	0 2 0	0 5 0
1 padlock	...	...	...	...	0 0 6	0 1 3
1 dish	...	...	...	...	0 1 6	0 3 6
1 tea pot	...	...	...	...	0 1 0	0 4 0
TOTAL					5 18 0	13 2 9

The year total

... 32 10 10 62 2 7

Manager to the A. J. C. Patel Bros.,

Suva—Jaganath,

APPENDIX 3.

STATUTORY RATION.

Prescribed by the Indian Immigration Ordinance, 1891, comparing pre-war prices with the present.

Article.	Weekly quantity.	Pre-war cost.	Present cost, 1920.
Rice, or rice and flour	9½ lbs.	s. d. 1 4½	s. d. 2 5
Dhall	1½ lbs.	0 3½	0 10½
Ghee	7 oss.	0 6½	1 3½
Mustard oil	3½ oss.	0 1½	0 4½
Curry-stuff	2½ oss.	0 1½	0 3½
Sugar	1½ oss.	0 1½	0 1½
Salt	7 oss.	0 0½	0 1½
Total	...	2 8½	5 6½

APPENDIX 4.

PRISON SCALE.

Comparative statement of cost of rationing one Indian prisoner per week for years 1913 and 1920.

	1920.	1913.
	s. d.	s. d.
Rice, 5½ lbs. at 3½d....	1 7½	0 9½
Bread, 10 lbs. at 8½d. ....	2 7½	1 3½
Dhall, 1½ oss. at 4½ per lb. ....	0 3½	0 1½
Curry, 2 oss. at 2½ per lb. ....	0 3½	0 1½
Sugar, 1½ oss. at 1½d. per lb. ....	0 1½	0 1½
Mustard oil, 3½ oss. at 1d. ....	0 5½	0 2
Green vegetables, 2 lbs. 10 oss. ....	0 3	0 3
Chillies	0 3	0 3
Salt	0 0½	0 0½
Cost of one unit weekly	5 11½	3 2

INTERIM REPORT.

(MINORITY)

TO

HIS EXCELLENCY SIR CECIL HUNTER RODWELL, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF FIJI.

MAY IT PLEASE YOUR EXCELLENCY,

I, THE Co-opted member of the Commission (representing Indians) issued under Your Excellency's hand and the Public Seal of the Colony dated 31st of January, 1920, have the honour to submit the following report dealing with the question of the present cost of living as compared with the cost in former years and its relation to the rates of wages paid to Indian labourers :—

(a) The present cost of living as compared with the cost of former years (1913-14) has gone up as follows :—

Foodstuffs—generally speaking 100 per cent. Foodstuffs under Dr. Montague's scale (hereinafter mentioned) 86·15 per cent. Foodstuffs—imported from India under Dr. Montague's scale (hereinafter mentioned) 118·75 per cent.

Clothing and other necessities generally speaking at least 125 per cent.

(b) The present rates of wages as compared with the rates prevailing in former years are as follows :—

Suva—		s. d.
1904 to November 1919	...	2 0
Since November 1919	...	2 6

Rewa—						
(Government employees—					s.	d.
In pre-war days					2	0
At present					2	0
Others—						
Before 1915					1	6
Since 1915					2	0
Navas—						
Sugar Company's employees—						
Before 1917					1	6
Since 1917					2	0
Others—						
In pre-war days					2	0
At present					2	0

(c) At the present cost of necessities the wages earned by the Indian labourers do not afford a reasonable means of livelihood.

(d) I recommend that the Government, Municipal, Plantation and other unskilled labourers all over the Colony should be paid at the rate of 4s. a day, or at the rate of 3s. 6d. a day with weekly rations of 7 lbs. sharps and 7 lbs. rice supplied free by the employer. In the case of domestic servants an increase of 25 per cent. on their wages should be made. I also recommend that in the case of those with a family, a bonus, similar to the one fixed by the Government in the case of its Indian employees, *viz.*, the sum of £5 per annum in respect of wife and £2-10-0 per annum in respect of a child, should be given.

My reasons for the above report and recommendations are set out in the schedules annexed hereto.

I have, etc.,  
S. CHOWLA,  
Co-opted Member,  
Representing Indians.

SUVA.

The 10th March 1920.

1. *The ration scales under the Indian Immigration Ordinance and Prison Regulations.*—The statutory scale of rations given to the indentured Indians during their six months of service was not, in my opinion, sufficient in quantity for the majority of the Indians who had to buy additional rations for their use. I believe it was just sufficient in the case of some and perhaps for a small minority it was a little more than sufficient. Mr. Badri Maharaj informed me that it was not sufficient in the case of many Indians whom he had the honour to superintend. This was, no doubt, due to the fact that the wants and needs of the Indians were not studied by those who were responsible for bringing them into this Colony under indenture. We have it in evidence given before the Commission that the scale of gno! rations which was, no doubt, based on scientific methods had to be altered several times since 1914. Why the scale under the Indian Immigration Ordinance was not reconsidered or altered is difficult for me to surmise. Neither the statutory nor the gno! ration scale should be considered in any way applicable in the case of time expired Indian labourers.

2. *Other scales.*—The scale of expenses put in by the Rewa witnesses and advocated by their Suva compatriots is, in my opinion, an exaggerated one. The ration scale (Schedule B) prepared by Dr. Montague and adopted by the Commission is a very fair one. I would not call it liberal. The scale I am enclosing herewith (Schedule C) does not differ from the one prepared by Dr. Montague except in the case of dhall and mustard oil. 4 ozs. of dhall and 1½ ozs. of mustard oil should be the minimum for an Indian labourer's daily consumption and those quantities will make his food agreeable. I have also added under a sub-head some other items, *viz.*, kerosene, tobacco, matches, soap and blue that a man has to buy practically every week. The total expenses thus come to 12s. 4d. a week. If we deduct this amount from his wages recommended by me, *viz.*, 24s. a week, the balance remains 11s. 8d. which is only equal to 4s. 8d. as compared with pre-war days for buying other necessities of life such as clothes, utensils, bedding, et cetera.

3. *The wages.*—The wages for unskilled labourers in or about Suva have been at the rate of 2s. per day since March 1904 in the case of the employees of the Municipal Council and as appears from the evidence of Mr. Kennie for at least 11 years in the case of men employed by the Government up to 5 or 6 months ago when the sum of 6d. a day was added. On the Rewa the rate of wages went up to 2s. a day in 1915 and at Navua it went up to 2s. a day in the year 1917.

4. *Prices of foodstuffs.*—We have it on evidence that the prices of foodstuffs have gone up, generally speaking, 100 per cent. since the year 1914. Regarding the foodstuffs imported from India the retail prices have gone up 200 per cent. in the case of mustard oil, 100 per cent. in the case of ghee and 140 per cent. in the case of dhall. The Government contract prices for these items have gone up 152·33 per cent., 100 per cent. and 150 per cent., respectively. During the strikes in Australia the prices of foodstuffs go further up. It is not unknown that even big firms in Suva will pretend during the strikes, not to have a supply of any of these lines whilst they favour certain customers who would obtain these goods in limited quantities. Under the circumstances, one cannot blame the Indian retailer for charging, nor the consumer for paying inflated prices. A packet containing 3 lbs. of rice said to have been purchased from one of the big firms for 2s. was produced before the Commission at its first sitting. It was a little superior to the white broken rice and perhaps what is known as Ballam rice. The contract price for the present year for this kind of rice is 36 per cwt. or 2s. per 6 lbs. 3½th ozs. whereas the Indian who produced the rice was given 3 lbs. for the same amount of money. It is evident therefore that the Indians have paid during the last Australian strike very exorbitant prices for rice as well as for wheat flour or sharps was available for their use. They have felt unable to do without these, and no matter what the price may be, or how superior the quality, they must have sharps and rice. The strikes in Australia are not governed by any ascertainable law for their occurrence or duration and whenever there is a shortage of sharps or rice, mustard oil, onions or potatoes, the Indian has got to live and he will pay any prices for what he considers his absolute necessities. The Necessary Commodities Commission has done nothing in the way of giving them any relief. They fixed the maximum selling prices of rice (3d. per lb.), sharps (7s. for 40 lbs.), dhall (3½s. per lb.), ghee (2s. per lb.) and mustard oil (4d. per quart) in March 1918. These prices were cancelled in June following with the exception of that of sharps which is, of course, imported from Australia with the result that they have gone up by leaps and bounds. The question of importation of foodstuffs such as rice, dhall, mustard oil, ghee and masala and the methods to be adopted regarding sale of these goods by merchants at a small reasonable percentage of profit should receive the attention of the Government.

4a. From the evidence given before the Commission it is quite clear that the cost of wearing apparel has gone up considerably since pre-war days. Dhootis which were sold at 4s. a pair in pre-war days are now sold at 14s. a pair and calico has gone up 166·66 per cent. Other articles appear on Schedule D.

5. *Adequate wages.*—In view of the above and bearing in mind that the value of a pound sterling has decreased from R15 in 1917 to R8-9s-1½p. at the present time, I trust the Government will consider my recommendation for 4s. a day wages or 3s. 6d. a day with weekly ration of 7 lb. rice, and 7 lb. sharps moderate suggestion. In order to keep a man in comfort or ease or to be able to partially support a wife with possible children it would not be unreasonable to ask for 5s. as the minimum per day. I recommend therefore that in the case of those with a family and there are many such as will be seen from the returns supplied to the Commission by the Sirdars of Suva labourers, a bonus (similar to the one fixed by the Government in the case of its Indian employees) should also be given, as the procreation and maintenance of the children is a service to the State. It supplies labourers and citizens for the future, particularly in a Colony like Fiji where the population is very small in density.

6. *Will it be sound in principle and workable?*—It may be said that there is no industry in Fiji that can afford to pay 4s. or more a day. Whilst I doubt this statement very much, I am prepared to state that such industries should rather perish than prosper on underpaid labour. But if Hawai or Levuka (nearer home) is able to pay decent wages to Indians it is not understandable why the employer everywhere should not be able to pay on the scale suggested by me. The remedy is in the hands of the legislature of the Colony. The increased scale of wages to the labourers and other Indian employees means an increased scale of salaries all round, an increase in the price of sugarcane and other produce of the Colony. This additional expenditure could be met by the introduction of income-tax. No further difficulties can be apprehended if these suggestions are carried out and the importation of the Indian foodstuffs is controlled by the State instead of by the capitalists and

merchants who are not satisfied with a reasonable percentage of profit on the goods they import for consumption in the Colony or the goods they buy from the producer to export from the Colony. A few years back the employers were making out that it was not possible to pay labourers a better wage than 1s. or 1s. 6d. a day and they are still hoping to be supplied with labour from India on the same scale. They should not be of the same opinion now that things have come to such a pass that the Indian labourer considers his life not worth living under the present trying financial conditions. I do not at all consider it impolitic, on the contrary I deem it absolutely necessary from even a limited view of politics, that the Fiji Government should lose no time in passing the necessary legislation to secure to an Indian labourer 4s. a day or 3s. 6d. with rations of rice and sharps as the minimum wage. There seems to be no prospect of India listening to the demands of Fiji for labour after the recent occurrences and what labour is available in this Colony feels itself so treated that we are faced with the prospect of losing what we have instead of gaining fresh strength. The Colony of British Guiana is advertised in the Indian papers and Fiji will be unable to retain any of those who have spent most of their life-time in Fiji unless they are satisfied on the question of wages.

7. *Living in town as compared with country.*—Mr. Hunt and Mr. Duncan, who are the only persons examined in reference to wages paid in country districts are themselves interested in planting and they naturally have no desire to give Indian labourers a rise in wages. They seem to rely a great deal upon facilities afforded by some plantations in the shape of housing accommodation and patches of land for cultivation of rice or vegetables with or without medical assistance. It must be noted, however, that few plantations do give these facilities to their labourers: besides living on the plantations is purely dependent upon the good-will of the employer. The labourer stands the chance of being turned out bag and baggage at any time. In fact, cases are not unheard of where after the expiry of their indentures Indians with their families or cattle have been asked to leave the lines without arrangements having previously been made for their accommodation elsewhere. As regards blocks of land for cultivation, that is again dependent upon the favour of the employer. As regards medical assistance it exists in theory only. The dwellings on the plantations have already been the subject of serious criticism by deputations from India and the traditions of the coolie lines are such that very few self-respecting Indians would care to live in such dwellings. The perpetual labourer does not exist, and naturally, an average Indian lives on a patch of land of his own where he does not have the 'advantages' offered by the employers of labour. There is no reason why he should not get the same wages as his Suva brother, the more so, as provisions of all kinds (except, perhaps, dhall, if grown in the district) and clothing retailed in country places are no cheaper but dearer than the provisions and clothing in Suva. Again, the fact that the wife of an Indian labourer in country districts happens to be industrious enough to cultivate some rice and a few vegetables should not penalise her man or husband in the way of small wages. Every person is entitled to the fruit of his, or her, extra industry. The wages, therefore, of all labourers throughout the Colony should be uniform and, I recommend, on a sliding scale according to the prices of provisions.

8. *The recommendation of the Majority.*—I understand the recommendation of the majority is not to raise the standard of wages of Suva labourers, to let it remain as at present, viz., 2s. 6d. a day, and to decrease it in the case of labourers in country districts from 2s. to 1s. 9d., with free weekly rations valued at 4s. 6d. It is insufficient in the case of town labour, and hardly any better than what I hear an Indian labourer is actually getting in country district; as, for instance, in Navua 2s. 6d. a day, in Rewa 2s. a day which he has been getting since 1915. Besides, labourers employed by Government in forming roads in country districts have been getting wages at the rate of 2s. a day for many years. In order to improve matters all round, it is absolutely necessary to raise the wages in money and give the people the chance to be happy and contented, particularly as they have pinned high hopes upon the results of the Commission; otherwise, I am afraid they will be sorely disappointed.

S. CHOWLA.

*Dated the 10th March, 1920.*

#### SCHEDULE "A."

It was at the instance of the Indian Women's Association and that of the representative body of the Indians who went in a deputation to the Agent-General of Immigration that I was co-opted by the Commission to sit with them.

2. The Commission held its first sitting to take evidence on the 6th February 1920 and further sittings on the 7th, 9th, 10th and 21st days of February and 2nd of March 1920

for the same purposes. Mr. Badri Mahraj was present on the 21st February and 2nd March 1920 only.

3. The first witness called was *Abdul Karim*, a retail storekeeper of Nasinu, who supplied the Commission with very valuable information indicating the rise in the wholesale and retail prices of necessities of Indian life—foodstuffs, clothing and utensils. He also gave a scheme of the expenses of an average Indian which differed in some respects from the table prepared by those Rewa Indians who had gone in a deputation to the Agent-General of Immigration. He said his customers who were labourers as well as agriculturists on a very small scale were not able to buy as many goods as they required for want of funds for which reason even he could not live on the business he was carrying on as a storekeeper. The next witness was *Ramscoth*, a mechanic at Nausori. He advocated the standard which he said had been prepared in his presence. He gave his family expenses for bare maintenance which differed very widely from the one he was advocating. He explained, however, that all the members of his family were living together, were economising and purchased what was absolutely necessary. The next witness examined was *Jagdeo Lal*, a labourer and a farmer with a small piece of land and a large family. This witness gave out his list of weekly and annual expenses for his family, but coming to figures he could not reconcile his earnings with the estimated expenses except in a general way by relying, like the rest of them, on his bit of land and the work of his wife. He said they stinted themselves in order to buy their clothes or pay for other expenses, sometimes went without tea, sometimes without burning lamp and so forth. *Nur Ahmad*, a labourer working for an Indian at Nausori, was next examined. This witness stated in his evidence that under the present conditions he preferred working for board, residence and clothing to being obliged to buy his necessities with 2s. a day which he considered insufficient. There is no reason to doubt the statement of this witness as he, like others, has actually been and at present is a labourer. The next witness called was *Jagnandan Singh*, an ex-cook of Koronivia near Nausori, with a family of seven. He agreed that the list put in by the Rewa Indians showed what was absolutely necessary for the class of Indians they represented. He gave a list of the expenses of his family. He said he was given food by his employer and that the wages he earned for the use of his family had not the same purchasing value as some things had gone up three times the previous price and other things four times.

*Mahipal Singh*, who was next called, said that the statutory rations were insufficient for him when under indenture that he had to borrow money and look to others for help and under the present rate of wages he was not being properly fed. The next witness heard by the Commission was *Mr. J. L. Hunt*, a planter and an employer of Indian labour on the Rewa. He said that the Indians under indenture used to get 1s. 3d. a day in the nineties with certain other advantages, that the statutory rations were more than sufficient, that the Indians were in the habit of selling some of their rations and, *inter alia*, that the present rate of wages ranged from 11s. to 16s. a week in the Rewa district. *Mr. James Dalton*, Acting Inspector General of Prisons, then put in a statement showing cost, under contract prices of Europeans, Fijian and Indian prisoners. He said that in 1916 the ration scale was larger than at present, that it was altered in 1918 but as there were several complaints under the latter and a certain percentage of prisoners had lost weight it was altered again, that under the present scale there were no complaints and that the health of the prisoners was good. He said that the scale had been altered several times since 1916. The next witness called was *Jaganath*, who himself was a labourer before he started business as a storekeeper. He has had opportunities of knowing the needs of labourer. His scale, on the whole, agreed with the one proposed by some of the previous witnesses. His evidence as regards the selling price of things was very important. He compared the present prices of necessary commodities and other necessary articles with the past. *Mokham* who then gave evidence said the statutory rations were insufficient, that his employer, Mr. Hunt, gave all his labourers extra rations, that he had to work outside to get money to buy some rations, after his indenture expired he took up a piece of land, he was working on 2s. 6d. a day, his wife worked 4 days in a week at 2s. a day. He said it cost him and his wife £2 6s. 0d. a week but could not say how this was made up. *Kannan* was next called who said it cost him £2 a week to live at the present time, that the statutory scale was insufficient. *Deepan* who followed corroborated the foregoing witness in regard to the insufficiency of rations given them during the first six months of their indenture period. He admitted he could live on 3s. a day *plus* what he grew on his land, that he went out three days in a week to work for others at 2s. or 2s. 6d. a day, and that he and his wife were living very poorly. Then came *Dular* who said his family consisting of wife and seven sons existed on what rations he could buy with the 2s. and the charity of neighbours and the wild guavas that his children picked. It certainly must be a miserable existence as

was proved when his wife and some of his children were introduced who although looked healthy wore dirty and torn clothes. He said he had to "beg, borrow or steal" to keep his family and himself going. Their appearance and clothing revealed their poverty and so did that of another man who with a large family was just shown in but not actually examined. The children were half-naked, looked delicate and then in their dirty clothes, the little girls were wearing a little jewellery as is worn by female children of any class in India or caste no matter at what sacrifice. *Gokul* who came next said that he got 1s. 6d. a day for a year or two after his indenture expired some 18 years ago, that he worked for the Municipal Council ever since he became a free man at 2s. a day and that he was at the present time getting 2s. 6d. a day. *Mr. Pillay* was next examined. He produced invoices in respect of dhooties and certain other articles and supplied information regarding the cost and sale prices of various articles. *Mr. John Kenne*, who was the next witness, said he was an overseer in the Public Works Department and had been so for 11 years, that the labourers were being paid 2s. 6d. a day at the present time and 2s. a day was the least that he paid ever since his being in the service. *Mr. J. W. Stocks*, Town Clerk, was next examined who said his books showed that since March 1904 the labourers for the Municipal Council had been paid at the rate of 2s. a day and that since November last they have been paid at the rate of 2s. 6d. a day. *Umadut* and *Beni* deputed by Navua Indians then gave evidence, the former in respect of the prices prevailing for the necessities of life and the latter regarding the weekly expenses of a labourer. On the 2nd of March *Mr. Duncan* was examined. This gentleman seemed to think that the basis of a living scale for an Indian should not be any better than what was fixed by the law of indenture. He was an extremist wanting to feed an Indian on kinds and quantities of foodstuffs required to generate "energy" as it the Indian was no more to him than a mere machine to be exploited by the European planter for his own benefit. He dogmatically about the quality and quantity of food the Indian immigrants would have to live upon in India, without remembering that a great many Indians who would not have been mere labourers here and really abandoned a higher scale of living by force of circumstances. This witness was asked to explain his conclusions in the light of a 100 per cent. rise in the cost of rations and there was no answer when the chairman observed that the rise in wages was only 25 per cent. since recently) *Mr. Duncan* had nothing to say. He seems to have been labouring under the fixed idea that the Commission had power to enquire into the cost of living upon the supposed "perfect" scale worked out by the Immigration Ordinance which was, in my opinion, most faulty, in spite of the fact that it had remained hitherto unrevied. The witness was presumptuous enough to advise the Commission as the meaning of the terms of reference which had already been discussed and thrashed out on a previous occasion. I have nothing to do with the fears entertained by this witness about bringing the country (wages) into line with Suva (wages) nor with the anxiety to oblige an Indian to work the whole week or to compel him to abstain from tobacco or to prevent him from trying to live as an European and I do not believe for a moment that the Indian has become more extravagant or that he eats more than is good for him. The scale indicated by *Dr. Montagu* is a reasonable one, in my opinion, I mean to adhere to it, to arrive at my finding.

S. CHOWLA.

Dated the 10th March 1920.

## SCHEDULE B.

Scale of rations per unit prepared by *Dr. Montagu*, M. R.

	1920.	1914.
	s. d.	s. d.
Rice, 7 lbs. at 3d.	1 9	1 0
Sharps, 7 lbs.	1 3	0 10½
Dhal, ½ lb. at 6d.	0 7½	0 2½
Ghee, ½ lb. at 8s.	1 6	0 7½
Mustard oil, 7 oss.	1 0	0 4
Manels, ½ lb.	1 0	0 6
Sugar, 2 lbs. at 2d.	0 4	0 4
Salt, ½ lb.	0 1½	0 0½
Milk, 1 lb.	1 0	0 9
Vegetables, 2½ lbs.	1 0	0 6
Tea, ½ lb. ½	0 0	0 3
Total	11 1	5 5

SCHEDULE C.

Scale of rations per unit referred to and recommended in the Minority Report.

					1920.	1914.
					s. d.	s. d.
(a) —						
Rice, 7 lbs. at 8d.	...	...	...	...	1 9	1 0
Sharps, 7 lbs.	...	...	...	...	1 3	0 10½
Dhall, 1½ lbs. at 8d.	...	...	...	...	0 10½	0 3½
Ghee, ¼ lb. at 8s.	...	...	...	...	1 6	0 7½
Mustard oil, 1½ oss.	...	...	...	...	1 6	0 6
Masala, ¼ lb.	...	...	...	...	1 0	0 6
Sugar, 2 lbs.	...	...	...	...	0 4	0 4
Salt, ¼ lb.	...	...	...	...	0 1½	0 0½
Milk, 1 lb. tin	...	...	...	...	1 0	0 9
Vegetables	...	...	...	...	1 0	0 6
Tea, ¼ lb.	...	...	...	...	0 6	0 3
Total					10 10	5 8
(b) —						
Kerosene	...	...	...	...	0 6	0 3½
Tobacco and matches	...	...	...	...	0 6	0 4
Soap and blue	...	...	...	...	0 6	0 3

SCHEDULE D.

List of clothing and other articles put in by the Manager of V. M. Pillay and Brothers.

					1915-16.		1918-1919.	
					Cost.	Sale.	Cost.	Sale.
					s. d.	s. d.	s. d.	s. d.
H. Calico 36"	...	...	...	...	0 7½	0 9	1 9	2 0
D. Trousers	...	...	...	...	3 7	4 0	7 4	8 0
D. Coats	...	...	w	...	3 9	4 6	7 9	8 6
Print 28", 30" yd.	...	...	...	...	0 4½	0 6	1 0½	1 3
Singlets 36", 3½"	...	...	...	...	0 5½	0 6	1 4½	1 6
Felt hat, labour	...	...	...	...	4 8	5 0	7 6	8 3
Shirt, tropical	...	...	...	...	1 10	2 0	4 6	5 0
Dhoties, 10 yards	...	...	...	...	1 9	2 0	6 4½	7 0
Dhoties, Madras, red, 6 yards	...	...	...	...	1 9	2 0	5 0	6 0
Dhoties Do. 5 yards	...	...	...	...	1 6	2 0	4 9	5 6
Umbrellas, common	...	...	...	...	3 0	3 6	6 0	7 0
Saroes	...	...	...	...	8 6	10 0	13 6	10 0
Lanterns	...	...	...	...	2 9	3 0	4 6	5 0
Plates, enamelled	...	...	...	...	0 5	0 6	0 10½	1 0
Bowls, enamelled	...	...	...	...	0 5	0 6	1 1½	1 3

VALUE OF IMPORTS AND EXPORTS.

470. Mr. K. B. L. Agnihotri: Will the Government please state:

- The total value of the Imports and Exports of the country during the period from April to June 1921?
- The amount of duty received?
- The amount of the excess or the deficit in duty from the amount budgeted?

The Honorable Mr. C. A. Innes: (a) Imports—Rs. 76,14,64,852.

Exports—Rs. 63,01,42,135,

(b) Rs. 7,63,80,000.



(c) It is not possible to give a precise answer to the Honourable Member's question; the budget estimates are for the whole year. I may mention, however, that unless there is a very marked revival in trade during the ensuing cold weather, the actual customs revenue is likely to fall considerably short of the Budget estimate.

#### SALARIES OF TEMPORARY INDIAN I. M. S. OFFICERS.

471. **Rai Bahadur Bishambhar Nath :** (a) Will the Government be pleased to state if it is a fact that the salaries of the temporary Indian I. M. S. Officers are going to be increased? If so, when and how much increase will be given?

(b) Will the Government be pleased to state if it is a fact that there is a difference in salaries between such temporary Indian I. M. S. Officers of general service who go out to serve outside India and temporary European I. M. S. Officers recruited in the United Kingdom? If so, will the Government be pleased to remove the distinction?

**Sir Godfrey Fell :** (a) The attention of the Honourable Member is invited to the reply given to the question asked on 10th September 1921 by Rai Bahadur Bakshi Sohan Lal, No. 126.

(b) Yes. With regard to the second part of this question, I would refer the Honourable Member to the reply given to part (d) of the question asked by Professor Shahani on the 5th September 1921, No. 42.

#### RECRUITMENT FOR THE INDIAN MEDICAL SERVICE.

472. **Rai Bahadur Bishambhar Nath :** (a) Has the attention of the Government been drawn to the Resolution of the United Provinces Liberal Conference published in the issue of the *Leader* of the 11th August 1921 about the recruitment for the Indian Medical Service into two divisions, Military and Civil?

(b) Do the Government propose to take steps to give effect to the proposal? If so, when?

**Mr. H. Shairp :** (a) Yes.

(b) The question of the organisation of the Indian Medical Service is under consideration. Government can make no pronouncement at present.

#### AGREEMENT ON APPOINTMENTS OF INDIANS TO THE OUDH AND ROHILKHAND RAILWAY.

473. **Rai Bahadur Bishambhar Nath :** (a) Will the Government be pleased to state if it is a fact that all Indians drawing Rs. 15 and upwards in the service of the Oudh and Rohilkhand Railway have to sign an agreement at the time of their appointment?

(b) If the answer is in the affirmative, does clause (2) of the agreement contain the words: 'The said..... clearly understands that the condition of his service are temporary and terminable at any time on one month's notice or without notice on payment of one month's salary, that under no circumstances shall he be entitled to gratuity or pension, though he will be eligible for a gratuity for good, efficient, faithful and continuous service at the

discretion of the Railway Board, and that the authority which appoints him has the power, for any reason that may to him appear sufficient, to dismiss the said..... without appeal, and that he shall be liable to fine or reduction from salary or wages for breaches of rule or discipline ?'

(c) If there is such a clause in the agreement, will the Government be pleased to state why the conditions of service are temporary when the appointments are made permanently ?

(d) Will the Government be pleased to state if such agreements are made with the employees of all other Railways in this country ?

**Colonel W. D. Waghorn:** (a) It is a fact that all Railway Staff including Indians drawing Rs. 15 and upwards on the Oudh and Rohilkhand Railway are required to sign an agreement on appointment.

(b) Clause (2) of the agreement does contain the words quoted.

(c) A statement regarding service being temporary is put in the agreement in order that the employee shall understand that there is no obligation on the part of the Railway to employ him indefinitely in the event of it being found necessary to reduce establishment.

(d) The terms of the Oudh and Rohilkhand Railway Agreement are similar to those on the other State Lines.

#### POWERS OF VETO BY IMPERIAL AND PROVINCIAL GOVERNMENTS.

474. **Lala Girdharilal Agarwala:** In what matters, if at all, have the extraordinary powers of Veto been exercised by the Imperial and Provincial Governments concerning the Acts of the Indian or Provincial Legislatures and with what effect ?

**The Honourable Dr. T. B. Sapru:** Neither the Government of India nor any local Government has any such power of Veto ; but the Honourable Member is possibly referring to the powers conferred respectively on the Governor General and the Governor by Section 67 (2) and Section 72-D (4) of the Government of India Act. Further, under Section 81 assent can be withheld by a Governor from a Bill passed by a local Council, or by the Governor General from an Act passed by a local Legislature. There has been no instance of the exercise of the powers in question by the Governor General nor, so far as the Government of India are aware, have the corresponding powers of the Governor been exercised.

(Question No. 475 was withdrawn.)

#### ARTICLE IN 'MODERN REVIEW'—'IS THERE SEMI-SLAVERY IN ASSAM?'

476. **Mr. K. C. Neogy:** (a) Has the attention of Government been drawn to an editorial note in the *Modern Review* (Calcutta) for August 1921, headed 'Is there semi-slavery in Assam?'

(b) If so, are Government in a position to make any statement regarding the facts referred to therein ?

**The Honourable Mr. C. A. Innes :** Welfare of labour is a Provincial subject, under the Devolution Rules, and the question would have more usefully been put in the local Legislative Council. The Government of India, however, understand that the facts are more or less as follows : Labour imported into Assam for work on the tea gardens costs these tea companies a considerable sum, and at one time the question of the enticement of labourers from one garden to another was a very burning one in Assam. Proposals were made for legislation on the subject, but these proposals were negatived. Accordingly, the tea companies have dealt with the matter themselves by binding themselves to a code of rules. The Government of India have no copy of those rules, and have no further information on the subject.

**Mr. K. C. Neogy :** Will the Honourable Member accept a copy of these rules from me.

**The Honourable Mr. C. A. Innes :** With pleasure.

#### WITHDRAWAL OF MUNITIONS CASE.

477. **Mr. K. C. Neogy :** With reference to the withdrawal of prosecution in the Munitions Fraud cases against Karnani and Banerjee, will Government be pleased to state whether there was any proposal at any time to make the aforesaid two persons, or either of them, refund the money alleged to have been wrongfully obtained by each, or to make them forego their dues on their outstanding bills, or to get them to consent to any other terms, as a condition of such withdrawal of prosecution ?

(Vide reply to Question No. 373.)

#### WITHDRAWAL OF MUNITIONS CASE.

478. **Mr. K. C. Neogy :** Is it a fact that Billingham sent a telegram to the Secretary, Government of India, Commerce and Industry Department, to the following effect :

'Armstrong and prosecution offer to withdraw case if I admit prosecution justified and relinquish private claims. Is Government selling justice ?'

(Vide reply to Question No. 373.)

#### WITHDRAWAL OF MUNITIONS CASE.

479. **Mr. K. C. Neogy :** (a) Did the Advocate-General, Bengal, in withdrawing the case against Karnani and Banerjee, make the following statement in the Calcutta Police Court : 'Widespread commercial and industrial interest would be seriously affected by reason of the association of Karnani and Banerjee with various business concerns of a Swadeshi character. Influenced by that consideration, Government had come to the conclusion that in the interests of the public it was not desirable to proceed with the prosecution ?' If so, did he correctly interpret the policy of Government ?

(b) Was the opinion of the Advocate-General, Bengal, obtained on the question of withdrawal of prosecution in any of these cases before deciding on it or making any proposal thereanent to the accused ?

(Vide reply to Question No. 373.)

**COUNSEL AND PLEADERS IN THE MUNITIONS CASE.**

480. **Mr. K. C. Neogy:** (a) What is the number of counsel, pleaders and solicitors, respectively, that were engaged by Government in the case against Karnani and Banerjee, and how much has been, or is to be paid to them by way of fees?

(b) What is the total expenditure incurred by Government in this case?

(Vide reply to Question No. 373.)

**ENGAGEMENT OF THE ADVOCATE-GENERAL, BENGAL, IN THE POLICE COURT.**

481. **Mr. K. C. Neogy:** In how many and what cases, during the last ten years, was the Advocate-General, Bengal, engaged on behalf of the Crown in the Police Court?

**The Honourable Sir William Vincent:** During the last ten years, the Advocate-General, Bengal, appeared before the Presidency Magistrate in 1914-1915 in a case against Messrs. Ganpat Roy and Company on a charge of trading with the enemy, and he has appeared again in the recent series of Munitions cases.

**Mr. K. Ahmed:** May I ask a Supplementary Question with regard to Question No. 477?

**Mr. President:** Order, order. That question was answered yesterday.

**FEES OF MR. ROSS ALSTON AND THE ADVOCATE-GENERAL IN THE MUNITIONS CASE.**

482. **Mr. K. C. Neogy:** (a) Is it a fact that in the Munitions case Mr. Ross Alston was engaged as a junior to the Advocate-General on a much higher fee than the latter?

(b) If so, what were their respective rates of fees?

(c) In how many and what previous instances has junior counsel been paid at such a higher rate than the Advocate-General of Bengal while engaged in the same case on behalf of the Crown?

(Vide reply to Question No. 373.)

**PERMANENT STRENGTH OF THE INDIAN MEDICAL SERVICE.**

483. **Mr. K. C. Neogy:** How has the total strength of the permanent officers of the Indian Medical Service varied during the last 10 years, and how many of them have been Indians?

**Sir Godfrey Fell:** The actual strength of the permanent officers of the Indian Medical Service in 1911 was—Europeans 696, Indians 46, total 742. For 1921 the figures are—Europeans 597, Indians 146, total 743.

To work out the figures for each of the past ten years would be a laborious task, and the Government trust that the information now given will serve the Honourable Member's purpose.

**RELATIVE STRENGTH OF INDIANS AND NON-INDIANS IN THE INDIAN MEDICAL SERVICE.**

484. **Mr. K. C. Neogy:** (a) What is the policy of Government, if any, with regard to the maintenance of a relative strength of Indians and non-Indians in the Indian Medical Service?

(b) Will Government be pleased to lay on the table the latest correspondence if any with the India Office on the subject ?

**Sir Godfrey Fell :** (a) The question of fixing the proportion of Indians that should be recruited for the Indian Medical Service is under the consideration of the Secretary of State for India. In recent years, there has been a large increase in the number of Indians in this Service, and the policy of the Government of India is towards the liberal employment of Indians.

(b) As the proposals of the Government of India are still under the consideration of the Secretary of State, the correspondence cannot be laid on the table.

#### NON-REGISTRATION OF INDIAN MEDICAL GRADUATES IN THE UNITED KINGDOM.

**485. Mr. K. C. Neogy :** (a) Has there been a recent decision of the British Medical Council that Medical graduates of Indian Universities cannot be registered in the United Kingdom ?

(b) If so, will Government be pleased to state how this will affect the prospects of such Medical graduates in the matter of competing for the Indian Medical Service, in view of the requirements that 'candidates (for Indian Medical Service) must possess, under the Medical Acts in force at the time of their appointment, a qualification registrable in Great Britain and Ireland' ?

(c) How is the said disability proposed to be removed, and what action has Government taken in the matter ?

**Mr. H. Sharp :** (a) and (b) The Honourable Member is referred to the reply given by me to Question No. 174 asked by Mr B. S. Kamat on the same subject.

#### TEMPORARY OFFICERS IN THE INDIAN MEDICAL SERVICE.

**486. Mr. K. C. Neogy :** (a) What has been the total number of temporary officers in the Indian Medical Service during each year since the outbreak of the last War ?

(b) How many of them are Indians and how many non-Indians ?

(c) How many Indian temporary officers have been made permanent, and how many non-Indians ?

**Sir Godfrey Fell :** (a) The figures are as follows :

1914, 60 ; 1915, 118 ; 1916, 173 ; 1917, 404 ; 1918, 216 ; 1919, 185 ; 1920, 87 ; the total being 1,138.

(b) Of this number, 1,004 are Indians and 134 Europeans and Anglo-Indians.

(c) Indians, 84 ; Europeans and Anglo-Indians, 6.

#### DRINKING WATER ON THE BENGAL AND NORTH-WESTERN RAILWAY.

**487. Rai Bahadur Lachhmi Prasad Sinha :** (a) Does the Government know that the passengers on the Bengal and North-Western Railway line are put to great inconvenience and trouble for want of supply of drinking water at railway stations ?

(b) Is the Government aware that as a result of this several passengers died while travelling during the last few months?

(c) If so, will the Government be pleased to state whether any action has been taken to remove this longstanding grievance of the travelling public? If not, what steps are proposed to be taken?

(d) Will the Government be also pleased to state in detail how many water-men and gardeners are employed by the B. N. W. Ry. Company between the Katihar and Barawni Junctions in each station?

**Colonel W. D. Waghorn:** (a) The arrangements for the supply of drinking water at stations on the Bengal and North-Western Railway are similar to those on other Railways. They are believed to be adequate, but improvements are being continually made as funds are available.

In this connection I would refer the Honourable Member to the reply given to item (c) of the question asked by Rai Sahib Lakshmi Narayan Lal.

(b), (c) and (d). Government have no information in the matter but inquiry will be made.

#### WAITING ROOMS AT MAHESHKHUNT.

488. **Rai Bahadur Lachhmi Prasad Sinha:** (a) Is it a fact that the B. N. W. Ry. Company have provided no first and second class waiting room at Maheshkhunt Railway Station?

(b) If so, will the Government be pleased to state what action is proposed to be taken in the matter?

(c) Will the Government be pleased to state the number of first and second class waiting rooms there are on the B. N. W. Ry. between Katihar and Barawni Junctions, as also the number of first and second class tickets issued from and received at the different stations between Katihar and Barawni Junctions?

**Colonel W. D. Waghorn:** (a) and (b). The information required by the Honourable Member is being obtained and I shall be glad to furnish him with it when received.

(c) The number of first and second class waiting rooms between Katihar and Barawni Junctions is eight. As regards the number of first and second class tickets issued and received at the stations between these two junctions, the Honourable Member has mentioned no period but the Agent has been asked to furnish these figures for the last 12 months and, when received, I shall be pleased to furnish him with them.

#### DR. ANSARI'S ARTICLE ON 'NON-CO-OPERATION.'

489. **Mr. J. K. N. Kabraji:** (a) Has the attention of the Government been drawn to certain statements in an article by Dr. M. A. Ansari, Member of the Indian Khilafat Delegation and General Secretary of the Indian National Congress, in the May number of the *Venturer* (published in England) relating to the non-co-operation movement?

(b) If so, will Government be pleased to say whether the following statements are correct:

(i) That from twenty-five to twenty-six thousand titles have been formally renounced;

(ii) That upwards of two hundred persons were wounded and some killed in the Delhi disturbances of 1919 ;

(iii) That no foreign orders for piece-goods have been given since January.

(c) In case any or all of these statements are incorrect, will Government take measures to give publicity to the true facts ?

**The Honourable Sir William Vincent:** (a) Yes.

(b) (1). The statement that from twenty-five to twenty-six thousand titles have been formally renounced is incorrect. So far as we are aware, thirty-nine titles only have been surrendered up to date, and thirty-three at the time the article appeared.

(2) The casualties in the Delhi disturbances were not upwards of 200 persons as stated, but 38.

(3) The statement that no foreign orders for piece-goods have been given since January is totally incorrect.

(c) The paper in question has a very small circulation and Government consider that the statement in this Assembly is sufficient contradiction.

#### ENROLMENT OF PLEADERS AND RECRUITMENT OF SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

490. **Dr. Nand Lal:** (a) Is it a fact that there are numerical and racial limitations on the enrolment of pleaders in the North-West Frontier Province ; and, if so, what are the reasons for such limitations ?

(b) Will the Government be pleased to state :

(i) as to how many Hindu LL. B.'s applications for enrolment as pleaders, in the North-West Frontier Province were rejected in the period between January 1917 to January 1921, and how many of them belonged to that very Province ?

(ii) the reasons for such and so many rejections ?

(iii) the rules for such enrolment ?

(iv) as to how many Judicial and Executive, and Political posts have been filled by Hindus, Muhammadans and Europeans, respectively ?

(v) if any attempt has been made to recruit the judiciary from the Bar and, if so, how many and what class of judicial posts have been given to the members of Bar ?

**The Honourable Sir William Vincent:** (a) The rules regulating the enrolment of pleaders in North-West Frontier Province contain no numerical or racial limitations. In practice, however, the number of licenses granted is limited to the probable requirements of litigants. The objects of this limitation are (1) to ensure to every legal practitioner to whom a license is granted a reasonable expectation of earning a living, and (2) to prevent touting and the fostering of unnecessary litigation.

(b) (i). The information is not available, but it will be collected and communicated to the Honourable Member.

(ii) The reasons are those stated in reply to part (a) of the question.

(iii) The rules made by the Chief Commissioner under Section 9 (2) of the North-West Frontier Province Law and Justice Regulation 7 of 1901 were published in his Notification No. III, dated the 25th September 1918, a copy of which is laid on the table.

(iv) The information asked for by the Honourable Member is available in the Quarterly List published by the North-West Frontier Province, which I will place at his disposal if required.

(v) There are at present in the Provincial Civil Service four LL. B.'s and one Barrister. The District and Sessions Judges in the North-West Frontier Province are included in the Punjab cadre.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

491. **Dr. Nand Lal:** Will the Government be pleased to state as to what action they have taken in connection with the Resolution *re* 'Listed Posts in the Indian Civil Service,' which was adopted in the Legislative Assembly on 17th February 1921?

**The Honourable Sir William Vincent:** The Honourable Member is referred to the answer given to-day to Rai Bahadur Girischandra Nag's question on the same subject.

STAFF OF ENGINEERING DISTRICTS, NORTH-WESTERN RAILWAY.

492. **Dr. Nand Lal:** Will the Government be pleased to state whether:

(a) It is a fact that the Karachi, Quetta, Rawalpindi, Simla and other Headquarters Engineering Districts of the North-Western Railway are reserved for Europeans?

(b) It is a fact that no Indian Engineer has yet held charge of any of the aforesaid districts except as a stop gap in one or two cases?

If the answers to (a) and (b) are in the affirmative, would the Government of India be pleased to state the reasons?

**Colonel W. D. Waghorn:** (a) and (b). The answer to both questions is in the negative. In appointing Engineers to take charge of the various Districts the most suitable and best qualified officer for the post is selected.

INDIANS IN THE ENGINEERING DEPARTMENT, NORTH-WESTERN RAILWAY.

493. **Dr. Nand Lal:** (a) Are the Government aware that the Indian officers in the Engineering Department of North-Western Railway, generally nurse the feeling that they are not treated fairly in the matter of appointments?

(b) If not aware thereof, then, will the Government be pleased to call for the opinions of each and every such officer?

**Colonel W. D. Waghorn:** (a) The answer is in the negative.

(b) As all railway officers have the right to represent any grievance for the consideration of Government, it is not proposed to take action in the direction suggested by the Honourable Member.

ACCOMMODATION FOR EUROPEANS AND INDIANS,  
NORTH-WESTERN RAILWAY.

494. **Dr. Nand Lal:** (a) Is it a fact that the North-Western Railway Administration has provided quarters for their European and Anglo-Indian



employees at Lahore and none for Indians other than the Station Staff? If so, will the Government be pleased to say as to why this distinction is allowed?

(b) Is it a fact:

- (i) that the North-Western Railway have recently constructed a number of bungalows for the residence of their officers stationed at Lahore;
- (ii) that all these bungalows have been allotted to Europeans;
- (iii) that several junior Indian officers applied for them and their applications were refused?

If so, will the Government be pleased to state the reason for such refusal?

(c) Will Government be pleased to state whether these bungalows have been built only for Europeans, if not, why this total exclusion of Indian officers?

(d) Do the Government propose to direct the Railway Administration to accommodate junior Indian officers in preference to seniors in Lahore and other congested places?

**Colonel W. D. Waghorn:** As this is a lengthy answer, I will, with your permission, lay it on the table.

(a) No. This is not the case. Quarters for the staff are built for appointments, and the individual who holds the appointment, whether European, Anglo-Indian or Indian, occupies the quarter built for that appointment.

There is a large number of quarters in Lahore built for Indian employees of the Engineering, Loco. and Carriage and Wagon Departments.

(b) (i). Yes. Seventeen bungalows have been built of the following types:

- 1 Deputy Type,
- 6 District Officers' type,
- 10 Assistant District Officers' type.

(ii) Thirteen have been so far allotted and these have been allotted to Europeans, who at present hold certain appointments.

(iii) Yes. Certain junior Indian Officers have applied, but it has not yet been definitely decided whether any and, if so, which of these bungalows can be allotted to them.

(c) The original intention was to provide accommodation for European officers first, as it is becoming increasingly more difficult for them to obtain quarters and accommodation can more readily be obtained by Indians than by Europeans in a place like Lahore.

(d) It is not proposed to issue any definite orders, as each case must receive consideration on its merits so long as there are only a very limited number of bungalows built.

It is the intention eventually to allot these bungalows also to definite appointments.

#### TECHNICAL ALLOWANCE GRANTED TO EUROPE-RECRUITED ENGINEERS.

495. **Dr. Nand Lal:** (a) Are the Government aware that the grant of a Technical allowance to Europe-recruited Engineers of the Indian Service of Engineers and the denial of the same to those recruited in India, on grounds

of alleged superior training of the former, are deeply resented by the India-recruited Engineers?

(b) Have any memorials been received by the Government from the India-recruited officers concerned protesting against the grant of Technical allowance to Europe-recruited Engineers only?

(c) If the reply to (a) and (b) be in the affirmative, will the Government be pleased to say what action they propose to take in order to remove the grievance?

**Sir S. D'A. Crookshank:** (a) Memorials have been received to this effect.

(b) Yes.

(c) The matter is under the consideration of the Government of India and no pronouncement in connection therewith can yet be made.

#### BOOKING DIFFICULTIES AT RAILWAY STATIONS.

496. **Dr. Nand Lal:** Is the Government aware of the difficulties that the public have to experience in booking goods on every Railway station in India, especially the bigger and busier stations? If so, what steps has the Government taken to remove the trouble?

**Colonel W. D. Waghorn:** The Honourable Member is referred to the reply given to a similar question asked by Haji Wajih-ud-din in this Assembly.

#### CREATION OF A RAILWAY CENTRAL ADVISORY BOARD.

497. **Dr. Nand Lal:** Does the Government intend creating one Central Advisory Board consisting of traders, merchants, elected Members of the Legislative Assembly, and other gentlemen of light and experience to help the Central Government by offering suggestions with a view to eradicate corruption in the Railway departments, and alleviate grievances of the public in connection with Railway administration?

**Colonel W. D. Waghorn:** The Honourable Member is referred to the reply given to Haji Wajih-ud-din's question regarding the formation of Advisory Boards.

#### COST OF ADMINISTRATION ON NORTH-WEST FRONTIER.

498. **Dr. Nand Lal:** Will the Government of India be so pleased as to lay on the table figures showing the total annual cost of (i) the Executive administration, (ii) the Judicial administration and (iii) the Political Department of:

(a) the Peshawar, Kohat, Bannu and Dera Ismail Khan Districts of the Punjab, in 1899, 1900 and 1901, up to the date of the separation of the North-West Frontier Province from the Punjab, and

(b) of the North-West Frontier Province in each of the years from 1902 to 1920?

**The Honourable Dr. T. B. Sapru** (on behalf of the Honourable Mr. Denys Bray): The attached statements give the information required by the Honourable Member.

Statement showing the expenditure of Judicial Administration, Executive Administration and Political Department of the Divisions noted below for the years 1900, 1900 and 1901.

Districts.	3. Land Revenue.			19-A. Law and Justice.			25. Political.			TOTAL.		
(1899-1900.)	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Peshawar ...	1,64,256	0	0	1,23,843	0	0	4,84,380	0	0	7,72,479	0	0
Kohat ...	1,12,648	7	4	34,040	15	10	44,160	11	0	1,90,850	2	2
Bannu ...	1,08,184	0	0	42,618	0	0	1,63,180	0	0	3,13,983	0	0
Dera Ismail Khan...	2,11,475	0	0	93,490	0	0	2,26,267	0	0	5,31,232	0	0
Total ...	5,96,563	7	4	2,93,991	15	10	9,17,937	11	0	18,08,493	2	2
(1900-01.)	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Peshawar ...	1,61,659	0	8	1,30,108	12	10	5,15,025	6	5	8,06,793	3	11
Kohat ...	1,46,971	3	1	31,710	7	2	38,938	13	8	2,11,620	7	11
Bannu ...	1,11,019	0	0	53,131	0	0	2,42,662	0	0	4,06,202	0	0
Dera Ismail Khan...	2,45,877	0	0	97,161	0	0	3,55,968	0	0	6,98,976	0	0
Total ...	6,59,526	3	9	3,12,111	4	0	11,51,984	4	1	21,23,691	11	10
(1901-02.)	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
April to 30th November.												
Peshawar ...	1,07,841	14	10	77,512	1	8	3,81,776	7	1	5,16,630	7	7
Kohat ...	83,747	3	9	19,569	8	6	26,813	4	6	1,29,631	6	9
Bannu ...	72,599	0	0	36,333	0	0	2,02,669	0	0	3,11,471	0	0
Dera Ismail Khan...	1,51,923	0	0	55,680	0	0	2,39,113	0	0	4,46,715	0	0
Total ...	4,15,580	2	7	1,88,994	10	2	7,99,871	11	7	14,04,446	8	4

## B

Statement showing the annual cost of (i) Executive, (ii) Judicial Administrations and (iii) Political Departments from the year 1901-02 to 1920-21.

Year.	3. Land Revenue.			19-A. Law and Justice.			25. Political.			TOTAL.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1901-02 ... 11th November 1901 to March 1902.	2,69,613	4	6	1,71,088	0	5	10,80,871	11	1	15,12,578	0	0*
1902-03 ...	7,29,922	5	7	4,79,506	6	9	20,97,666	15	4	33,37,395	11	8
1903-04 ...	7,66,678	10	5	4,82,951	15	0	23,27,183	1	6	35,76,813	10	11
1904-05 ...	8,20,423	1	2	4,99,692	5	8	24,05,256	11	11	37,16,372	2	9
1905-06 ...	7,68,098	0	7	4,93,956	5	2	26,00,780	9	7	38,57,834	15	4
1906-07 ...	7,15,040	12	5	5,24,761	4	8	25,73,576	8	10	38,12,877	9	11
1907-08 ...	5,98,411	14	2	4,14,087	14	10	27,90,716	6	6	38,13,196	8	6
1908-09 ...	5,58,744	9	11	5,42,005	5	3	32,41,775	3	10	43,42,525	3	0
1909-10 ...	5,87,200	5	8	5,53,444	2	11	30,53,873	7	8	41,93,518	0	8
1910-11 ...	5,88,174	5	7	5,70,283	6	3	31,44,972	9	7	43,03,850	5	5
1911-12 ...	6,08,668	11	5	5,79,955	10	3	30,61,755	12	8	42,45,375	2	4
1912-13 ...	6,11,662	6	0	6,16,045	9	11	31,47,088	8	0	43,74,756	7	11
1913-14 ...	6,20,763	8	10	6,19,800	2	1	31,59,306	7	7	43,99,869	2	6
1914-15 ...	6,48,562	11	2	6,40,779	12	3	31,60,453	14	6	44,58,366	5	11
1915-16 ...	6,32,823	13	0	6,41,577	3	3	33,77,482	1	6	46,51,688	1	9
1916-17 ...	6,57,547	11	6	6,64,689	12	6	37,09,968	8	0	50,81,6	3	11
1917-18 ...	6,66,877	8	7	6,92,720	8	11	46,50,468	13	10	60,10,056	15	4
1918-19 ...	6,91,580	7	6	7,10,592	11	8	48,42,183	14	2	62,44,267	0	11
1919-20 ...	8,24,371	10	10	7,79,872	10	4	48,69,569	8	8	64,73,843	13	10
1920-21 ...	9,35,828	1	1	9,33,485	0	10	46,02,904	0	5	64,72,217	2	4†
Total ...	1,32,81,297	15	11	1,17,09,565	4	6	6,38,06,072	10	2	8,87,97,685	14	7

\* The figures represent actuals from November 1901 up to the end of March 1902.

† Subject to modification on the books being finally closed.

7 PER CENT. STERLING LOAN.

499. **Mr. B. S. Kamat :** (a) Will the Government of India be pleased to state whether the Secretary of State for India had consulted them before raising the 7 per cent. sterling loan in London on the terms he did, and, if so, will Government state the view they had represented ?

(b) Will Government be pleased to state the exact position occupied by the Finance Department of the Government of India in relation to advice to the Secretary of State for India in financial matters, and, if any such advice counts as against the advice of his Financial Advisers in London ?

**The Honourable Mr. W. M. Hailey :** (a) The answer is in the negative; the circumstances which precluded the Secretary of State from consulting the Government of India beforehand have been stated in the Government of India's letter to the Bombay Chamber of Commerce No. 1529-F., dated 17th May 1921, which I have laid on the table in replying to a question on the subject by Mr. Price.

(b) Any advice given to the Secretary of State for India is given by the Government of India as a whole, and not by any particular Department. The last part of the question does not therefore call for answer.

PAY OF THE CLERICAL STAFF OF THE METEOROLOGICAL AND OTHER ATTACHED OFFICES.

500. **Rai Bahadur Bakshi Sohan Lal :** (a) Will the Government be pleased to state :

(i) whether it is correct or not that the pay of the clerical staff of the Meteorological and other Attached Offices has been fixed at a lower rate than that of the staff of the Secretariat,

(ii) whether this differential treatment is consistent with the principle laid down by the Secretary of State in Council that similar labour should receive the same rates of wages ?

(b) Is it a fact that the heads of Attached Offices protested against the revised scale ; if so, will the Government be pleased to say why the opinions of the heads of Attached Offices were disregarded ?

**The Honourable Sir William Vincent :** (a) (i). Yes.

(ii) The principle that there should be equality of remuneration for similar labour has not been departed from. The class of work required in Attached Offices is of a different class from that required in the Secretariat establishment.

(b) The several Departments are being consulted and I will let the Honourable Member have a reply in due course.

CLERICAL STAFF OF THE SECRETARIAT AND OTHER ATTACHED OFFICES.

501. **Rai Pahadur Bakshi Sohan Lal :** Will the Government be pleased to lay on the table the following statements :

(i) The total strength of the clerical staff of each of the Secretariat Departments, Army Headquarters and the Attached Offices with the number in the upper division and that in the lower division ;

(ii) the extra expenditure to Government owing to the revision of pay in each of the Secretariat Departments and in each of the Attached Offices ;

(iii) The extra expenditure that will be necessary to give effect to the proposal to give the Secretariat scales of pay to the staff of the Attached Offices on exactly the same lines as in the case of the Secretariats, particularly that part of the scheme which allows each employee to count his total service for fixing initial pay under the new scale ?

**The Honourable Sir William Vincent :** (i) and (ii). The information has been called for and will be supplied when complete.

(iii) I shall have the estimates worked out if the Honourable Member is particularly anxious for them, but I hope he will not press his request, as this will involve a very great deal of labour.

#### SHORTAGE OF PAPER AND ITS HIGH PRICES.

**502. Bhochar Raghubir Sinha :** (a) Are the Government aware that shortage of paper and its high prices are causing grave anxiety ?

(b) What steps have the Government taken or do they intend to take in connection with running a pioneer paper concern as suggested by the Industrial Commission ?

(c) Will the Government be pleased to state for the last ten years :

(i) the quantity of paper manufactured in different factories in India, and

(ii) the quantity of paper imported in India ?

**Mr. A. C. Chatterjee :** (a) The reply is in the affirmative.

(b) The Government of India have at present no intention of establishing a pioneer factory for making paper. A number of paper pulp and paper mills are already in existence in India and Burma, and it is believed that the number will shortly increase. A special section of the Economic Branch of the Forest Research Institute, Dehra Dun, in charge of an experienced officer, has been formed to investigate the possibilities of the various raw materials available and the best methods of preparing pulp and manufacturing paper from them. An experimental pulp and paper making plant has been obtained and will shortly be erected. The results of the experiments conducted will be published and the advice of the Officer in charge is available to the public. Officers of the Institute examine and report on localities with a view to their exploitation for pulp manufacture, and it is principally due to their activities that private enterprise has been undertaken or extended.

The Honourable Member is mistaken in thinking that the Indian Industrial Commission suggested the establishment of a pioneer *paper* concern. The suggestion to which he is presumably referring, related to the establishment of a pioneer *pulp* factory, and the work which is described above as having been undertaken at the Forest Research Institute, is exactly in accordance with the Commission's suggestion.

(c) Two statements are laid on the table showing the figures for the last ten years of (i) the quantity of paper manufactured in India and (ii) the quantity of paper imported in India.

I.

*Statement showing the quantity of paper manufactured in India during the last ten years.*

										Tons.
1911	...	...	...	...	...	...	...	...	...	26,536
1912	...	...	...	...	...	...	...	...	...	26,925
1913	...	...	...	...	...	...	...	...	...	27,950
1914	...	...	...	...	...	...	...	...	...	28,712
1915	...	...	...	...	...	...	...	...	...	30,861
1916	...	...	...	...	...	...	...	...	...	31,928
1917	...	...	...	...	...	...	...	...	...	31,861
1918	...	...	...	...	...	...	...	...	...	31,862
1919	...	...	...	...	...	...	...	...	...	30,969
1920	...	...	...	...	...	...	...	...	...	28,611

II.

*Statement showing the quantity of paper imported in India during the last ten years.*

	1911-12.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Paper (including packing paper, printing paper and other kinds).	41,100	49,942	50,971	46,753	42,407	32,727	20,991	15,938	27,724	50,387
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Value of writing paper and envelopes*	28,36,495	33,66,870	38,90,460	25,46,975	29,30,800	53,14,995	39,79,830	40,01,352	44,20,374	2,08,60,870

\*Quantity not shown in the annual statement of the Sea borne Trade for British India.

MRS. BESANT'S ADDRESS IN THE MALABAR REFORMED COUNCIL.

503. **Beohar Raghubir Sinha :** (a) Has the attention of the Government been drawn to the Presidential address delivered by Mrs. Annie Besant in the Malabar Reformed Council on 28th April 1921?

(b) If so, do not the Government propose to ask all Local Governments to get it translated into the vernaculars of the various Provinces and widely circulate the same?

**The Honourable Sir William Vincent :** (a) Yes.

(b) Government do not think it necessary to take the action suggested.

MEMBERS OF PROVINCIAL EXECUTIVE COUNCIL.

504. **Beohar Raghubir Sinha :** (a) With reference to the Communiqué explaining that the appointment of the Honourable Mr. Hugh Macpherson, C.S.I., as a Member of the Executive Council of Bihar and Orissa had already been determined upon before the debates in the Bihar and Orissa Legislative Council and the Legislative Assembly, regarding the number of Members of the Executive Council, will the Government be pleased to say why it did not announce the fact when it gave the assurance that the retention of the second Member of the Council would be reconsidered on the occurrence of a vacancy?

(b) Will the Government lay on the table a comparative statement showing the distribution of portfolios among the two Members of the Council in the Governments of the United Provinces, the Punjab and the Central Provinces, and among the three Members of Bihar and Orissa and the volume of work to be done by them?

(c) Is it a fact that besides official Members of Council, the Government of Bihar and Orissa has a Board of Revenue and Divisional Commissioners?

(d) Is it a fact that the Province of Bihar and Orissa is exempted from paying any contribution to the Imperial Government?

(e) Do the Government of India propose to instruct the Government of Bihar and Orissa to reduce the cost of its administration in order to enable it to pay a contribution or grant like that paid by the Central Provinces and Berar?

**The Honourable Sir William Vincent :** (a) It is not correct to say that in the debate in the Legislative Assembly on the 5th March 1921 Government gave an assurance that the retention of the second Member of the Executive Council would be reconsidered 'on the occurrence of a vacancy,' i.e., on the occurrence of the first vacancy. What Government said was that the matter would be reconsidered 'as soon as the Honourable Mr. LeMesurier retires which would be in 1922.' That contingency has not yet arisen.

On the date of the debate, i.e., the 5th March 1921, the Government of India had recommended the appointment of the Honourable Mr. McPherson to succeed the Honourable Sir Walter Maude, but they were not then in a position to make any announcement on the subject, as Mr. McPherson's appointment had not been approved by His Majesty the King-Emperor.

(b) The information is being collected and will be furnished in due course to the Honourable Member.

(c) Yes.

(d) Yes.

(e) No.

#### NEW CAPITAL OF DELHI.

**505. Beohar Raghurib Sinha :** Will the Government be pleased to state approximately :

- (a) the actual expenses already incurred on the new Capital at Delhi ;
- (b) the estimate of further expenditure which will be incurred in completing it ;
- (c) the estimated annual cost of upkeep of the new Capital when it is completed ;
- (d) the approximate annual cost of upkeep of all the Government of India property in Simla ;
- (e) the annual cost of the move to Simla and back including all charges entailed thereby ;
- (f) the total annual recurring cost of the Government of India Headquarters' staff, establishments, etc., including all allowances, travelling allowances, contingencies, etc. ;
- (g) the approximate amount of working time of the staff and establishment lost in packing up and in settling down on each occasion of the move from Delhi to Simla and Simla to Delhi ?

**The Honourable Sir William Vincent :** (a) The gross outlay to the end of March 1921 was about 490 lakhs and the nett outlay about Rs. 477 lakhs. These figures may be altered in the supplemental accounts.

(b) The latest estimate of further expenditure which will be incurred in completing New Delhi amounts to Rs. 797·8 lakhs nett. The cost will, however, be greater by about Rs. 64·5 lakhs nett if the annual grants cannot be raised to and maintained at the rate of Rs. 150 lakhs (or more) per year until the present programme of works is completed.

(c) No estimate of the cost of upkeep has ever been framed, and any estimate of this kind framed at the present time would not be of any practical value.

(d) The annual cost of upkeep of all 'Central' buildings and roads in Simla, excluding the Viceregal Estates and all provincial and railway properties, amounts approximately to Rs. 3 lakhs.

(e) The cost of the annual move to and from Simla is estimated approximately at Rs. 3,87,000.

(f) The exact figures which the Honourable Member desires under this head are not known. It would be possible for the Honourable Member to collect such figures as he requires from the book 'Demands for Grants' presented to the Assembly in the March Session. Such figures may include figures included under the answer to part (e).

(g) It is difficult to state the working time lost by the establishment in packing up and settling down on each occasion of the move. But experience shows that there is a partial dislocation of work for some days. As the establishment moves in batches, all urgent and a large proportion of ordinary work is disposed of without delay.

#### ALL-THE-YEAR-ROUND CAPITAL OF INDIA.

506. **Beohar Raghubir Sinha :** (a) With reference to the words in the Despatch of 26th August 1911, to the effect, that the Government of India had earnestly considered the possibility of finding a suitable site for an all-the-year-round Capital, will the Government be pleased to state what practical consideration was really devoted to the subject and to place on the table the papers relating thereto, if any ?

(b) Will the Government further be pleased to state what steps, if any, were ever taken by Government to ascertain whether any site suitable for an all-the-year-round Capital could be found ?

(c) Was any Committee ever appointed to examine possible sites ?

(d) If so, what places did they visit ?

(e) If not, do the Government now propose (i) to appoint a Committee to consider whether it will not be economical to abandon New Delhi and locate the Government of India in an all-the-year-round Capital in a central position and (ii) meanwhile, to defer all further expenditure on New Delhi pending the report of that Committee ?

**The Honourable Sir William Vincent :** (a) to (d). I presume that the Honourable Member is referring to the opening words of paragraph 5 of the Despatch of the 25th August 1911. It was there stated that the question of providing a separate Capital for the Government of India had often been



debated, but generally with the object of finding a site where that Government could spend all seasons of the year. Such a solution would \*\*\*be ideal, but it is impracticable. The various sites suggested are either difficult of access or are devoid of historical associations.' This statement differs essentially from the summary given by the Honourable Member. It relates to previous discussions and debates and not to any particular discussion. The remaining items in these parts of the question do not therefore arise. I will add, however, that, so far as I am aware, Government have never appointed a Committee with the sole object of finding a suitable site for an all-the-year-round Capital.

(e) Government are not, as at present advised, prepared to take the action suggested.

#### PREPARATION OF THE ANNUAL BUDGET ESTIMATES.

507. **Beohar Raghubir Sinha:** (a) Is it not a fact that much inconvenience and difficulty is experienced in the preparation of the annual Budget estimate for the financial year (1st April to 31st March), owing to the fact that the estimate is prepared at a time when it is impossible to forecast the probable nature of the year and its effect on the Revenue?

(b) Is it not a fact that the commencement of a new financial year falling in the midst of a working year causes breach of continuity both in the allotment of funds for works and in their execution?

(c) Is it not a fact that the adoption of a number of varying official years for various departments causes inconvenience in administration?

(d) Did not the Chamberlain Currency Committee strongly recommend the abandonment of the present financial year and the retention in its place of a new convenient year commencing after the close of the monsoon when the nature of the season can be forecasted with some approach to accuracy?

(e) Why has no action been taken on this recommendation?

(f) Do the Government propose now to devote their practical consideration to this question and to abolish the various existing official years, to substitute one uniform official and financial year from Diwali to Diwali or from 1st November to 31st October?

**The Honourable Mr. W. M. Hailey:** (a), (b), (d), (e) and (f). The Chamberlain Commission, in paragraph 128 of their Report, in dealing with the difficulties of preparing a budget in India, referred to a suggestion that the date of the beginning of the financial year should be altered from the 1st April to the 1st November or the 1st January. They added that there might be administrative difficulties in carrying this suggestion into effect, but that financially it would be a great improvement. It is a fact that budgeting in India presents greater difficulties than in most other countries, owing to the extent to which the revenue depends upon the character of the monsoon. The question of altering the financial year has been considered on more than one occasion by Government, and the conclusion has hitherto been that the practical advantages would probably be outweighed by certain disadvantages. It would not be possible within the compass of this reply to detail all the pros and cons, but I can assure the Honourable Member that the question is a much more difficult one than may appear at first sight. The Chamberlain Commission's suggestion came up for consideration during the war and it was decided to postpone its consideration till a more convenient time. Government

think that the time has now come when the matter might profitably be considered afresh, particularly in view of the fact that owing to the Reforms certain new conditions have been set up arising from the financial powers now possessed by the various Legislatures. The question is one which concerns intimately not only the Central Government, but also the Provinces and of course the commercial community. Steps will now be taken to consult the Provincial Governments, and Government will consider, in the light of the replies received, whether there is a case for pursuing the matter and for consulting public opinion upon definite proposals.

(c) The official year is the same for all Departments. It is true that certain Administration Reports are for other than the official year but Government are unaware that this has led to any administrative inconvenience.

#### SUBJECTS FOR THE IMPERIAL CONFERENCE.

508. **Beohar Raghubir Sinha** : Will the Government be pleased to lay on the table a list of the subjects that are going to engage the attention of the Imperial Conference?

**The Honourable Sir William Vincent** : It is presumed that the question has reference to the recent Imperial Cabinet Meeting. A list of the subjects on the agenda for that meeting so far as is known to the Government of India is laid on the table.

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#### *List of subjects on the Agenda of the Imperial Cabinet Meeting.*

1. Holding of an Imperial Conference to Consider the Future Constitution of the Empire.
2. Imperial Patents.
3. Anglo-Japanese Alliance.
4. Arrangements for Securing a Common Imperial Foreign Policy.
5. India's Share in the Reparations to be Obtained from Germany under the Treaty of Versailles.
6. Civil Aviation.
7. Report of the Imperial Wireless Committee, 1919-20.
8. Imperial Statistical Bureau.
9. Inter-Imperial Communications by Land and Sea.
10. Imperial Shipping Committee.
11. Position of British Indians in other parts of the Empire.
12. Naval, Military and Air Defence.
13. Overseas Settlement.
14. Control of the New Hebrides.
15. State-aided Empire Settlement.

#### EXPENDITURE IN RESPECT OF CHRISTIAN CLERGY AND OTHER RELIGIONS.

509. **Beohar Raghubir Sinha** : (a) Will the Government be pleased to state what amount is spent annually as pay or emoluments to the Christian Bishops, Archdeacons and Chaplains?

(b) What are the duties in public interests consigned to them?

(c) Is this expenditure incurred in the interests of all the peoples of India or those of one particular community or religion?

(d) Is any such expenditure incurred with respect to other religions, interests or communities in India?

**Mr. H. Sharp :** (a) The total expenditure during the year for which the latest figures are available, *viz.*, 1919-20 was Rs. 21,14,724.

This figure includes allowances to (i), Registrars of Dioceses and (ii) non-official Clergy for occasional assistance to Clergy paid by Government.

The sums, however, under (i) and (ii) are extremely small.

(b) and (c). The duties assigned to Clergy paid by Government are chiefly to assist in providing the ministrations of religion for the British-born Christian servants of Government, civil and military, and in particular, the latter.

These persons have been brought to India and unlike the adherents of certain other faiths find in general no indigenous religious organisation at work in the country.

(d) Certain expenditure is annually incurred by Government on the provision of non-Christian religious instructors for Indian regiments. It may be added that non-Christian religions have been and are financially assisted by the State (i) by grants of land and alienations of land revenues made for religious purposes, *e.g.*, the support of temples, mosques, etc., and (ii) by the expenditure of money for archaeological purposes on non-Christian places of worship.

#### INDIAN LOAN IN ENGLAND.

510. **Beohar Baghubir Sinha :** (a) Is it a fact that an Indian Loan has been raised in England at a high rate of interest?

(b) Is it a fact that its proceeds are to be spent in England for the purchase of Railway materials?

(c) Was it not possible to purchase the materials in cheaper markets and thus prevent loss to India?

**The Honourable Mr. W. M. Hailey :** (a) The Secretary of State raised in April last (a) Sterling loan £7½ millions at 7 per cent. interest. The terms of the loan have been the subject of much public discussion in India, and notably in certain correspondence between the Government of India and the Indian Merchants' Chamber and Bureau, Bombay, which has been published. It is entirely a matter of opinion whether, having regard to the circumstances in which the loan was floated, the rate of interest could be regarded as 'high'.

(b) Yes.

(c) The expenditure on railway stores in England covers materials required both for State-managed and Company-managed lines. As regards the possibility of purchasing such materials in India, I understand from the Department of Industries that in the case of State railways all possible purchases are invariably made in India in accordance with the Stores Purchase Rules, if the quality and the price of the Indian article are not unfavourable. In the case of Company-managed railways, purchases are made by the railways themselves who are not bound by the Stores Purchase Rules.

As regards purchases for state railways made in England, it is true, that in a limited number of cases, such purchases have for particular reasons been made in England, where they could have been made at cheaper rates abroad. It does not, however, follow that purchases abroad would have been more economical in the long run. The papers relating to this subject have been laid on the table, and it is possible that the matter may come under discussion in connection with the Resolution of Sir Vithaldas Thackersey on the question of the purchase of stores.

**TEACHERS UNEMPLOYED THROUGH NON-CO-OPERATION MOVEMENT.**

**511. Beohar Raghubir Sinha :** (a) Will the Government be pleased to state the number of Head Masters and Assistant Teachers in different Provinces who have been thrown out of employment as victims of the Non-Co-operation Movement, their schools having been converted into National Schools?

(b) Do the Government contemplate providing for these men and specially for those of advanced age—in some way—thus rewarding their past services?

**Mr. H. Sharp :** A statement giving the required information is laid on the table. A further report from Bombay is awaited and will be furnished to the Honourable Member on receipt.

*Statement showing the number of teachers in different Provinces who have been thrown out of employment on account of the non-co-operation movement, and the steps taken by Local Governments to provide for them.*

Province.	Number of headmasters and assistant masters thrown out of employment.	Action taken to provide for these men.
Madras ..	Six teachers in Tinnevely and three headmasters, twelve assistant teachers, two pandits and three drill masters in the Guntur District have been thrown out of employment. It is also understood that some thirty elementary schools have been nationalised.	Government is prepared to render help in proper cases.
Bombay ...	Two teachers in the Central Division have resigned their posts owing to their schools being converted into national schools. Two acting assistant masters in the Larkana District have been thrown out of employment on account of low attendance due to the non-co-operation movement.	The Educational Inspector is being asked whether he can provide for them. The case of teachers under the Surat Municipality, which may be said to have nationalised its schools, is still under consideration.
Bengal ...	Three headmasters and fifteen assistant masters.	Orders have been issued for helping such of these teachers as are deserving and qualified by giving them preference while making appointments.
United Provinces ...	Two assistant teachers	One has been admitted for training as language teacher in the Government Training College, Lucknow. No information is available as regards the other.
Punjab ...	Two headmasters and fourteen assistant teachers.	Fourteen have been provided for in Board schools and two in Government institutions.

Province.	Number of headmasters and assistant masters thrown out of employment.	Action taken to provide for these men.
Burma ...	Thirty-one assistant teachers	Endeavours are being made to provide for all loyal teachers in schools affected by the boycott movement, either by finding employment in Government service or by supplementing grants to aided schools to enable them to retain their services.
Bihar and Orissa ...	Two headmasters and four assistant masters have reported to Inspectors as having been thrown out of employment.	The number is so small that it should be possible for them to find employment without difficulty and Government do not therefore contemplate making any special provision for them.
Central Provinces	Two headmasters. Twelve assistant teachers as far as known.	One headmaster under training in the Training College. The question of providing employment for the other is still under consideration. Seven assistant masters are engaged in Government Municipal or aided schools. Five were either over age or unqualified or did not accept the appointments offered to them.
Assam ...	None.	
Coorg ...	None.	
Delhi ...	None. One or two assistant teachers who deliberately left recognised schools in order to join national schools have since fallen out of employment owing to the reduction of staff.	
N.-W. F. Province.	None.	
Administered Areas	Two Muhammadan elementary schools in Bangalore with eight teachers on the staff have been nationalised.	No application has been received from these teachers for employment.

#### INCREMENTS TO HIGHER SERVICES.

512. **Beohar Raghubir Sinha:** (a) Has the attention of the Government of India been drawn to the reported recent announcement in the House of Commons by the Right Honourable Mr. Montagu expressing his intention to grant further increments to the higher services in India?

(b) Are the Government aware that this is causing a great stir and has created a sense of opposition among the Indians?

(c) Do the Government propose to consider the question of impressing on the Secretary of State, the advisability of abandoning the proposed scheme?

**The Honourable Mr. W. M. Hailey:** (a) The decisions of the Secretary of State as regards the pay of the Imperial Services in India have now been published in the Resolution of the Home Department No. D-449, dated 26th July 1921, and that of the Finance Department No. 1559-E.A., dated the 16th August 1921. The Honourable Member has doubtless already read those Resolutions and has realised that his apprehensions of considerable increments were unfounded. No general revision of pay has been undertaken. All that has been effected is the removal of certain inequalities in the treatment previously accorded to the different services.

(b) Government are aware that the Secretary of State's announcement caused some comments in India.

(c) In view of my replies to parts (a) (b) of this question, it seems unnecessary to answer part (c).

#### AGRICULTURAL LANDOWNERS.

**513. Raja Surj Baksh Singh:** (a) Will the Government be pleased to state in what Provinces of British India the system of agricultural landowners known as Zamindars, Taluqdars, Istimrardars or territorial magnates, etc., prevails?

(b) Will the Government be pleased to state, Province by Province, the area of land owned by such agricultural landowners?

(c) Will the Government be pleased to state, Province by Province, the annual land revenue demanded by Government from such agricultural landowners?

(d) Will the Government be pleased to state, Province by Province, the annual agricultural demands known as rents of such agricultural landowners from their cultivators?

(e) Will the Government be pleased to state, Province by Province, the area and the annual Government demand of the agricultural land held under the Nazul system in which the Government itself is the landowner?

(f) Will the Government be pleased to state, Province by Province, the average collection per year under parts (c), (d) and (e)?

(g) Will the Government be pleased to state in what Provinces of British India the system of under proprietors as distinguished from superior proprietors prevails?

**Mr. J. Hullah:** The meaning of the term 'Zamindar' varies so much in different parts of India that it is impossible to class all zamindars as landowners under a single system. Similarly the expressions 'territorial magnates' and 'under-proprietors' are not sufficiently precise to enable this question to be answered without an amount of explanation which it would be impossible to confine within reasonable compass. To show how elastic is the expression 'under-proprietors,' the Honourable Member is referred to Land Systems of British India by Baden-Powell, Volume I, pages 200-205 and 535 and Volume II, page 697.

With reference to part (g) of the question, the term 'Nazul' is not applied to all land of which Government itself is the landowner. If the Honourable Member will be more precise as to the nature of the ownership regarding which he desires information, the Government will consider whether this information can be obtained. He will find a certain amount of statistical information in Table V of the Agricultural Statistics of British India.

#### GOLD COINS IN INDIA.

**514. Raja Surj Baksh Singh:** Will the Government be pleased to state why gold coins are not introduced into India in the same way as they are in the United Kingdom?

**The Honourable Mr. W. M. Hailey:** The Honourable Raja is under a misapprehension if he thinks that gold coins now circulate in England. In

point of fact, the sovereign is legal tender in India just as much as it is in England; but it is obvious that where, as is the case in both countries at present, gold is at a substantial premium as compared with its legal tender value, the sovereign cannot, in practice, be used as a medium of exchange.

#### STUDY OF CO-OPERATIVE CREDIT IN SCHOOLS.

**515. Raja Surj Baksh Singh :** Do the Government propose to advise the Provincial Governments to appoint Committees to prepare books for graduated studies of Co-operative Credit to be introduced into the primary schools?

**Mr. J. Hullah :** The Government of India will bring the Honourable Member's question to the notice of the Local Governments.

#### OFFICE OF JUSTICE OF THE PEACE AND MAGISTRATE.

**516. Raja Surj Baksh Singh :** (a) Will the Government be pleased to state why the office of Justice of the Peace is not conferred upon Indians of merit in the same way as that of Magistrate?

(b) Will the Government be pleased to state the number of Europeans and Indians holding the honorary offices of Justice of the Peace and Magistrate?

**The Honourable Sir William Vincent :** (a) There is no provision in the Code of Criminal Procedure for the appointment of Indians as Justices of the Peace save in the Presidency Towns. Appointments of Justice of the Peace within and without the Presidency Towns are in the hands of the Local Governments, and the Government of India are not concerned with them.

(b) The Honourable Member is referred to the Civil Lists issued by the Local Governments.

#### STATEMENT OF POSSESSION OF ARMS.

**517. Raja Surj Baksh Singh :** Will the Government be pleased to state if any statement of the Arms in the possession of persons exempted under the Arms Rules is taken periodically?

**The Honourable Sir William Vincent :** Under the Indian Arms Rules, 1920, any exempted person may be required by any general or special order in writing of the Local Government to register in such manner as may be specified in the order any fire-arm or ammunition in respect of which he is exempted from the operation of any provision of the Arms Act. The Government of India understand that orders in regard to registration are in force in Bombay, Bengal and the Central Provinces and that in the latter two provinces the arms, etc., in the possession of exempted persons are verified annually. They have no information as to the orders in force in other Provinces.

#### ALL-THE-YEAR-ROUND CAPITAL OF INDIA.

**518. Raja Surj Baksh Singh :** Will the Government be pleased to state if it is contemplated to have in the near future one business capital of the Government of India all the year round instead of two as at present? If so, will the erection of Council Chambers at Delhi be postponed?

**The Honourable Sir William Vincent :** The Honourable Member is referred to the reply given by me to part (e) of Beohar Raghubir Sinha's Question No. 506 in this Assembly.

REGISTRATION OF MARRIAGES UNDER ACT III OF 1872.

519. **Raja Surj Baksh Singh:** Will the Government be pleased to state, Province by Province, how many marriages have been registered under Act III of 1872 (Special Marriage Act), since the commencement of that Act?

**The Honourable Sir William Vincent:** A statement giving the information for the period 1911 to 1920-21 is laid on the table. The subject is a provincial one and the information collected has been restricted to the period mentioned, because of the labour and trouble involved in obtaining the information for earlier years.

*Statement showing the number of marriages registered under the Special Marriages Act, 1872 (Act III of 1872), during the period from 1911 to 1920, inclusive.*

Year.	Madras Presidency.	Bombay Presidency.	Bengal Presidency.	United Provinces.	Burma Province.	Bihar and Orissa Province.	Central Provinces.	Assam Province.	Coorg Province.	Delhi Province.	North-West Frontier Province.
1911-12 ...	...	...	37	...	...	2	...	1	...	...	...
1911 ...	4	3	...	1	...	...	...	...	...	...	...
1912-13 ...	...	...	26	...	...	6	...	...	...	...	...
1912 ...	7	2	...	...	1	...	...	...	...	...	...
1913-14 ...	...	...	35	...	...	7	...	4	...	...	...
1913 ...	9	3	...	...	...	...	...	...	...	...	...
1914-15 ...	...	...	36	...	...	9	...	3	...	...	...
1914 ...	6	6	...	1	1	...	1	...	...	...	...
1915-16 ...	...	...	...	...	...	8	...	4	...	...	...
1915 ...	4	2	35	...	...	...	2	...	...	...	...
1916-17 ...	...	...	...	...	...	4	...	4	...	...	...
1916 ...	8	5	44	...	1	...	...	...	...	...	...
1917-18 ...	...	...	...	...	...	6	...	3	...	...	...
1917 ...	4	13	32	...	...	...	...	...	...	...	...
1918-19 ...	...	...	...	...	...	10	...	3	...	...	...
1918 ...	8	14	43	...	1	...	2	...	...	...	...
1919-20 ...	...	...	...	...	...	7	...	1	...	...	...
1919 ...	9	13	35	1	1	...	...	...	...	...	...
1920-21 ...	...	...	...	...	...	9	...	...	...	...	...
1920 ...	13	17	28	...	1	...	...	...	...	...	...
<b>TOTAL</b> ...	74	77	851	3	6	68	5	24	...	...	...

ADVICE BY ELECTED MEMBERS TO MEMBERS OF THE EXECUTIVE COUNCIL.

520. **Raja Surj Baksh Singh:** With reference to the instructions to His Excellency the Governor General given by His Majesty the King-Emperor published in India in the month of June last, do the Government of India propose to attach every year two elected Members of the Legislative Assembly to each Member of the Governor General's Council for the purpose of advising such Member?

**The Honourable Sir William Vincent:** The Honourable Members of this Assembly have given notice of Resolutions on the subject of association of standing committees with the Departments of the Government of India and Government will announce their present policy in the Debate on these Resolutions.



## HIGH RATES FOR STORES IN ENGLAND.

521. **Beohar Raghubir Sinha** : Has the attention of Government been drawn to an article appearing in the *Bombay Chronicle* of the 8th July last over the signature 'Indian' who points out that the decision to invest the 7 per cent. English Loan of seven million pounds in the purchase of stores in England at rates which are in some cases over 50 per cent. more than the prevailing market rate on the Continent imposes upon this country the heavy loss occasioned by the monopolised purchase in England at excessive rates?

**Mr. A. C. Chatterjee** : The Government have seen the article referred to. The Honourable Member is referred to the latter part of the answer given to clause (c) of his Question No. 510.

## PURCHASES OF STORES FOR GOVERNMENT OF INDIA.

522. **Beohar Raghubir Sinha** : (a) Do the Government propose to assure the public that it will not confine its purchases of stores to England but purchase them in the world's cheapest market?

(b) Do Government propose to consider the question of appointing two Members of the Assembly elected by it to the Stores Advisory Committee constituted for the purpose of assisting those charged with the duty of obtaining foreign stores for the Government of India?

**Mr. A. C. Chatterjee** : This question will be dealt with fully in connection with the Resolution of Sir Vithaldas Thackersey on the same subject. I may add with regard to (b) of the question, that under the Rules for the supply of articles for the public service, articles not manufactured in India are, with certain exceptions, obtained by indent on the Director-General of Stores, who is under the control of the High Commissioner. It would obviously be impossible to set up an Advisory Committee in India to advise the High Commissioner in London.

## PRICE OF 'CROWN BARS.'

523. **Beohar Raghubir Sinha** : Is it a fact as announced by Reuter that while Belgium was ready to give delivery at British ports of 'Crown Bars' at the rate of £9-15-0 a ton, the rate in England was £16 a ton?

**Mr. A. C. Chatterjee** : The Government of India have no information whether the prices quoted by Reuter in the cable in question were accurate or not at the time, nor have they considered it necessary to make inquiries on the subject, particularly as the statement in question bore no reference to the purchase of stores for India.

## EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

524. **Nawab Khwaja Habibullah** : (i) Will the Government be pleased to state :

(a) When was the post of the Educational Commissioner with the Government of India created?

(b) The salary of the Educational Commissioner?

(c) The total amount spent per year, since the creation of the post, for travelling and other allowances for him and for establishment charges due to the creation of such a post?

(ii) Will the Government be pleased to lay on the table the correspondence, if any, that passed between the Government of India and the Secretary of State for India, resulting in the appointment of the Educational Commissioner?

(iii) Do the Government propose to consider the advisability of abolishing this post altogether without any delay?

**Mr. H. Sharp: (i) (a).** The post of Educational Commissioner was created on the 4th April 1915.

(b) The pay is Rs. 2,500 rising by annual increments of Rs. 100 to Rs. 3,000..

(c) The total expenditure on the Educational Commissioner's establishment including his own salary during the period in question was as follows:

Year.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
...	20,900	40,169	48,964	44,178	28,115	30,226

(ii) The papers asked for are placed on the table.

(iii) The Government of India see no grounds for the abolition of the post.

PAPERS REFERRED TO IN MR. SHARP'S REPLY TO NAWAB KHAWAJA HABIBULLAH'S QUESTION REGARDING THE POST OF EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

*Extract from the Government of India's Financial despatch No. 18, dated the 1st January 1915.*

4. The first objective of the new Department (of Education) was to formulate a general statement of policy, more particularly in the matter of education. In order to attain this objective conferences of a representative character were obviously necessary as a preliminary measure. Lord Minto's Government felt that at such a stage the educational expert adviser of the Government of India ought to be in the Secretariat, in constant and close touch with the Government of India. The relatively simpler issues in the case of sanitation were met by a re-distribution of work between the Sanitary Commissioner and the Director-General, Indian Medical Service, and it was not felt necessary to have a Secretary to the Government of India for sanitation alone. Three large and representative conferences were held on education at Allahabad and Simla; and three similar conferences were held on sanitation at Bombay, Madras and Lucknow. These conferences were fruitful and inspiring and enabled us to formulate a general policy of education and sanitation in our Educational Resolution No. 301-C.D., dated the 21st February 1913, and our Sanitary Resolution No. 888-908, dated the 23rd May 1914. Meanwhile large imperial grants have been given out aggregating Rs. 483·2 lakhs non-recurring and Rs. 124 lakhs recurring for education, and Rs. 406·2 lakhs non-recurring and Rs. 55·2 lakhs recurring for sanitation. In addition, grants amounting to Rs. 82·38 lakhs a year have been made to District Boards in certain provinces, which will facilitate the advance of local self-government and rural sanitation. Moreover, we hope to give further grants when the state of our finances permits. The position has, therefore, now completely changed. Policy has been enunciated. Grants have been given. Schemes are being worked out. In preparing those schemes more than one Local Government has asked for the advice of our Colleague, Sir Harecourt Butler, and Mr. Sharp, and from every point of view it seems to us that the time has now come when it is desirable for our Department of Education to be in more constant touch than at present it is with the administration of Local Governments, without, it must be added, in any way interfering with their discretion or interrupting the steady process of decentralization.

5. In the despatch already quoted (No. 13, dated the 27th January 1911) Your Lordship expressed considerable doubt as to the wisdom of the change involved in the abolition of the appointment of Director-General of Education. You were particularly impressed with the fact that the extensive tours of the Director-General of Education fulfilled a most useful purpose in increasing the appreciation of provincial distinctions and difficulties by the Government, in diffusing information and in assisting local officers by suggestions based on a wider range of experience than they themselves could command. While for reasons already given we considered it desirable to frame our proposals temporarily on different lines, we fully recognize the force of your Lordship's criticisms at the present stage. Indeed we now consider that the time has come to appoint a touring expert educational officer with functions somewhat similar to those exercised by Mr. Orange. We feel the need of such an officer, especially in connection with the most profitable utilization of the Imperial grants still unspent and those which we hope to give in future. We would, however, prefer that he should be called "Educational Commissioner with the Government of India" instead of "Director-General." The latter title is indeed misleading, as it suggests direction where advice and assistance will alone be given. The designation which we propose corresponds with that of ~~Sanitary~~ <sup>Sanitary</sup> Commissioner with the Government of India.

6. Our first proposal, therefore, is that the present post of Joint Secretary in the Department should be abolished and that a post of Educational Commissioner with the Government should be created on a salary of Rs. 2,500 rising by annual increments of Rs. 100 to Rs. 3,000.

It is an essential part of our scheme that the Educational Commissioner should have free access to the Member in charge of his Department and that when at headquarters he should have times fixed for regular interviews with the Member. His notes would, however, go to the Member through the Secretary. The Secretary will then be in the position of Secretaries of the Indian Civil Service in other Departments with a considerable accession to his work.

*Extract from the Secretary of State's Public despatch No. 53, dated the 12th March 1915.*

I have considered in Council the letter of Your Excellency's Government in the Finance Department, No. 18 (Salaries), dated the 1st January last, in which you propose a revised scheme for the permanent organization of your Department of Education. The most important modification proposed is the appointment of an Educational Commissioner with the Government of India, in the place of the present Joint Secretary. I approve this step, and I also approve your recommendation as to the title of the new appointment with the object of defining its duties as concerned with the giving of advice and assistance to Local Governments and not with direction. The Commissioner should in effect discharge the functions which the Decentralization Commission described as appropriate for an Imperial Inspector-General.

2. I approve the salaries proposed for the Educational Commissioner, the

#### EXECUTIVE COUNCILLORS IN BENGAL.

525. **Nawab Khwaja Habibullah:** (a) Is the Government aware that a Resolution was passed on the 7th February 1921, in the Bengal Legislative Council by an overwhelming majority recommending to the Government of India and His Majesty's Government in England to take necessary steps to reduce the number of Executive Councillors in Bengal to two and that a considerable volume of public opinion exists outside the Council to that effect?

(b) Is it a fact that the Senior Member of the Bengal Executive Council is due to retire in April 1922?

(c) Will the Government be pleased to state if they will recommend to His Majesty's Government to give effect to the above Resolution?

**The Honourable Sir William Vincent:** (a) The answer to the first part of this question is in the affirmative. The Government of India have no information as to the second part.

(b) Yes.

(c) The question of reducing the number of the Members in the Council of any particular Governor must of course depend on the volume of work falling on the Local Government concerned, and cannot be settled off-hand. The Secretary of State is considering the question of making it plain to future Members of Governors' Executive Councils on appointment that reductions may be decided on in the strength of such Councils which may affect their terms of office.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

526. **Nawab Khwaja Habibullah:** Will the Government be pleased to state what action they have taken to give effect to the Resolution moved by Mr. Wali Mohamed Hussanally, M.L.A., and passed by the Assembly on the 17th of February 1921, re listed posts in the Indian Civil Service for officers of the Provincial Civil Service?

**The Honourable Sir William Vincent:** The Honourable Member is referred to the answer given on the 15th September 1921, to Rai Bahadur Giris Chandra Nag's question on the subject.

RETRENCHMENT BY INSPECTOR OF OFFICE PROCEDURE.

527. **Nawab Khwaja Habibullah:** (a) Will the Government of India be pleased to state, Department by Department, the amount of retrenchment that has been effected in the Imperial Secretariat by the Inspector of Office Procedure since his appointment?

(b) The names of all whose services have been dispensed with on the recommendation of the Inspector of Office Procedure and the salary each of them was drawing? The number of officers in each Department of the Imperial Secretariat before and after the creation of the above post?

**The Honourable Sir William Vincent:** The Honourable Member appears to be mistaken in assuming that the appointment of Inspector of Office Procedure was created with the object of reducing appointments in the Imperial Secretariat. The appointment was made with the object of effecting improvements in procedure and thereby in efficiency.

Such improvements in certain cases would have no immediate financial effect and the financial effect of others cannot be estimated. He has under this head made proposals which will effect economy in stationery and office machinery.

2. The Inspector has also been required to report upon proposals for increases of establishment and for reduction of temporary establishment in various Departments and Attached Offices from time to time. His recommendations which have usually been accepted would have had the following effect.

	Saving.
	Rs.
Public Works Department ... ..	25,260
Army ... ..	58,560
Director General, Indian Medical Service ... ..	16,500
Inspector General, Imperial Service Troops ... ..	6,360
D. C. I. ... ..	5,760
Medal Section ... ..	28,856
Army Headquarters ... ..	5,13,420
Total ... ..	6,54,716

3. No record of the names of persons whose services have been dispensed with has been kept. Of course the services of an officer in permanent employment cannot be dispensed with, merely for purposes of effecting a reduction in establishment without the payment of compensation. Such persons would therefore have been persons on temporary employ.

#### OFFICERS OF THE CALCUTTA PORT TRUST.

528. **Nawab Khwaja Habibullah :** Will the Government be pleased to state :

- (a) The number of officers by nationality in the Calcutta Port Trust ?  
 (b) The highest and the lowest salary drawn by a European, Indian and Anglo-Indian officer ?

**The Honourable Mr. C. A. Innes :** (a) Number of officers, i.e., superior employees :

Europeans	...	...	...	...	217
Anglo-Indians	...	...	...	...	210
Indians	...	...	...	...	2,497
(b)				Highest pay drawn.	Lowest pay drawn.
				Rs.	Rs.
Europeans	...	...	...	5,000	150
Anglo-Indians	...	...	...	750—1,000	45—100
Indians	...	...	...	650—850	45—100

#### PRESIDENTSHIP OF THE FISCAL COMMITTEE.

529. **Nawab Khwaja Habibullah :** (a) Will the Government be pleased to state if the name of Sir Ibrahim Rahimtoolah, Member, Bombay Executive Council, was discussed and dropped by the Government of India regarding the Presidentship of the Fiscal Committee which is soon to be appointed ?

- (b) If so, will the Government be pleased to state reasons ?  
 (c) Is the Government aware that Indians from all quarters are demanding to have an Indian President of the Fiscal Committee ?  
 (d) Will the Government consider the feasibility of appointing an Indian to the post ?

**The Honourable Mr. C. A. Innes :** (a), (b), (c) and (d). The question who should be President of the Fiscal Commission is still under consideration. The Government of India hope to be able to make an announcement on the subject shortly.

#### INDIANS, EUROPEANS AND ANGLO-INDIANS IN THE IMPERIAL SERVICES.

530. **Nawab Khwaja Habibullah :** (a) Will the Government be pleased to state the number of (i) Indians, (ii) Europeans, and (iii) Anglo-Indians holding permanent appointments in each of the following Imperial Services, viz., I.C.S., I.M.S., I.E.S., Customs, Forest, Meteorological, Survey, Police, Marine, Mint, Agriculture and Public Works ?

- (b) Will the Government be pleased to state if any proportion for future recruitment in each of the above services has been fixed between Indians and Europeans ? If so, what is the percentage fixed for Indians, service by service ?

**The Honourable Sir William Vincent :** The Honourable Member is referred to the statement laid on the table on the 15th September 1921 in connexion with Mr. N. M. Joshi's question on the subject,

INDIAN OFFICERS IN THE FOREIGN AND POLITICAL DEPARTMENT.

531. **Nawab Khwaja Habibullah** : Will the Government be pleased to state how many Indian officers there are in the Foreign and Political Department, and the pay, maximum and minimum, drawn by an Indian and European, respectively ?

**The Honourable Sir William Vincent** (on behalf of the Honourable Sir John Wood): The Honourable Member is referred to the answer given to Question No. 171 put by Mr. N. M. Joshi.

CREATION OF AN INDIAN BAR.

532. **Nawab Khwaja Habibullah** : With reference to the Resolution regarding creation of an Indian Bar adopted by the Legislative Assembly on the 24th of February last, will the Government be pleased to state if they have addressed the various Local Governments, Law Associations, etc., and received their opinions ?

**The Honourable Sir William Vincent** : The Local Governments and other authorities have been addressed on the subject and they have been asked to secure the views of High Courts and other judicial authorities and of recognized legal associations. Their replies have not yet all been received.

PARLIAMENTARY DEPUTATION TO STUDY INDIAN CONDITIONS.

533. **Nawab Khwaja Habibullah** : (a) Is it a fact that a Parliamentary Deputation from England is coming to India soon, to study Indian conditions ?

(b) If so, will the Indian Exchequer bear the whole or any portion of its cost ?

**The Honourable Sir William Vincent** : (a) The Empire Parliamentary Association, which comprises the Parliaments of the United Kingdom and the Self-governing Dominions in the British Empire, proposed to send a delegation to visit India during the next cold weather. It is presumably to this delegation that the Honourable Member refers.

(b) I would refer the Honourable Member to the motion accepted by this Assembly at its meeting on the 5th September 1921.

TRANSFER OF CONTROL OF HIGH COURT, CALCUTTA.

534. **Nawab Khwaja Habibullah** : (a) Is it a fact that the Government of India is contemplating the transfer of the control of the High Court of Calcutta from itself to the Bengal Government ?

(b) Will the Government be pleased to invite the opinion of Law and Public Associations of the Province before deciding this question ?

**The Honourable Sir William Vincent** : (a) The Governments of Bengal and Assam and the Honourable the Chief Justice and the Judges of the Calcutta High Court have been consulted upon the question.

(b) I think there is little doubt that such a change would not be made without ascertaining public opinion.

## SIR WILLIAM MEYER'S EVIDENCE BEFORE THE RAILWAY COMMITTEE.

535. **Nawab Khwaja Habibullah:** (a) Has the attention of the Government been drawn to a report by the special correspondent of the *Herald of Madras*, published in the issue of the 6th of July 1921, regarding the evidence of Sir William Meyer, High Commissioner for India in England, before the Railway Committee?

(b) If so, will the Government be pleased to state if the report given therein is a correct gist of his evidence?

(c) Will the Government be pleased to lay on the table a full and correct version of his evidence?

**Mr. A. C. Chatterjee:** The Honourable Member is referred to the answer given to Question No. 229 asked by Sir P. S. Sivaswamy Aiyer.

## COST OF BRITISH AND INDIAN SOLDIERS.

536. **Bchoar Raghubir Sinha:** (a) Are the Government aware that in reply to a question in the House of Commons put by Commander Bellairs on April 25th in 1921, the Right Honourable Mr. Montagu stated that 'a recent estimate of the Government of India gives Rs. 1,971 and Rs. 411 as the cost of a British and Indian soldier, respectively'?

(b) Do the Government propose to refer the above for the consideration of the Sub-Committee of the Committee of Imperial Defence when deciding the ratio of Europeans to Indians in the strength of the Indian Army?

**Sir Godfrey Fell:** (a) Yes.

(b) The views of the Military Requirements Committee on the question of the ratio of Europeans to Indians in the Indian Army have been communicated to the Sub-Committee of the Committee of Imperial Defence.

## REVISION OF ESTABLISHMENT IN THE KARACHI CUSTOMS.

537. **Mr. E. L. Price:** Will Government be pleased to state:

(a) Whether the 2½ lakhs voted by this Assembly on 9th March last for revision of Establishment in the Karachi Customs have yet been utilised for the purpose?

(b) If not, when the money will be so utilised?

(c) Whether Government is prepared to take any steps to show to those concerned that the delay is not to be attributed to this Assembly?

**The Honourable Mr. C. A. Innes:** (a) The provision of 2½ lakhs in Demands for Grants for the revision of the Establishments of the Karachi Customs House was made at the instance of the Local Government concerned, which is in administrative control of the establishments. Definite proposals for the revision of the staff have not yet been made to the Government of India by the Local Government.

(b) The money will be utilised for the purpose when the proposals of the Government of Bombay have been received and examined by the Government of India.

(c) A copy of this question and answer will be communicated to the Government of Bombay.

**Lala Girdharilal Agarwala :** I beg to ask Question No. 588.

**The Honourable Sir William Vincent :** I am sorry but we have got much further with Questions and Answers than I expected and I have not brought any more answers with me. May I answer the Honourable Member's question to-morrow ?

**Mr. President :** We will begin with the Honourable Member's Question No. 588 to-morrow.

**TREATMENT OF THE WOUNDED IN THE MALABAR DISTURBANCES.**

**Rao Bahadur T. Bangachariar :** With your permission, Sir, I beg to ask the following question of which I have given notice to the Honourable the Home Member :

(a) Will the Government be pleased to state whether they have received any information regarding the arrangements made by the Military or Civil Authorities in Malabar for giving medical relief to the wounded in the various encounters which took place between the Moplahs and the Troops on and after the 20th August and, if so, will the Government be pleased to give particulars of such arrangements ?

(b) Will the Government be pleased to state the number of casualties that took place including the killed and wounded on both sides up to date from 20th August 1921 ?

(c) Will the Government be pleased to state what arrangements are being made to give protection to the Hindu and Christian population in the affected taluks of Malabar ?

**The Honourable Sir William Vincent :** (a) Stretcher parties and medical appliances accompany the fighting columns and we have been informed by the Local Government that the Moplah wounded when they are captured, are treated in exactly the same way as our wounded men. The fanatical Moplah, however, prefers to fight till death. It is difficult to secure the wounded and only a few have been captured.

(b) As far as is known, 11 soldiers and police officers and one English planter killed and 12 wounded, and also several police officials wounded, the exact number of whom is not known. It is impossible to give a correct estimate of casualties among the Moplahs. At Pukkottur alone the killed are estimated at 400, and 10 were killed recently in fighting four miles from Manjeri.

(c) A number of refugees of all classes have been concentrated at Calicut. There is a sufficient military force and all steps that are possible for the protection of the inhabitants are being taken. But the country is difficult and communications are still interrupted. A relief fund has been started ; but it will be impracticable to administer it until normal conditions are restored.

**Mir Asad Ali Khan Bahadur :** Is it a fact that the loyal Moplahs have been of assistance and help to the Government in supporting law and order ?

**The Honourable Sir William Vincent :** I have received information, though not officially, that loyal Moplahs have been of the greatest assistance to the Government.



**Mr. E. L. Price :** Sir, as a Supplementary Question, I should like to ask the Honourable the Home Member how he reconciles the answer given now with the statement made by the Head of the Government in India on the 3rd September in this House that the situation was well in hand?

**The Honourable Sir William Vincent :** I regard the situation as well in hand from a military point of view both then and now.

**Mr. K. Ahmed :** Sir, I rise to refer to the curt answer given by the Honourable the Home Member that the Moplahs are being treated just the same as other people, Europeans, etc. But were there a sufficient number of stretcher bearers, nurses, etc., for them?

**Mr. President :** Order, order. The Honourable Member is entitled to ask a Supplementary Question but not to raise a Debate.

#### STRIKES IN BOMBAY.

**Sir Jamsetjee Jejeebhoy :** With your permission, Sir, I desire to ask the Honourable the Home Member a question of which I have given him private notice. I desire to ask Government whether they have any information about the strikes in Bombay?

**The Honourable Sir William Vincent :** We have to-day received a telegram from Bombay received by that Government on the 17th September that 900 employees of the Alliance Mills, of whom 70 per cent. are Muhammadans struck work this morning owing to Shaukat Ali's arrest, at the Motilal Petty Mills 500 employees all Hindus and at the Jivraj Balu Mills 1,500 employees mainly Hindus have come out.

An attempt was also made, I understand, to get the Maneck Chand Petit Mill hands out without success. The Kasturchand Mill struck work and tried to force the Kobinur Mill employees. The Goldmohur Mill workers are out on strike, but the strikers have dispersed without violence.

From a later telegram dated the 18th September received by us to-day, I learn that out of four mills on strike on the 17th, three resumed work on the 18th. Ten other mills are on strike also, and the number of employees affected is about 10,000. My information is—and the Honourable Member will understand that I have not had time to verify it at present—that in every case the Mill hands were forced to come out by a small disorderly element.

**Mr. K. C. Neogy :** Sir, may I request the Honourable the Home Member to make a similar statement with regard to Bengal?

**Mr. President :** Has the Honourable Member given notice of the question?

**Mr. K. C. Neogy :** No.

**Mr. President :** In that case, he must give notice both to the Chair and to the Department to whom it is addressed.

**Mr. Jamnadas Dwarkadas :** I want to ask a Supplementary Question, Sir. Will the Honourable the Home Member be pleased to inform the House whether any measure is being taken by the Government of Bombay to give protection to such mill-hands as do not want to go out, but are being compelled to do so by others?

**The Honourable Sir William Vincent :** I should have thought the Honourable Member had sufficient confidence in the Government of His Excellency Sir George Lloyd as to be assured that it would take all measures necessary for the purpose.

**Mr. Jamnadas Dwarkadas :** Personally I have every faith, and I do not want the information for my own use ; I wanted the information to be given to the House in order that the public may be aware of what is being done.

**The Honourable Sir William Vincent :** If the Honourable Member wishes, I shall try to obtain it for him, but I think the Bombay Government will feel a little hurt at his suggestion.

**Beohar Raghubir Sinha :** I beg permission, Sir, to ask my question. I was a little late.

### ELECTION OF DEPUTY PRESIDENT.

**Mr. President :** The Assembly will now proceed to elect a Deputy President from those nominated on the 19th. The election will be by means of a ballot, each Member receiving one ballot paper which will be initialled by the Secretary. In order that it may proceed in an orderly manner, I propose that Members on this side (left side) of the House pass the Secretary first beginning with Mir Asad Ali Khan Bahadur. The following names have been duly nominated :

Khan Bahadur Mir Asad Ali.

Dr. Gour.

Rai Jadunath Majumdar Bahadur.

Sir Jamsetjee Jejeebhoy.

If there are any Honourable Members who have not yet recorded their votes, they will advance to the Secretary's table and record them in the ballot paper.

Are there any further votes to be recorded ?

The Secretary will now open the ballot box and count the votes.

### BALLOT FOR DEPUTY PRESIDENT.

**Mr. President :** There have voted

12 noon.	for Mir Asad Ali Khan Bahadur	...	...	17
	for Dr. H. S. Gour	...	...	34
	for Rai Jadunath Majumdar Bahadur	...	...	11
	and			
	for Sir Jamsetjee Jejeebhoy ..	...	...	40

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[The President.]

Therefore, under the rules governing this election, the name of Rai Jadunath Majumdar Bahadur falls out of this ballot which will now be held between the candidates who remain, namely,

Mir Asad Ali Khan Bahadur,

Dr. H. S. Gour, and

Sir Jamsetjee Jejeebhoy,

For the further information of the Assembly I should add that the total of the votes cast in that election was 106, of which 4 were spoilt votes, because the cross was placed in the wrong position on the paper. I wish to draw the particular attention of Members to the fact that the cross must be placed exactly opposite the name of the candidate for whom they wish to vote.

Members will now advance to the table in the order taken for the first ballot.

Members desiring to cast their votes must come to the table at once.

Any further Members desiring to cast their votes?

The Secretary will now open the box and proceed to count the votes.

In the second ballot there have voted :

for Mir Asad Ali Khan Bahadur	...	...	...	12
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for Dr. H. S. Gour	...	...	...	49
and				

for Sir Jamsetjee Jejeebhoy	...	...	...	47
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No one candidate of these three has received a majority of the votes, and, therefore, a third ballot must be held between

Dr. H. S. Gour and

Sir Jamsetjee Jejeebhoy.

The name of Mir Asad Ali Khan Bahadur falls out.

An equal number having been voted for both candidates, I request the Secretary to re-count the ballot papers.

There have voted :

for Dr. H. S. Gour	...	...	...	53
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for Sir Jamsetjee Jejeebhoy	...	...	...	53
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I give my casting vote for Sir Jamsetjee Jejeebhoy. (Applause.)

I therefore declare Sir Jamsetjee Jejeebhoy duly elected Deputy President of this Assembly. The assent of the Governor General is required by Statute and will be duly sought.

**Sir Jamsetjee Jejeebhoy :** Sir, I beg to take this opportunity of thanking the Members of this House for the honour they have done me by electing me their Deputy President. I realize that it is a great privilege, and I esteem it very highly that they should have shown this mark of their confidence in me. I also realize that the responsibility of this privilege is heavy, and I need hardly say that I hope for the co-operation of every Member in this House in the task that lies before me. I thank you, Sir,

## RESOLUTION *RE* RECONSTITUTION OF THE PROVINCES OF INDIA.

**Mr. A. B. Latthe:** Sir, I beg to move that :

'This Assembly recommends to the Governor General in Council that he may be pleased to undertake the task of reconstituting the Provinces of India in consultation with the various Local Governments and with a view to facilitate the constitutional development of the Provinces.'

Sir, this question is not new either to the Government of India or to this Legislature. As the House is aware, when the Secretary of State and the Viceroy were investigating the question of constitutional reforms in India in consultation with the various deputations that they received, this question was pressed upon their attention by various deputations, and more prominently by the deputation headed by Mr. Lionel Curtis. Among the various proposals that were placed before the Secretary of State and the then Viceroy, I may mention as illustrations two. One class of proposals was based upon the fact that people speaking the same language and practically belonging to the same race were divided among different Provinces with the result that their development proceeded along quite different lines. For instance, the Canarese people of the Bombay and the Madras Presidencies may be considered; also the Mahratta people, who are divided between the Central Provinces and the Bombay Presidency, is another illustration of the same mistake that has been committed in the formation of the various Provinces. A more striking example of this class of division of people between the various Provinces is that of the Uriyas. They are said to have been divided among three different Provinces, part of the Uriya population going under the Central Provinces, another part going under the Madras Presidency and a third part going under Bihar and Orissa. Then, there were complaints on another score also, namely, that some of the Provinces consisted of such heterogeneous elements that constitutional Government really could not develop in them. For instance, take the Bombay Presidency. You will find that it consists of Sind on the one hand and the Carnatic on the other hand. Well, the whole of the Bombay Presidency is divided from Sind by a vast area consisting of Native States and also what is known as the desert of Kutch. Geographically, therefore, Sind has very little to do with the Bombay Presidency. The constitution of the population there also is quite different from the Presidency proper. Now, if a question arises in the Legislative Council of the Bombay Presidency on which the Members from Sind are divided from the Members of the Presidency proper, what would be the result? In a constitutional Government when a difference like this arises, the proper course is to appeal to the electors. But, supposing that the Sind Members and the people in Sind desire to follow a certain course, they will appeal to their own electors and the Members of the Presidency proper will appeal to their electors. But, if you consider the condition of things in these two parts of the Bombay Presidency, you will find that the electors in the Bombay Presidency proper are absolutely unable to form any opinion regarding questions which arise in relation to Sind. The condition of things is entirely different and it is impossible for the electors in the Bombay Presidency to form any reasonable opinion in ordinary circumstances. Of course, in special circumstances, they might arrive at the right conclusion, but, ordinarily speaking, it would be impossible for the electors in the Bombay Presidency proper to form any opinion regarding any questions arising which were peculiar to Sind. This is the result of the heterogeneous nature of the

[Mr. A. B. Latthe.]

arrangements that we now have in the various Provinces. I take these merely as illustrations and I make it perfectly clear to the House that I do not wish to insist upon any particular redistribution of areas. All that I want now to insist upon the attention of the House is, that this question should be considered and disposed of once for all. I want to make this very clear in order to avoid the House going into side issues. Some people may not like Sind to be a separate Province; some may like it to form part of the Punjab; some may like to continue the present condition of things as they are. I do not now ask the House to commit itself to any particular view, but I point this out as an illustration of the difficulties which naturally will arise for any constitutional solution of differences of opinion that may arise between the different parts of the Bombay Presidency. These considerations were pressed upon the attention of the Secretary of State and of the then Viceroy, Lord Chelmsford. I may add that this question was also brought before the Supreme Legislative Council by the Honourable Mr. Sarna in the form of a Resolution, but, at that time what to my mind seems to have weighed very much with the Secretary of State and with the Viceroy and also with the Members of the Legislative Council was that they thought, that if the question of the reconstitution of the Provinces were to be mixed up with the question of constitutional reforms, then the constitutional reforms that were in contemplation then would be postponed indefinitely and the path of constitutional reforms would be hindered. That seems to have been the feeling of several Members and that was the feeling of the Secretary of State and the Viceroy when they drafted their joint report. This is quite clear from certain remarks which they have made in one part of their report. Mr. Montagu and Lord Chelmsford very clearly observed that it was quite necessary to consider this question as soon as possible after the reforms came into existence. I will read a short extract from what they say in regard to this question. They said :

‘ Nevertheless, while we discard as impracticable the idea of calling into existence new provincial states as part of our own constructive scheme, we are impressed with the artificial and often inconvenient character of existing administrative units. We have seen how historical reasons brought them about. We cannot doubt that the business of Government would be simplified if administrative units were both smaller and more homogeneous; and when we bear in mind the prospect of the immense burdens of Government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of Government, that by making it possible to conduct the business of legislation in the vernacular, they would contribute to draw into the arena of public affairs men who were not acquainted with English. We believe emphatically that redistributions of provincial areas cannot be imposed upon the people by official action; and that such a process ought in any case to follow and neither to precede nor accompany constitutional reform.’

They go on to say :

‘ But we are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made, and, therefore, we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial Governments to test provincial opinion upon schemes directed to this end.’

This extract naturally gives rise to a question which must be uppermost in the minds of Honourable Members. The Secretary of State and Lord Chelmsford suggested that this question should be taken up by the Provincial Governments. But, as Honourable Members must be aware, this has been declared to be a central subject by the rules framed under the Government of India Act and I do not think that the initiative can possibly be taken by the provincial

Governments. At the best what they can is to recommend to the Government of India, and it is the Government of India which is the final authority in this respect.

Then there is also another difficulty which has to be faced. Suppose the Bombay Presidency wants the Canarese districts of the Madras Presidency to be transferred to itself. Well, I submit, that it would be a difficult procedure for either the Bombay Government or the Madras Government to proceed with a consideration of this question. What I think would be the right course is that the Government of India should formulate a tentative scheme—I do not wish that they should impose their own will on any Province—and submit it to the Provinces concerned and ask the provincial Governments to consult their own Legislatures and their people, and, in consultation with the people and their representatives in the provincial legislative councils, the provincial Governments should make their own recommendations which should finally be considered by the Government of India. That is the course which would be the right course to adopt, and it is with a view to call the attention of the Government of India to this question that I beg to move this Resolution.

From the amendments which have been suggested to my Resolution, it seems that there is some misapprehension about the scope of my Resolution. One of the amendments says that it is not only the Local Governments but the people concerned who should be consulted. Well, when I said that the Local Governments should be consulted, I included the local Legislatures also, which form part of the Governments of the Provinces, and, as the provincial councils now consist of representatives of the people elected on a very wide franchise, I think they fairly represent the popular opinion in the various Provinces. I have also no objection if the people outside the Councils are also consulted. By all means consult all the people concerned; but, if the initiative should be taken by the Government of India so that the people belonging to the different Provinces may have one definite scheme, one common scheme, to consider and so that the people living in the various Provinces may be in a position to decide the matter once for all. I do not think that it is now necessary to deal with that question at any greater length. The necessity has been very clearly recognised by the Secretary of State and by the late Viceroy, and I have not the least doubt, that so far as the necessity of the case is concerned, there will be practical unanimity in the country. If the recent constitution of the Indian National Congress is any indication of public opinion, I should think that the public opinion amongst the educated classes especially is quite clear on this point. Honourable Members might know that the Congress has divided itself recently into Provinces on a linguistic basis.

1 P.M.

And that shows the opinion of at least a large majority of educated people in the country. Taking that as an indication of public opinion in one section of the public at least, I think that the Government should proceed with the consideration of this question and approach the Local Governments with a request to elicit public opinion, and should once for all decide this question. With these words I beg to move the Resolution.

**Mr. Harchandrai Vishindas :** Sir, coming from a Province which has been especially referred to in the speech of the Honourable Mover, viz., Sind, I take leave to offer a few observations. I will begin by saying that I do not at all approve of the spirit of this Resolution, because it is not consonant with the spirit of the reforms, whatever the Montford scheme may say

[Mr. Harchandrai Vishindas.]

to the contrary, because it has got separatist tendencies. Instead of encouraging separatist tendencies we ought to be cosmopolitan and united, and whatever may be the view of other Provinces, so far as the Bombay Presidency is concerned, and its relation to Sind, I do emphatically repudiate the suggestion that Sind is in any way prepared to separate itself from Bombay—subject of course to the reservation that we expect to receive fair treatment in the matter of the Sukkur Barrage.

Now Mr. Latthe has, I think, mostly directed his campaign towards the linguistic basis. But just for a moment, if this Assembly takes into consideration the various aspects of the question, it will find that such a redistribution of territories in India would be highly impracticable. Sind has been referred to specially by Mr. Latthe on the ground of its being greatly isolated from Bombay Presidency proper not only territorially but also by reason of its language. But why should you take into consideration the language of Sind alone? Why not take into consideration the various other languages which prevail in the various parts of the Presidency, Gujarati, Marathi, Kanarese and so on; are you going to divide the Bombay Presidency into as many separate Governments and separate Legislatures, as there are languages in it? And how are you going to segregate in a circumscribed area people speaking the same language from the rest? That would be impracticable, because in one division you would find a mixture of various languages. Then, so far as Sind is concerned, she has been under the dominion of the Bombay Government for over half a century, and although various attempts have been made at enticing it away from the Bombay Presidency, seducements on the part of the Punjab, blandishments from various quarters. (Laughter.) Sind has not yielded to these blandishments at all because it considers its continuance in the Bombay Presidency not only in its own interests but in the interests of the Presidency as a whole. I hear a vociferous dissentient voice behind me, which I am sorry to say is not quite a representative voice of my Province. Now, what I said, Sir, is that considering that this country has got a mixture of languages in its various Provinces, it will be impracticable, it will be impossible, to effect this reconstitution of territories on the basis that has been suggested. But, then, as I said, I think the tendency of all civilised countries should be, not to be exclusive and intolerant, but united and tolerant. Now, if you were to exclude any particular community from any part, what would be the result? Instead of our being from time to time in touch with the feelings, the habits and manners of people of different communities and different languages, we should be rather effecting a kind of cleavage. I am not at all in touch with the habits, with the customs or the opinion that prevails in other Provinces, especially those of Madras, with regard to which the Resolution of the Honourable Mr. Sarma was moved; but I can say this much, that barring a few Provinces on the west coast of the Bombay Presidency, there has not come forth from the public of India any such complaint or any such representations which would necessitate the disunion that Mr. Latthe contemplates.

That is so far as the question of principle is concerned. It may be that there are some people in some isolated Provinces who have got some considerations of their own which I cannot fathom in favour of this separation; but I am not aware of any representation from a multiplicity of Provinces in India for the purpose of effecting this territorial redistribution.

Then, there is also another consideration. The Government of India at present have got their hands full of work. (Laughter.) I think it is highly against the interests of the public that they should be overburdened, and that is so in our own interests. What I would like is that Government should concentrate all their energies and attention upon giving us more reforms, such as Provincial Autonomy, Dyarchy in the Central Government, and so on. If attention is diverted to these minor things which are of no importance at the present moment and which do not give rise to the least inconvenience to the public, then those more important objects will be greatly retarded. Therefore, Sir, through you I appeal to this Assembly not to pass this Resolution but to put their seal of approval upon the principle that I am putting forward—that we here should be for union, for tolerance, for cosmopolitanism and for mixture, rather than for intolerance and exclusiveness. (Hear, hear.)

**Rai G. C. Nag Bahadur :** Sir, the Resolution asks the Government to undertake the task of re-constituting the Provinces of India to facilitate constitutional development. In other words, it asks for steps to be taken for accelerating the fulfilment of the pledges given in paragraph 46 of the Montagu-Chelmsford report and, again, in clause 15 of the report of the Joint Parliamentary Committee.

In Assam, from which I come, this question of re-arrangement or re-adjustment of provincial boundaries has been hanging fire for close upon 47 years—since 1874, when the district of Sylhet was transferred from Bengal to the Chief Commissionership of Assam against the unanimous protests of its inhabitants. The people of Sylhet have been demanding re-union with Bengal ever since. Whether on racial or linguistic grounds, their claim for this re-union is admitted on all hands to be unassailable. In the last Session of this Assembly, I interpellated the Government on this very question. The Home Secretary replying to me on behalf of Government stated, that the Government were not aware of any general desire on the part of the inhabitants of Sylhet for such a change. Sir, I confess, I was simply taken aback when I heard this reply. It was borne in upon me then how isolated and out of touch the Government of India were from the currents of public life of this country. I have already mentioned that the district of Sylhet was transferred to Assam in the year 1874. A persistent agitation has been carried on—from the platform and in the press—ever since for re-uniting it with Bengal. I shall very briefly mention a few facts in support of my statement. In 1874, as soon as the people came to know of the intentions of Government to cut off the district from Bengal and join it to the new administration which was proposed to be set up under a Chief Commissioner, the whole district rose up in protest, and a memorial was presented to Lord Northbrook. Nothing came of it, but Lord Northbrook promised that there would be no change whatever in laws and procedure under which the district was governed while in Bengal. I have no intention to detain the House to-day in order to show how far the pledge has been kept in the past, and how far it is likely to be kept in the future when Assam becomes a self-contained Province with a High or Chief Court of its own, and the Calcutta High Court ceasing to have jurisdiction over Sylhet. When Lord Curzon partitioned Bengal, and constituted the Province of Eastern Bengal and Assam, Sylhet with the rest of Assam was amalgamated in the newly-created Province. This Partition, although highly distasteful to the inhabitants of



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Bengal, was welcome to Sylhet in that it united it once more—after 41 years—with its sister districts of Mymensingh, Tipperah and Dacca. In 1911, the Partition was upset to the joy of Bengal, but to the misfortune of Sylhet, because as the result of the territorial changes announced in the Durbar of 1911, Sylhet found herself once again cut off from the neighbouring districts of Bengal. Directly the changes were announced, the whole district was convulsed by an unparalleled agitation, and a memorial was presented to Lord Hardinge protesting against it. In December 1917, a Deputation consisting of the leading men of the district waited upon the Secretary of State and the Viceroy with an address in Calcutta, and urged the desirability of effecting our re-union with Bengal. The question of territorial re-distribution came up twice in the now defunct Council of the Governor General within recent years, and on both the occasions the question of Sylhet was brought up in debates. In all the Conferences, literary or political, held within recent years in the district of Sylhet, the same question invariably came up for discussion, and Resolutions demanding re-union with Bengal were passed. Lastly a Re-union League was formed in August 1920 on the eve of the introduction of the Reformed Councils to carry on a vigorous agitation for effecting the re-union of the district with Bengal. The Chief Commissioner (Sir Nicholas Beatson-Bell), fully aware of the depth of feeling that lay behind the agitation, felt nervous, and came down to Sylhet to argue with, and induce the leaders of the movement to give up the agitation, but without success. This was in September last year. In October following at the Durbar held at Shillong, Sir Beatson-Bell delivered a speech describing the agitation in Sylhet for re-union with Bengal as a 'torpedo' launched to wreck the ship of reform in Assam. I may be allowed to presume that the Government of India are not unaware at least of what the Chief Commissioner of the Province said on the occasion with regard to this agitation. Now, I ask, did not the Chief Commissioner here indirectly admit the movement to be a powerful and wide-spread one? Had the desire proceeded from a small section of the inhabitants, would he not have dismissed it as deserving of no consideration? But there is not a word in his speech to show that he regarded it as confined to a section, big or small. Any one who would read his exhortation addressed to the people of Sylhet, would have no doubt left on his mind that so far as he, Sir Nicolas Beatson-Bell was concerned, he was convinced that the desire of the people for being with Bengal was both genuine and general. I do not wish to take up more time of this House over this point. I think I have said enough. I leave it to Honourable Members to say whether it is not adding insult to injury for any one to say in the face of all this evidence, and of evidence to the contrary, that the desire for re-union is confined to a small section, and not general. Then, again, I was told also in the same reply that the matter should first of all be brought up in the local Council. Sir, I think that in this matter the Government of India and the Secretary of State for India are the final deciding authorities. That being so, I do not understand why we should be driven from pillar to post and from post to pillar. I claim to be representative of the inhabitants of Sylhet in this House.

I think I am well within my rights to bring up the matter, and press for an inquiry, full and impartial, to ascertain the wishes of the inhabitants in regard to this matter. When the same subject came up before the Council of the

Governor General in February 1920, the Honourable the Home Member, Sir William Vincent, gave the Council clearly to understand that the Government of India were in no way opposed to an examination of the question. Let us hope that he will now fulfil his promise. Sir, I move my amendment which is :

‘That the Governor General in Council should be pleased to undertake the task of reconstituting the Provinces of India after ascertaining the wishes of the people of the areas primarily concerned through the various Local Governments.’

We are not going to propose that the Local Governments or the local Councils should be ousted in the consideration of the matter. All that we ask for is that the initiative should be taken by the Central Government, as they are the final authority in the matter.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. The Honourable the President was in the Chair.

**Mr. W. M. Hussanally :** Sir, I rise to support the proposition which my Honourable friend, Mr. Latthe, has brought forward for the reconstitution of Provinces in India. It is one of the burning questions which has exercised the minds of many people in many Provinces, and I do not think I can do better than quote a small paragraph from the opinion of Lord Hardinge when he recommended the separation of Bihar from Bengal in his Despatch to the Secretary of State. He says :

‘We are satisfied that it is in the highest degree desirable to give the Hindi-speaking people now included within the Province of Bengal separate administration. These people have hitherto been unequally yoked with Bengalees and have never therefore had a fair opportunity for development.’

Lord Hardinge added further :

‘There has moreover been a very marked awakening in Bihar in recent years and a strong belief has grown up among the Biharees that Bihar will never develop until it is dissociated from Bengal.’

That was the opinion of Lord Hardinge when he recommended the separation of Bihar from Bengal. Bihar is a separate Province now, and I daresay there are several other Provinces similarly situated which require separation and a time must come sooner or later when this question must be taken up in right earnest. My Honourable friend, Mr. Harchandrai, my co-adjutor and colleague, has brought in the question of Sind and he argued that Sind did not require separation from Bombay. I certainly dissociate myself from this view, and I believe there is a considerable body of opinion in Sind, that Sind must sooner or later be separated from Bombay. In support of this view I shall quote the opinion of the Sub-Committee of the Sind Provincial Conference that was appointed some time ago to consider this question. It says :

‘But at the same time we think the Commissionership in Sind should be abolished, because the status of our Commissioner should be raised to that of a Governor in Council assisted by a Legislative Council and that the slur of a non-regulated Province should be removed from the brow of Sind.’

Again, the authors of the Montford Report said :

‘The retention of the administration of a Province in the hands of a single man precludes the possibility of giving it a responsible character.’

Sir, Sind has remained under the sway of Bombay ever since its conquest, and the question which has pertinently been asked is, what has the Bombay Government done for Sind ? Education in Sind is neglected most deplorably, particularly of the Muhammadan community to which I have the honour to belong. We have cried ourselves hoarse so far as that matter is

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concerned, and I was only speaking to the Honourable Mr. Sharp yesterday about the state of Muhammadan education in Sind. We have cried ourselves hoarse asking to be given a direct connection by sea from Karachi to Aden, for almost a generation, and we have all heard the reply that was given to me in reply to a question put by me the other day, that the British Post Master General did not think it feasible for some time long because it would not pay. We have been crying ourselves hoarse asking for the construction of a direct line of Railway from Karachi to Delhi, and it has yet to come. We have been crying ourselves hoarse for a direct railway line from Karachi to Bombay, and that has also yet to come. We in Sind have always thought that Bombay is jealous of Sind and that the Government of Bombay, swayed by the interests of Bombay and of the Bombay merchants and magnates will not allow Karachi to grow.

And I think my Honourable friend, Mr. Price, will bear me out in this connection. So far as the conditions of the Province are concerned, economic, agricultural, commercial, educational, nay in almost every direction we are put back by Bombay and we shall certainly be very glad to make ourselves secure and get away from Bombay (Cries of 'No, no'). Yes, Mr. Vishindas will certainly say 'no'. The development of Karachi and Sind can only be accomplished when we get provincial autonomy. The question of the separation of Sind from Bombay must come up sooner or later and I for one believe that there is a considerable body of opinion in Sind that think that unless Sind is detached from Bombay and made autonomous, Sind has nothing to gain.

(An Honourable Member. Very doubtful.)

**Mr. W. M. Hussanally :** The Honourable Member who has just spoken says it is very doubtful but I say most emphatically that even as far as the Education Department to which he belongs is concerned, I think that we should have had a University of our own in Karachi long before this, because the conditions of higher education in Sind are deplorable and education will be stimulated only when we have a University of our own.

In any case, the proposition brought forward by my Honourable friend, Mr. Latthe, does not ask the House to separate Provinces from existing Governments all at once. The question that he wants to be considered is, that the matter should be taken up in hand with regard to several Provinces all over India, and a decision arrived at as to which Provinces, if any, need readjustment. That proposition in itself is a very harmless one and I trust the House will give it its most careful attention.

The cases of Canara and of Maharashtra which have been quoted by Mr. Latthe are in point. Canara as a whole must either go to Bombay or Madras and similarly Maharashtra must be under one Government. There are several other Provinces in India which require a similar treatment. Therefore it is not the question of Sind alone that has to be considered. The general question must be taken up and decided once for all. My Honourable friend, Mr. Vishindas, has raised side issues which he need not have done at the present moment. With these few words, Sir, I support the motion before the House.

**Mr. J. Ramayya Pantulu Garu :** Sir, I have got an amendment.....

**Mr. President :** We must first dispose of the amendment moved by Mr. Nag.

**Mr. E. L. Price :** Sir, may I withdraw my amendment in favour of No. 4\* ?

**Mr. President :** The Honourable Member's amendment is not before the House.

**Mr. A. B. Latthe :** Sir, I rise to say that I accept the amendment which has been moved.

**The Honourable Sir William Vincent :** Sir, I should like to draw the attention of the House to the terms of the Resolution that is before the House, namely :

'This Assembly recommends to the Governor General in Council that he may be pleased to undertake the task of reconstituting the Provinces of India in consultation with the various Local Governments.....'

To that Resolution an amendment has been moved, but it is an amendment which makes it in no way less comprehensive than it was originally.

The Honourable the Mover very rightly suggested that in the discussion of this Resolution, Members would do well to avoid debating the needs of any particular Province ; he felt, I think, that this would lead many Members into side issues. At the same time, so strong is the feeling in various Provinces that we have already had a discussion about the difficulties in particular areas, e.g., Sind and Sylhet, and if my Honourable friend, Mr. Chaudhuri speaks—and I am sure he is ready to speak—he will have further proposals to make ; about Singbhum and Manbhum ; further if the Honourable Member from Bihar and Orissa gets up to speak, we shall have yet fresh proposals in regard to Orissa. If another Member whom I have in my mind were to speak we should have a proposal, to re-distribute the territory in a certain Province not according to a linguistic basis but according to some other basis based on provincial jealousy. I am not, however, sure if that Honourable Member will speak to-day.

In his Resolution, the Honourable the Mover did not give me any guide as to the criterion by which he proposed to distribute Provinces. I read his Resolution very carefully and it was only when he spoke that I learnt he really proposed a linguistic basis. Now, if Honourable Members will kindly refer for a moment to the Montagu-Chelmsford Report which is the basis of all these proposals, they will find stated there the following :

'We cannot doubt that the business of Government would be simplified if administrative units were both smaller and more homogeneous ; and when we bear in mind the prospect of the immense burdens of Government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of Government.'

I think the Honourable Mover of the Resolution quoted a portion of that last passage and I will leave out some words. Finally, the authors of the Report go on to say this :

'But we are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made ; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial Governments.'

I draw the attention of Honourable Members to these words ?

'To test provincial opinion upon schemes directed to this end.'

Now, after that, the Joint Committee considered this question and they said :

'The Committee have two observations to make on the working of this clause. On the one hand, they do not think that any change in the boundaries of a Province should be made without due consideration of the views of the Legislative Council of the Province.'

\* On the Notice Paper.

[Sir William Vincent.]

On the other hand, they are of opinion that any clear request made by a majority of the Members of a Legislative Council representing a distinctive racial or linguistic territorial unit for its constitution under this clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed....

That is the position according to the Joint Committee's report and according to the report of Mr. Montagu and Lord Chelmsford. There must be a clear request from the majority of the persons affected. The Honourable Member behind me said, that such a request had been put forward in the case of Sylhet. If it has been put forward to the Assam Council and comes to the Government of India, through the Government of Assam, I can promise him the most careful consideration. Further than that, I do not think the Honourable Member is entitled to ask me to go on vague allegations of what has been done at various public meetings. There is one and only one representative body of Assam opinion and that is the Legislative Council. Now, another point that ought to be mentioned is the danger of opening up this question of redistribution. You have had examples to-day in the speeches made about Sind; already I see a break in the unity of this Assembly here—one Member from Sind and another from the same Province taking divergent views. May I cite on this point a quotation from a speech made by Sir Surendra Nath Banerjee made on a similar motion to the present in respect of one Province. It has been useful to me on more occasions than one. He said :

'What I say is that as soon as you start an inquiry of this kind in any particular area, that will constitute the signal for strife, for conflict, for controversy, for agitation, for bitterness I ask my friend, is he prepared to disturb the prospect of responsible government that is opening up to us by this weird spectre of redistribution of territory? We know what is in Bengal. We know what fierce, what bitter and angry passions were evoked. Men lost their heads; they could think of nothing else, they could dream of nothing else, they could speak of nothing else. Would he like an agitation of that kind to wreck the fair prospects of Self-government?'

That is a serious question for this Assembly also to consider. The Government of India is, on the other hand, quite prepared to take up any specific case in which the requirements of the Joint Committee are fulfilled and to examine it on its merits. But I do not think that this Assembly, which is composed of practical men, and has a genuine sense of responsibility will ask us to do more than that. I want to put the case to the Assembly frankly. Does any one here believe that the proposal which was made by the Honourable Mover for the reconstruction of every Province in India is a practical proposition? (*Mr. Spence.*—No!) Would any one of the Members of the Assembly, were he in my place here on the Government benches, accept it; wouldn't he say at once, 'Well, this is purely an academic discussion and not a practical proposition; you can't do it.' Members of this Assembly have got to look at things not only from a theoretical point of view, but from a practical point of view, and I am quite sure they will. Indeed I do not think the Honourable Member, when he proposed this, can have considered the immensity of what he is proposing. Look at the difficulties involved. Just now a single proposal affecting a part of one Province has caused a difference of opinion. But, according to the Mover, the Central Provinces would give up some territory to Bombay, or Bombay would give up some to the Central Provinces; Bombay and Madras are to be wholly redistributed on a linguistic basis. The territories in Bihar and Bengal are to be redistributed and what effect is all this going to have on the constitutional

position? Is not there a great deal of what Mr. Harchandrai Vishindas said—that the proposal has a separatist tendency, that the Mover is not asking for unity, not encouraging that spirit of nationalism in which lies the hope for the future of this land. I am told that Sind is separated from Bombay in language and other respects, and yet the laws for Sind are made by the Government of Bombay. In what respect does it differ from my own country, Wales? Our legislation has been done for years by the British Parliament, but I have not heard of any complaints of injustice on this account or that it has led to anything unfair. The Province of Sind is in no worse position than Scotland or Wales, *vis a vis* the British Parliament. But, once you embark on this redistribution business, think of the dislocation and provincial jealousies called into activity, think of Provinces like the United Provinces. I have already had notice of a Resolution to separate the two Provinces of Agra and Oudh (now united), on some basis which is not very clear to me but which I understand is certainly not linguistic. The proposal probably arises out of differences of opinion between the residents of Agra and the residents of the Province of Oudh. Think of the differences which arise once you start a general proposal of this kind. I alluded just now to the immensity of the task which would lie before Government if this Resolution was accepted, and in this connection may I remind the Assembly—though indeed it is hardly necessary—of the immense volume of work that falls on us now in consequence of the Reforms, of the constant new projects coming up from day to day, of the changes in the administration, the changes in the law which we are from time to time called upon to carry out. Will Honourable Members consider this and say whether it is more important that this Assembly should ask the Government of India to occupy its time on such subjects as the amendment of the Criminal Procedure Code, the Press Act and the amendment of various repressive measures; or on impossible schemes of the character now proposed; which is the more beneficial or likely to promote the general welfare of the country? Is it to the advantage of the people that Government should give up its legitimate duties and embark on a Sisyphean task of the kind proposed by the Honourable Member? That is the practical question for them to consider. We, who have read some of the papers regarding the partition of Bengal, are aware of the immense labour which the partition of one Province involved. Again, in 1911, the labour of constituting the new Province of Bihar and Orissa was very much greater than Members of this Assembly possibly realise. Now, let me ask the Members of the Assembly to consider what would be the labour involved in a reconstruction of the whole of India, and that at a time when this country is in a transition state of political progress.

I do not want the Honourable Member however to think that I am not in sympathy with many of the proposals that have been put forward. That is not the case as I have tried to say before. There are cases, no doubt, in which hardship is caused by the present administrative distribution but what I want to say—and I want to carry the House with me—is this, that this proposal for a general inquiry of this kind is not a practical proposition.

Again, I am told, that the basis of this redistribution is to be linguistic. At least that is what I understood. Now is that in all cases a proper test? Is it the sole test? Are not there others? Are not there other matters which are equally important? Is not historical connection a consideration of great importance? Can geographical, commercial

[Sir William Vincent.]

and industrial considerations be overlooked? Are not all these matters of great practical importance? Last Session or the Session before that, an application was made to the Government to reconstitute the Province of Orissa on a linguistic basis. We have been making inquiries since then with a view to seeing what is possible in that direction. But even up to this present moment I am quite unsure as to whether the people of parts of Midnapore, which are Oriya speaking, would not prefer to remain in Bengal. There are other areas now in the Central Provinces and other areas in Madras which it was proposed to join to Orissa, but I think Honourable Members from Madras will bear me out that it is an open question whether the residents of these areas would like to join the Province of Orissa or whether they would not like for historical reasons—for sentimental reasons I dare say largely—to remain in that Province to which they have been attached for many years.

The commercial aspect is again a matter of very great importance which can not be neglected, and where is this linguistic test to end? How are you going to decide the Province to which a bi-lingual area is to be attached? What again is to be the unit for decisions? Are you going to make Chota Nagpur a separate Province? Are the Santhals to have a separate administration? There is no end to these linguistic divisions.

Finally, I want to refer to the cost of this proposal. What does this Assembly think would be the cost of a total redistribution of the whole of the Provinces? Apart from the dislocation of business, the delay to reforms, think of the cost of putting up new buildings here, creating new establishments there. The present reforms, I am told,—and I think it has been said with justice—have cost the country a good deal. But that would be nothing to the cost which a proposal of this kind would necessarily involve. I will quote one instance. A great deal has from time to time been said of the creation of an Andhra Province. One of my Honourable colleagues at one time was very keen on this. I am not sure whether it was my unhappy duty on that occasion to oppose his proposal but I am quite clear that at any rate on this occasion it is his to support me. Well, there is a great deal to be said for an Andhra province, and (speaking without prejudice), the Honourable Member has converted me to some extent to his views. Indeed I do not doubt that at some time in the future some redistribution of territory will be necessary or some change in the arrangements. But that will have to be made gradually as opportunity offers. When we consider the question of one Province, the Andhra Province, I find the greatest difference of opinion as to whether the old or the new Province is to retain such important items as the seat of the Madras Government, the High Court, and the University. And what does this Assembly think would be the cost of creating a new Province, with a new Governor, new Ministers, a new Secretariat, a new University, a new High Court, a new Executive Council—I am not sure about this last item—and new establishment of various kinds? Why the cost would be absolutely prohibitive and this cost would be multiplied many times if the Honourable Mover's proposal is accepted. I am jealous of the reputation of this Assembly for reason and considered judgment, and for that reason I hope that they really will not support the Resolution of the Honourable Mover, though, as I have said, I am quite prepared to consider any specific case in which the requirements of the Joint Committee are fulfilled.

**Mr. President :** The Mover of the Resolution has expressed his willingness to accept the amendment moved by the Member from Assam on my right,

and the Honourable the Home Member has dealt with the main principle of the Resolution which was open for discussion. I shall dispose of the particular point referred to by Rai G. C. Nag Bahadur before we go further.

The amendment moved is :

'That the words 'after ascertaining the wishes of the people of the areas primarily concerned through 'be substituted for the words 'in consultation with '.

The question is that that amendment be made.

The Assembly divided as follows :

AYES—54.

Abdulla, Mr. Saiyed Muhammad.

Abdur Rahim, Mr.

Abul Kasem, Maulvi.

Agnihotri, Mr. K. B. L.

Ahmed, Mr. K.

Amjad Ali, Maulvi.

Asjad-ul-lah, Maulvi Miyan.

Bagde, Mr. K. G.

Bajpai, Mr. S. P.

Bhargava, Pandit J. L.

Bishambhar Nath, Mr.

Chaudhuri, Mr. J.

Chaudhuri, Mr. N. N.

Das, Babu B. S.

Faiyaz Khan, Mr. M.

Ginwala, Mr. P. P.

Girdhardas, Mr. N.

Gour, Dr. H. S.

Gulab Singh, Sardar.

Hussainally, Mr. W. M.

Jatkar, Mr. B. H. R.

Joshi, Mr. N. M.

Kamat, Mr. B. S.

Lakshmi Narayan Lal, Mr.

Latthe, Mr. A. R.

Majumdar, Mr. J. N.

Mannohandas Ramji, Mr.

Man Singh, Bhai.

Misra, Mr. P. L.

Mitter, Mr. D. K.

Muhammad Ismail, Mr. S.

Mukherjee, Mr. J. N.

Mukherjee, Mr. T. P.

Nabi Hadi, Mr. Syed.

Nag, Mr. G. C.

Nand Lal, Dr.

Neogy, Mr. K. C.

Price, Mr. E. L.

Pyari Lal, Mr.

Reddi, Mr. K.

Shahani, Mr. S. C.

Singh, Babu Ambika Prasad.

Singh, Babu B. P.

Sinha, Babu Adit Prashad.

Sinha, Babu L. P.

Sinha, Beohar Raghubir.

Sircar, Mr. N. C.

Sohan Lal, Bakshi.

Srinivasa Rao, Mr. P. V.

Subzphosh, Mr. S. M. Z. A.

Ujagar Singh, Baba Bedi.

Venkatapativaju, Mr. B.

Vishindas, Mr. H.

Yamin Khan, Mr. M.

NOES—37.

Agarwala, Lala G. L.

Aiyer, Sir P. S. Sivaswamy.

Akram Hussain, Prince A. M. M.

Amad Ali, Mir.

Ayyangar, Mr. M. G. M.

Ayyar, Mr. T. V. Seshagiri.

Barodawalla, Mr. S. K.

Bradley-Birt, Mr. F. B.

Bryant, Mr. J. F.

Cotelingam, Mr. J. P.

Crookshank, Sir Sydney.

Dalal, Sardar B. A.

Faridoonji, Mr. R.

Fell, Sir Godfrey.

Gidney, Lieutenant-Colonel H. A. J.

Hailey, the Honourable Mr. W. M.

Hajeebhoy, Mr. Mahomed.

Hullah, Mr. J.

Innes, Mr. C. A.

Jamnadas Dwarkadas, Mr.

Jejeebhoy, Sir Jamsetjee.

Lyle, Mr. D. R.

Mudaliar, Mr. S.

Muhammad Hussain, Mr. T.

Percival, Mr. P. E.

Ramayya Pantulu, Mr. J.

Rangachariar, Mr. T.

Rao, Mr. C. Krishnaswami.

Rhodes, Mr. C. W.

Samarth, Mr. N. M.

Sapru, the Honourable Dr. T. B.

Sim, Mr. G. G.

Spence, Mr. R. A.

Subrahmanayam, Mr. C. S.

Townsend, Mr. C. A. H.

Vincent, the Honourable Sir William.

Zahiruddin Ahmed, Mr.

The motion was adopted.

**Mr. President :** Before putting the other amendments I propose to put the Resolution down to the word 'India' in line 2 so as to give the Assembly an opportunity of deciding the question of principle. If the question of principle is decided in favour of the Resolution as standing on the paper, then



[The President.]

the amendments can be moved. If the question of principle is decided in the negative, then the amendments fall to the ground.

**Mr. A. B. Latthe:** Sir, with reference to the attitude of the Government as explained by the Honourable the Home Member I want to point out to the House one or two points which I think will clear up the matter. The Honourable the Home Member proceeded on the basis that I took the linguistic as the only basis on which Provinces should be reconstituted. The second assumption which, I think, he made was that I wanted that all the Provinces in India should be reconstituted. At the very outset I may say that I did not mean either of these two things.

Languages may be one of the bases and probably the principal basis on which Provinces could be re-formed, but I do not think that anybody could claim that every little language in India should have a separate Province. Nor do I think that it will ever be possible to do so. But because each little language and dialect cannot be provided with a separate Province, I do not think it right that the principal languages like Marathi, Hindi, Canarese and other languages should also be denied the right of having separate Provinces. All I mean is that each question should be considered on its own merits.

Even the Honourable the Home Member seemed to agree that there was a case for consideration with reference to the Andhra Province and some other Provinces. My only point in bringing this Resolution before the House was, that wherever it may be practicable, wherever it may be necessary, this question should be considered. I submit that it is only the Government of India that can consider this question and ask for the opinion of the Province concerned. If, for instance, there is a question of having a separate Canarese Province, in which I am concerned, some part of the Canarese people are in the Madras Presidency, some in the Bombay Presidency, and it may be quite possible that the Madras Canarese people may not like to come under Bombay. I do not know much of that, and I am not going to make any dogmatic statement on the point; but I submit that the Bombay Council or the Bombay Government cannot properly consider the question of having the Madras Canarese districts transferred to itself. It is the Government of India who ought to look at the general question in a general way, and where they think it possible or practicable or expedient to have a separate Province, or a sub-Province as has been suggested in the Montford report, they should consult public opinion and the opinion of the Local Government. That is all I said. I do not think that the House should be frightened by the idea of having a larger number of Provinces than we now have. I think most Honourable Members are aware that the United States, which I am quite sure is a smaller country than India, consists of 48 States, while we have a far smaller number of Provinces at present, and even if the number of Provinces were to be as large as the principal languages, I do not think that we shall have anything like that number of Provincial States in India. Then, as regards the question of cost, wherever it might be impossible to bear the additional cost involved in the creation of a separate Province, I think the people would be quite willing to drop the proposal. But that does not apply to a proposal to have a sub-Province. In this case, as I understand, the Governor will continue the same, but the Legislature and the Ministers will be different for a different sub-Province. That will be much less expensive than is feared by some people. At any rate my point in asking the House to accept this Resolution is, that the question should be considered wherever it may be necessary. It is, I submit, quite clear that in

certain cases this question must be considered as of great and urgent necessity. I also submit to the House that in accepting this principle, they do not commit themselves to any particular readjustment. All I say is that the Government should proceed with the consideration of the question and I, therefore, commend my Resolution to the acceptance of the House.

**The Honourable Sir William Vincent :** I should like again, to draw attention to the terms of the Resolution. If I have misunderstood the Honourable Member, I am quite open to correction. What he recommends in the Resolution is the reconstitution of the Provinces of India, that is, *all* the Provinces of India. That is a work of such magnitude that the Government of India cannot think of undertaking it at present. On the other hand, as occasion arises, if any particular Province or area feels it is unjustly treated, and the requirements prescribed by the Joint Committee are fulfilled, then the Government of India are quite prepared to consider any proposal which comes up from the Local Government concerned. What the Joint Committee Report had in mind was that the area which is affected should make a representation on that subject to the Local Government in the local Council, and through them to the Government of India, to show that in fact there was a general consensus of opinion among those affected that the change is desirable. The difference between the Honourable Member and myself is that I want this procedure to be adopted and he seeks to force the Government of India to make a general inquiry.

**Mr. President :** The question is :

‘ That the words down to and including the word ‘ India ’ in line 2 of the Resolution stand part of the Resolution.’

The Assembly divided as follows :

AYES—38.

Abdulla, Mr. Saiyed Muhammad.  
Agarwala, Lala G. L.  
Agnihotri, Mr. K. B. L.  
Ahmed, Mr. K.  
Amjad Ali, Maulvi.  
Asjad-ul-lah, Maulvi Miyan.  
Bagde, Mr. K. G.  
Barua, Mr. D. C.  
Bhargava, Pandit J. L.  
Chaudhuri, Mr. J.  
Chaudhuri, Mr. N. N.  
Das, Babu B. S.  
Faiyaz Khan, Mr. M.  
Ginwala, Mr. P. P.  
Gour, Dr. H. S.  
Gulab Singh, Sardar.  
Hussanally, Mr. W. M.  
Ikramullah Khan, M. M.  
Jatkar, Mr. B. H. R.

Joshi, Mr. N. M.  
Latthe, Mr. A. B.  
Majumdar, Mr. J. N.  
Manmohandas Ramji, Mr.  
Man Singh, Bhai.  
Misra, Mr. P. L.  
Mudaliar, Mr. S.  
Mukherjee, Mr. J. N.  
Mukherjee, Mr. T. P.  
Nag, Mr. G. C.  
Nand Lal, Dr.  
Neogy, Mr. K. C.  
Ramayya Pantulu, Mr. J.  
Reddi, Mr. K.  
Sinha, Beohar Raghubir.  
Sircar, Mr. N. C.  
Srinivasa Rao, Mr. P. V.  
Venkatapatiraju, Mr. B.  
Yamin Khan, Mr. M.

NOES—53.

Abul Kaseem, Maulvi.  
Aiyer, Sir P. S. Sivaswamy.  
Akram Hussain, Prince A. M. M.  
Asad Ali, Mir.  
Ayyangar, Mr. M. G. M.  
Ayyar, Mr. T. V. Seshagiri.  
Bradley-Birt, Mr. F. B.  
Bryant, Mr. J. F.  
Clayton, Mr. H.  
Cotelingam, Mr. J. P.  
Crookshank, Sir Sydney.

Dalal, Sardar B. A.  
Faridoonji, Mr. R.  
Fell, Sir Godfrey.  
Gidney, Lieutenant-Colonel H. A. J.  
Girdhardas, Mr. N.  
Hailey, The Honourable Mr. W. M.  
Hajeebhoy, Mr. Mahomed.  
Hullah, Mr. J.  
Innes, Mr. C. A.  
Jamnadas Dwarkadas, Mr.  
Jejeebhoy, Sir Jamsetjee.

NOER—53—*contd.*

Kabirji, Mr. J. K. N.  
 Kamat, Mr. B. S.  
 Lakshmi Narayan Lal, Mr.  
 Lyle, Mr. D. R.  
 McCarthy, Mr. F.  
 Muhammad Hussain, Mr. T.  
 Muhammad Ismail, Mr. S.  
 Nabi Hadi, Mr. Syed.  
 Percival, Mr. P. E.  
 Price, Mr. E. L.  
 Pyari Lal, Mr.  
 Rangachariar, Mr. T.  
 Rao, Mr. C. Krishnaswami.  
 Rhodes, Mr. C. W.  
 Samarth, Mr. N. M.  
 Sapru, The Honourable Dr. T. R.  
 The motion was negatived.

Shahani, Mr. S. C.  
 Sim, Mr. G. G.  
 Singh, Babu Ambika Prasad.  
 Singh, Babu B. P.  
 Sinha, Babu Adit Prasad.  
 Sinha, Babu L. P. ●  
 Sohan Lal, Bakshi.  
 Spence, Mr. R. A.  
 Subrahmanayam, Mr. C. S.  
 Townsend, Mr. C. A. H.  
 Ujagar Singh, Baba Bedi.  
 Vincent, The Honourable Sir William.  
 Vishindas, Mr. H.  
 Waghorn, Colonel W. D.  
 Zahiruddin Ahmed, Mr.

### RESOLUTION *RE*: TRANSFER OF JUDICIAL ADMINISTRATION OF THE NORTH-WEST FRONTIER PROVINCE.

**Sir P. S. Sivaswami Aiyer** : Sir, the Resolution\* which stands in my name falls into two parts which I hope the President will separately put to the vote. The Resolution may look rather long and formidable, but briefly put, it asks for two things : first, that the control of the judicial administration in the North-West Frontier Province be restored to the High Court of the Punjab ; and, secondly, that a Committee be appointed for examining the policy of separation of the North-West Frontier Province from the Punjab. The two parts of the Resolution are intended to raise the whole question of the wisdom or otherwise of the creation of the North-West Frontier Province. I despair of doing justice to the subject within the limits of time allowed by the rules and I crave the indulgence of the House and the President if it is necessary for me to occupy their attention a little longer than the time allotted. Frontier officers may, perhaps, consider it a piece of temerity on my part to meddle with a subject which it has been their business to deal with for the best years of their lives. Though I cannot claim the intimate personal knowledge possessed by my Punjab friends, like Dr. Nand Lal, I have endeavoured to study the official literature on this subject so far as it was available to me and any observations I may make are almost entirely based upon the official reports. Members of the Government may, perhaps, feel that I am treading upon a very delicate ground and that a discussion of the subject in the Assembly may possibly give rise to undesirable complications in the relations of Government with the tribes on the border. I am fully sensible of the responsibility of Members of the

\* This Assembly recommends to the Governor General in Council :

- (a) that the powers of control and superintendence over the judicial administration in the North-West Frontier Province now vested in the Judicial Commissioner and the Chief Commissioner of that Province and all jurisdiction, original, appellate or revisional now vested in them and all powers and authority in relation to the administration of justice including the power to make rules for regulating the practice of the courts and to authorize legal practitioners to appear and practice in such courts be transferred to the High Court of the Punjab and that the necessary legislation be undertaken to invest the High Court of the Punjab with the same jurisdiction, powers and authority in the five administered districts of the North-West Frontier Province as are now exercisable by that Court in the territories now vested in the Government of the Punjab and the Delhi Province.
- (b) that a Committee be appointed including a certain number of elected members of the Indian Legislature for the purpose of considering and reporting :
- (c) whether the separation of the five administered districts of the North-West Frontier Province from the Punjab Province has fulfilled the expectations of the Government of India from the political, military or financial point of view or has been attended with any substantial advantage to the internal administration, and
- (d) whether it is expedient to re-amalgamate the said districts with the Punjab Province leaving under the direct control of the Government of India the political administration of the unadministered tracts on the British side of the Durand line.

House in dealing with the complicated question of foreign policy and I may assure the Government that I have no wish to embarrass them by inviting any pronouncement of foreign policy. My purpose is to deal solely with the internal effects of the creation of the North-West Frontier Province and to bring to the notice of the House the evil results which have flowed from that policy and I hope that before I sit down, I may be able to convince the House that the time has come for a re-examination of the policy which underlay the partition of the Punjab.

With regard to the administration of justice in the Province, I venture to think that the control should be transferred to the High Court of the Punjab. Upon the wider question of the re-amalgamation of the Province of the Punjab I do not propose to urge the House to commit itself to any definite expression of opinion without an inquiry like the one I ask for in the second part of my Resolution. I hope, however, to make a sufficiently strong *prima facie* case to induce the Government to order an enquiry by a Committee. Let me very briefly refer to the considerations which weighed with the Government of Lord Curzon in deciding upon the creation of the Province.

The main reasons which influenced the Government of Lord Curzon related to the question of foreign policy and the conduct of the relations with the independent tribes on the border. Lord Curzon was of opinion that it was, from the nature of things, impossible for the Punjab Government to carry out a foreign policy which it neither originated, in the first place, nor was responsible for, in the last, with the same influence, zeal or despatch as the Government of India. He thought that the intervention of the Punjab Government between the frontier and the Government of India was productive of departmental irresolution, dissipation of responsibility and long and injurious delays and was attended with no compensating advantages. It is not necessary for my purpose to go into the question whether Lord Curzon's indictment of the Punjab Government was fair or justified. Granting that it was expedient to remove the management of foreign policy and of the relations with the border tribes, from the hands of the Punjab Government, the question had to be considered whether it was necessary to effect a partition of the Punjab and vest the control of the internal affairs of the five settled districts and of the trans-frontier charges in the hands of the same authority. Lord Curzon referred to and discussed the proposals to take all the trans-frontier charges from Chitral to Gomal and place the political officers for all these agencies under a single high officer, who equally with them should be appointed by the Government of India and report exclusively to the latter upon all political and external affairs leaving the internal administration of Cis-frontier affairs, in the hands of the Punjab Government. He admitted that this proposal possessed at one time attractions for himself, but he was unable to discover a single official who supported it. He quoted the dictum of Sir Alfred Lyall that it was the established principle from Peshawar to Karachi that the frontier could only be managed properly, if both sides of it were in the hands of the same authority and expressed his concurrence with it. It may be true, as stated by Mr. Merk, that the populations on either side of the boundary line are closely interwoven and intermingled, socially, commercially and in all matters of every day life and that the daily intercourse of these peoples gives rise to numerous questions, disputes and disagreements which must be settled promptly. In the face of a strong expression of opinion by high officials with experience of the tract, it might look presumptuous to entertain a different

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opinion; but the closeness of connections and relations between the populations on either side of a border is not an exclusive feature of the North-West Frontier. Such conditions must prevail, more or less, in every case where States, Provinces or Districts adjoin each other. It does not seem to be an inevitable consequence of these conditions that the administration of the affairs on both sides of the border should be in the hands of the same authorities. In the case of several of the Native States which adjoin the British Provinces, the conduct of external relations with the States is left in charge of Residents or Agents directly subordinate to the Government of India, while the administration of internal affairs on our side of the border is left to a Local Government. The experiment of constituting all the political agencies alone on the frontier into a single trans-frontier charge directly under the control of the Government of India, was one which might well have been tried and it seems to have been rather too readily assumed that the system of two co-ordinating groups of officials, one dealing with the external relations and the other with the internal affairs of the population of the settled districts was bound to give rise to friction. One cannot help doubting whether the creed of frontier officers as to the impossibility of separating the management of affairs on both sides of the border is not a venerable superstition.

With regard to the financial aspect of the scheme, Lord Curzon expected that the total cost of the civil administration at the start was not likely to be greater than under the existing conditions, while if his anticipations were realised, there was every reason to hope that a saving would be effected. But when the details of the scheme were worked out, the actual additional cost to Government of the formation of the new Province was estimated at Rs. 3,55,507. It may be pointed out here that Lord Elgin, the predecessor of Lord Curzon, was entirely opposed to the creation of a separate Frontier Province. When the details of the scheme for the administration of the new Province were worked out, Sir Mackworth Young, the Lieutenant-Governor of the Punjab, felt bound to record his disapproval of the scheme and wrote a memorandum in which the dangers and drawbacks of the proposal were set forth with great force and admirable foresight. He pointed out among other objections that the miniature administration which was proposed to be constituted would be much less efficient than that which existed as part of a large provincial organisation, that the machine of British administration was complex and could not be run properly on a small scale, that the sphere of the new Province would not afford a training ground for the acquisition of large and varied experience, that the requisite administrative experience could not be acquired in the political department, that the duties of district and judicial officers would be likely to fall into disregard and that supervision in the various departments would prove inadequate. He was of opinion that the scheme was not the best with reference to future probable developments on the frontier and that the actual cost of working the scheme would greatly exceed the forecast. The masterful personality of Lord Curzon enabled him to carry his scheme through. It came into working in 1901 and has been in force for a period of twenty years. Sufficient time has been given for the trial of the experiment and it is worth while to take stock of its results.

From a financial point of view, the cost of administration of the Province has far exceeded the original estimate and the excess of expenditure over the revenues amounted in the year 1920 to more than 100 lakhs. The Province has thus been a source of great drain upon the Imperial treasury.

From the military point of view, the necessity for punitive expeditions has not disappeared. The cost of frontier expeditions from 1901-02 to 1919-20 amounted to 29 crores odd. It may be urged that the cost of the Third Afghan War in the year 1919-20, *viz.*, Rs. 23,87,00,000 should, in fairness, be excluded and that the cost of the dozen expeditions or so, into the frontier is only Rs. 5,17,00,000. On the other hand, if you add the figures for the present expedition into Waziristan, the figures are likely to be very much swollen, and I do not know whether the military expenditure incurred on frontier expeditions during the last twenty years will bear favourable comparison with the expenditure incurred during the previous twenty years. The principles of Lord Curzon's military policy were stated to be the withdrawal of our regular garrisons from advanced posts in the tribal area, the employment of local militias in the defence of tribal country and the concentration of troops in British territory upon the principal lines of advance.

It was expected that a hold would be acquired upon the allegiance of the tribesmen by providing them with military employment and that they would have a direct interest in the preservation of the peace. His policy of withdrawal of garrisons from advanced posts has apparently been abandoned and the expeditions which the Government have been obliged to send and our experience during the last Afghan War indicate that his policy has not been successful in securing the loyalty of the border tribes. But this is a matter on which I should prefer to ask the Military authorities to say whether they still adhere to the military policy enunciated by Lord Curzon or have scrapped it.

Our political relations with the tribes do not seem to have undergone much improvement. The so-called tribal allowances which are, in the language of the vulgar, nothing more than 'bribe or blackmail' but which Lord Curzon euphemistically called 'confidential communications with the tribes' have apparently undergone enormous increase. The political expenditure incurred during the year 1919-20 was 53 lakhs odd while in the year preceding it was nearly 58 lakhs.

While the creation of the new Province has not been attended with any substantial advantage in the improvement of our external relations, it has produced no improvements in the internal administration of the Province at all commensurate with the annual expenditure. While the revenues of the province have increased from 46 lakhs odd in 1903-04 to 70 lakhs odd in 1919-20, the cost of administration has risen from 55 lakhs odd in 1903-04 to 180 lakhs odd in 1919-20. The cost of collecting the land revenue of 20 lakhs odd in 1919-20 amounted to over 8 lakhs which works out to a percentage of nearly 40 per cent. In the case of the Punjab, the cost of collecting the land revenue in the year 1918-19 works out only to about 17 per cent.

In his book on 'India under Lord Curzon and After' Mr. Lovat Fraser, an admirer and champion of Lord Curzon's administration admits that the principal defect of the separation of the North-West Frontier was:

'that its land revenue administration in the settled tracts was unsatisfactory, the land tenures along the frontier are complicated and require delicate handling which they have only partially obtained. In a Province primarily occupied and manned, to handle people and issues beyond the administrative boundary, the ordinary details of Civil administration are liable to be somewhat disregarded.'

This is exactly what was predicted by Sir Mackworth Young.

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It is, however, in the discharge of its primary function of protection that the administration has proved a hopeless failure. During the year 1919-1920, the latest for which the Administration Report is available, the total number of raids by trans-frontier men was 611 and in the course of these raids 298 British subjects were killed, 392 were wounded, 463 were kidnapped and 94 had to be ransomed and the value of the property looted amounted to Rs. 21,80,209. It is stated in the Administration Report that it is a singularly unfortunate record of the year in which increases in every single class of crime are shown, but there has hardly been a year in which raids have not been committed on the most daring and terrifying scale. I am informed that in the year 1920-21, the number of raids was 391, that 153 persons were killed and 157 injured, that 56 kidnapped persons were ransomed and that the value of the property looted was Rs. 2,86,285.

It is not known how many were kidnapped without being ransomed. In 1909-10, it is stated in the Administration Report, that 'owing to the desolate and broken nature of the country, it is not feasible at present to cope with kidnapping raids. The only remedy is to prevent ingress of raiders from Afghanistan.' In 1915-16, the Mahsud raids in Dera Ismail Khan produced a state of affairs without a parallel and the history of the district is said to be one long tale of rapine and outrage by Mahsuds and in spite of the superhuman efforts on the part of the troops, militia constabulary and police, its northern half had been almost ruined. The kidnapping, especially of Hindus, is said to be a very lucrative pastime for the raiders. The Pathan villagers are apathetic when their Hindu fellow residents are kidnapped. More energy and enterprise on the part of the more courageous villagers would often result in the rescue of their unfortunate and less bold Hindu brethren. One District Magistrate complained of the bad example set by Hindus in ransoming their relations. Possibly, an Englishman whose wife or children may be kidnapped by the raider may exhibit more stoicism under the circumstances for fear of setting a bad example or may be better able to command the services of a punitive expedition. But I do not know. It is, however, satisfactory to observe that the Sessions Judge and the Judicial Commissioner before whom this remark of the District Magistrate went up took a juster view of the matter. They were of opinion that the unfortunate people had no choice in the matter. They got little assistance from the Muhammadan villagers, many of whom no doubt shared in the ransom and so far Government had been able to do little to help them. Some of these raids are committed by outlaws. Outlawry has lost its terrors and the career of an outlaw offers attractions to the more adventurous spirits. Facilities in the means of communication have rendered their operations easier and they have numerous friends and sympathisers within the districts with whom they find shelter and protection during their marauding expeditions. The fear of reprisals prevents people from coming forward to give evidence against them. Raids and outrages are often committed under the very nose of the police and it is worth noting that the number of property offences has largely risen even in the cantonments of Peshawar, Nowshera, etc., in spite of the fact that they had largely increased garrisons. The success of the trans-border raiders re-acts in turn upon the lawless characters inside the settled districts and encourages them also to commit crimes in the hope that they would be ascribed to the trans-border tribes. In condemnation of the management of Frontier affairs by the Government of the Punjab, Lord Curzon

quoted with approval the following passage from a letter of Lord Lansdowne's Government, dated the 17th October 1899 :

'The Government of India cannot consider its present relations with the trans-frontier tribes on the Punjab border as either suitable or satisfactory and the absence of any friendly understanding between them and the neighbouring British officers may at any time prove a source of serious danger and anxiety. The country within a day's ride of one of our most important garrisons is indeed almost a *terra incognita* and there is no security for British life a few miles beyond the border. Punitive expeditions have been frequent but have been attended with very few permanent results and there is probably no other spot in the world where after 35 years of peaceful occupation a great civilised power has obtained so little influence over its semi-savage neighbours or has acquired so little knowledge of them.'

I should like to ask whether after 68 years of peaceful occupation and 20 years after the creation of a costly frontier Province under the direct control of the Government of India the same description does not still hold good.

Turning now to the statistics of internal crime, with the exception of the year 1906 which is said to have been a year of low water-mark in the history of crime, hardly a year has passed in which the high officials who are responsible for the administration of law and justice and who are sincerely anxious to cope with such crime have not had to deplore the steady growth in the number of violent offences. The number of murders committed in 1902 was 180 and in 1919 it was 445. The number of attempts to murder was 55 in 1902 and 149 in 1919. There were 31 cases of kidnapping in 1902 and 119 in 1919. Dacoity with murder increased in the period from 10 to 93 and the number of cases of other dacoities from 59 to 410. The number of serious offences against persons and property under classes (2) and (3) totalled 218 in the year 1904 and steadily increased during the 15 years. During the year 1919 the total reached the figure of 3,378. Serious crimes have thus increased nearly 16 times during those 15 years. The value of property stolen and carried away rose from Rs. 98,762 in 1904 to Rs. 19,98,734 during the same period but varied during the years 1915-18 from 6 to 3½ lakhs. This steady growth of crime cannot be attributed to any disposition on the part of the authorities to stint expenditure on the police. The strength of the police which was 2,450 in 1903 rose to 4,601 in 1918 while the cost during the same period rose from Rs. 5,86,733 to Rs. 16,69,945. The strength of the frontier constabulary which is employed for the purpose of checking raids rose from 2,372 in 1904 to 3,959 in 1919 and the expenditure on this force rose from Rs. 3,82,063 to Rs. 10,73,400 during the same period.

Various causes have been from time to time suggested by the authorities in explanation of the growth of crime. There is no doubt that there is the perennial problem of the blood-feud and crime due to the excitability of the Pathan temperament which leads to violent outbreaks on very slight provocation. The unsettled conditions on the border and the contagious character of crimes committed by trans-border men are also responsible for the prevalence of crime in the interior. Making every allowance for the operation of these factors, the large and steady growth of crime must be ascribed to defects in the police and criminal administration which are admitted by all the high officials of the Province. The low percentage of convictions due to the tainted nature of the evidence brought forward, the failure of the law to provide a suitable method of settling disputes relating to women, the inadequate and



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undiscriminating method of working the preventive provisions of the law, the lack of local knowledge due to the frequent change of officers and their short tenure of office, the unsatisfactory nature of the alliance between the police of the Punjab and the North-West Frontier Province, the slackness and incompetency of the native magistracy, the unsuitability of the system of law to a population whose ethics are those of the dark ages, the lack of legal training on the part of the superior judiciary have all been recognised and commented upon as affording an explanation of the growth of crime. Time and again the inefficiency of the police and the incompetency of the Magistrates have been noticed in severe terms by the Judicial Commissioner and the other authorities. For a condemnation of the police and criminal administration one need not go further than the latest official reports.

The *Jirga* system of reference of criminal cases for trial by councils of elders which is authorised by the Frontier Crimes Regulation is not a little responsible for the slackness and inefficiency of the Magistracy and the Police. The provisions of the Frontier Crimes Regulation are undoubtedly drastic but, for aught I know, they may be very well suited to the requirements of a turbulent population. The procedure of a reference to the *Jirga* may also be specially adapted to their conditions. It has been pointed out that it is an approximation to the Panchayat system which has been encouraged in other parts of India with the special feature of covering both criminal and civil actions. In the actual working, however, the *Jirga* system has vastly contributed to miscarriage and contamination of justice and the consequent demoralisation of the people. During the year 1919, 491 cases and 1,488 persons were referred to *Jirga* for trial and only 40 per cent. of the persons tried were convicted. The Chief Commissioner was of opinion that the figures illustrated the tendency for the victims' relatives to include innocent persons in the prosecutions. The reasons for this state of things are to be found in the method of working of the *Jirga* system in practice. Only the other day, I was informed by a very respectable and well educated Pathan gentleman that the men who are appointed to serve on the *Jirga* were usually men of straw, without any sense of responsibility and were appointed by Magistrates from among their hangers-on to provide them with a livelihood, that corruption was rampant among them and that respectable men were unwilling to serve on *Jirgas*. The police know that when there is no judicial proof forthcoming, they have only to recommend to the District Magistrate that the case be made over to *Jirga*. The *Jirga* consists mostly of illiterate men who cannot sift evidence and though no access is allowed to the *Jirga* while in session and all approaches are guarded by the police, the relations of the parties manage to find out who have been appointed and summoned as members of the *Jirga* and interview them all beforehand and the *Jirga* is thus largely accessible to influence.

Wealthy people and those who have influential connections have greater chances of getting off, while poor people and menials who have neither money nor influence to save themselves have little chance of escape, if once hauled up by the police. The *Jirga* meets in session once in three months and accused persons have frequently been kept for several months in the lock-up awaiting trial by the *Jirga*. Commenting upon the system of *Shahi-Jirga*, the Judicial Commissioner observed that the principle of the Frontier Crimes Regulation was that the strength of local knowledge supplemented by local inquiry afforded the proper corrective for the weakness of direct judicial evidence,

whereas under the *Shahi-Jirga* system there was no local inquiry and it might happen that of the members of the sub-*Jirga* told off to try a particular case, not one man came from the locality where the crime was committed. So, they would possess no local knowledge to assist them towards a right verdict. It is not necessary for the *Jirga* to record evidence and the *Jirga* men very often write in their reports that they have made secret and open inquiries into cases. Witnesses need not be examined in the presence of the accused, nor is it necessary to record evidence. No cross-examination is allowed and no legal practitioners are admitted. The only opportunity given to the accused to object is when the *Jirga* men are nominated. They are then asked whether they have any objections to the persons proposed, but as their objections are generally over-ruled by the Magistrates, the accused dare not take objection lest they might make enemies of the nominees. The facility with which a conviction can be obtained before the *Jirga* offers a strong temptation to the police to save themselves the trouble of investigation and report that there is no evidence forthcoming to satisfy the regular courts. Many of you have doubtless met a Hindu gentleman of Peshawar, Lala Jiwan Mal, who, if his allegations are well-founded, has been forcibly deprived of property in the possession of his family for about 40 years.

**The Honourable Dr. T. B. Sapru:** I rise to a point of order. This case is *sub-judice*. This gentleman approached me officially with regard to his case.

**Mr. President:** I am informed officially that this case is *sub-judice*. The Honourable Member is therefore out of order.

**Sir P. S. Sivaswamy Aiyer:** I have only said, 'If his allegations were well-founded' and I am not going to take it up further.

**Mr. President:** Even that is out of order.

**Sir P. S. Sivaswamy Aiyer:** The authorities have been at their wits' end to discover the causes and remedies for this unsatisfactory state of things. In commenting upon the Criminal Administration for 1910, the Chief Commissioner remarked that none of the superior judiciary had much legal training and that they had doubtless done their best with the evidence placed before them. But when out of 317 cases of murder admitted to have occurred, only 16 persons suffered the full penalty of the law, it was obvious that the terrors of the law had little deterrent effect. The remarks of the Judicial Commissioner in the Report for 1911 are very instructive. After allowing for and eliminating the various reasons which have from time to time been put forward in explanation of the growth of crime such as border unrest, the attractiveness of an outlaw's life, the high standard of proof demanded by the courts, the weakness of the subordinate magistracy and the increase in the number of legal practitioners, he comes to the conclusion that the most potent cause of the present conditions is that a great part of serious crime goes unpunished, partly because most cases never reach the stage of a trial in court at all and partly owing to the weakness of the prosecution in cases heard and decided. His inference is that the present machinery, political as well as judicial, is not fully adapted to the peculiar conditions of society in the Frontier Province. He rightly observes that he would trust rather to the improvement of the judicial machinery than to any radical change in the criminal law.

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In commenting upon the Administration of Criminal Justice in 1914, the Judicial Commissioner remarked as follows :

'The criminal work of the Indian Magistracy can hardly be called good except in a few cases. The Sessions Judge, Peshawar, thinks that the reason for their shortcoming is that either the Magistrates are inexperienced or have fallen into a groove from which it is impossible to displace them.'

'The standard of efficiency in the Provincial Service leaves much to be desired. The same stagnation is noticeable in the sphere of criminal work as on the civil side.'

He dwells upon their dilatory methods of disposal, upon the perfunctory method of recording evidence and the want of supervision of the clerical establishment. In the Report for 1915 Mr. Bolton, the District Magistrate of Peshawar, observed that there had been so much political and other work during the year that it had not been possible to devote the same attention to the details of criminal work as in former years.

The various defects in the judiciary which have thus been brought to light in the successive Administration Reports clearly indicate that they are due to a vicious system of recruitment and to the disadvantages necessarily involved in the administration of a miniature province. As regards the system of recruitment, I need only refer to the answers furnished by the Government to the interpellations of the Honourable Mr. Sachchidananda Sinha last year. No minimum educational standard is fixed for appointment in the executive or in the educational services.

In the Police, the minimum educational qualification is equivalent to the Punjab University Matriculation, but the Chief Commissioner may dispense with a knowledge of English. 19 out of 50 in the Provincial Civil Service have not passed even the departmental tests. Appointments even of Extra Assistant Commissioners are made rather on considerations of family position than on the merits of the candidate, his educational qualification or his fitness. Constant changes of personnel, mental stagnation and lack of opportunities for acquiring legal knowledge and training and several of the other defects brought to light are the direct results of the limited area of the administration.

In the sphere of civil justice, the work of the members of the Provincial Civil Service, of the Assistant Commissioners, and even of the District Judges, has been condemned and the explanation is to be sought for in the constant changes of personnel, in the appointment of officers who were unfit by previous training and experience, and in the paucity of sufficiently qualified officers in the Provincial Civil Service. One unfortunate consequence of the frequent change of officers is the enormous influence acquired by the permanent staff of the Court. Here, again, the root causes of the unsatisfactory state of things are to be found in unsound methods of recruitment and in the unavoidable difficulties inherent in the administration of a small Province.

Before passing from the subject of judicial administration, I should like to refer to the policy of strictly limiting the number of pleaders which finds favour in this Province and its effects. The policy is pursued under the impression that any increase in the number of pleaders will tend to foster litigation. It is curious that the authorities who are responsible for the granting of *sanads* to pleaders should not realise that even assuming that an increase in the number

of pleaders would have such effect, it is one to be welcomed rather than obviated. Resort to the outlet of litigation is a necessary stage in the evolution of a lawless and turbulent community into a peaceful and law-abiding one. On the other hand, this limitation in the number of pleaders renders justice dearer by enabling the few men at the Bar to charge extravagant fees, renders it possible for a rich litigant to retain all the pleaders in a small place and reduces the efficiency of the Bar by absence of competition.

In the Medical Department work has been seriously hampered by the difficulty of providing an adequate subordinate establishment.

Similar inconvenience has been experienced in the Agricultural Department also.

In the sphere of higher education, I do not know whether any progress made can be regarded as sufficiently satisfactory. The Chief Commissioner seems to have realised a little too prematurely the necessity for guarding against the danger of educating a class for whom there might be no employment and to have set about achieving the end by a system of prohibitive fees.

\* If the Members of the House have followed me so far, they will find it difficult to believe that the creation of the North-West Frontier Province has been a blessing or a success. The administration has failed in the discharge of its most essential duty of protecting life, liberty and property. Such progress as the Province may have achieved in any sphere could have been at least equally achieved under the Punjab regime. The enormous expenditure which the general tax-payer in other parts of British India has been called upon to bear for the nurture of the Government of India's bantling has borne no adequate results. The military policy of Lord Curzon has been practically abandoned. Judging from the answers given by Sir Henry Dobbs to the Honourable Mr. Sachchidananda Sinha last year, Lord Curzon's frontier policy seems to be in the melting pot. I cannot help thinking that the requirements of internal administration of the Settled Districts were sacrificed by Lord Curzon for the *sake of the wisps* of a foreign policy, which, now as ever before, is in practice, a policy of drift and opportunism. I do not complain of the policy of drift which has frequently led to success as notably in the case of the East India Company. Our frontier policy is the resultant of military, financial and political factors which vary in force from time to time. In the face of the evidence furnished from the official records, I trust the Government will recognise the necessity and desirability of a thorough re-examination of the whole problem of the internal administration of the North-West Frontier Province. In the old days of the East India Company, the Government of the whole country was the subject of periodical inquiry once every 20 years. Is it an unreasonable demand that after 20 years of trial the policy of the creation of a separate Province should be re-examined by a strong and impartial Committee.

Whatever conclusion the Government may come to upon the second part of my Resolution, I hope they will at least see their way to accept the first part of my Resolution which seeks to re-vest in the High Court of the Punjab the control of the judicial administration of the Frontier Province. The amount of dislocation of the existing arrangements involved in my proposal will be extremely small. The officer who now performs the functions of a Judicial Commissioner in the Frontier Province may easily be provided for in the Punjab High Court, even if the Frontier Province is to preserve its separate entity.

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The transfer of control over the judicial administration to the High Court of the Punjab would be neither anomalous nor unprecedented. When the partition of Bengal was carried out by Lord Curzon, the jurisdiction of the Calcutta High Court was preserved over East Bengal. When the Delhi *enclave* was carved out of the Punjab into a separate Province, the jurisdiction of the Punjab High Court over the Delhi area was preserved and even in the North-West Frontier Province the jurisdiction of the Punjab High Court is preserved in respect of European British subjects. Under Sections 6 and 10 of the North-West Frontier Province Law and Justice Regulation of 1901, the rights of European British subjects are very jealously safeguarded and so far as they are concerned, they can resort to the Punjab High Court. If the judiciary system of the North-West Frontier Province is not good enough for the European British subjects, why should it be regarded as satisfactory for the Indian population? I do not want to level down distinctions between Europeans and Indians, but I want them to be levelled up. It may be said that the location of the ultimate Court of Appeal within the Province at Peshawar is an advantage to the people and that it would cause inconvenience and hardship to oblige them to resort to Lahore to exercise their right of appeal, but this objection proceeds upon ignorance of the facts that for over six months in the year from April to October the Judicial Commissioner sits at Nathiagali which is on the top of a hill 20 miles from Abbotabad, that it cannot be reached by conveyance, that it has no lodging places, that there is great difficulty in securing accommodation, that no legal practitioners are available at Nathiagali, that they have to be taken there from outside on payment of very high fees, that the journey from Peshawar to Nathiagali occupies about 24 hours and is much longer and is more costly than the journey from Peshawar to Lahore. The Judicial Commissioner has no colleagues and sits alone, while in the High Court of the Punjab litigants can have the advantage of benches of judges and of an undoubtedly larger and better Bar.

It may perhaps be suggested that a bench of two Judges can be provided for by the appointment of an Additional Judicial Commissioner in the North-West Frontier Province, but such an arrangement cannot possibly be attended with the same advantages as are available under a High Court with a larger personnel of Judges. The additional Judicial Commissioner will presumably be chosen from the cadre of the Frontier Province where the legal and judicial qualifications of Judges are by no means of a very high order. The appointment of District Munsifs and Subordinate Judges cannot possibly be as satisfactory under such a system as it would be if the power of appointment or recommendation were vested in the High Court of the Punjab.

I hope the Government will not allow any false sense of prestige or of loyalty to settled facts to stand in the way of redressing a state of things which can only be described as a scandal.

**Dr. Nand Lal :** Sir, Sir Sivaswamy Aiyer has put the case of the North-West Frontier Province very ably and I adopt all the arguments and the accounts read out by that Honourable Member of this Assembly. Last Session I had the privilege of inviting this august Assembly's attention to certain conditions which are prevalent in that Province. I am not going to repeat them; I shall only offer a few remarks which are pertinent to the question before the House now. The people of this unfortunate Province, Sir, are in the

worst possible condition. There is no safety of life nor of property, especially in the case of the poor Hindus who are in a worse condition than Muhammadans. Internal administration is not only defective but is condemnable. Though I concede at once that the Government of India have been doing their level best to make some improvement, yet I feel constrained to say that they have utterly failed. There are raids after raids, dacoities after dacoities, murders after murders, and no improvement whatsoever. Lord Curzon, as you know, Sir, had a very imaginative mind and he was very fond of changes, though he could not see whether those changes would prove effective, would prove wholesome, to the administration or not. The Partition of Bengal is a fit illustration to substantiate this contention. His Lordship, on account of his imaginative mind, made a similar mistake, so far as the North-West Frontier Province was concerned. The arguments which were advanced by His Lordship have proved to be untenable. The Lieutenant-Governor of the Punjab then advanced very luminous reasons in opposition to the scheme which was suggested by Lord Curzon, but, unfortunately, the objections, which were raised, were not approved of, though they have now proved true prophecy. Let us see whether the judiciary in the North-West Frontier Province seems to be competent or incompetent. The administration reports, which are the official records, will bear me out that the judiciary is very incompetent, and the system, which is adopted there to appoint judicial officers, is very undesirable. The very important and responsible office of a District Judge is sometimes entrusted to a Political Officer who does not know much of law, and, if any law-knowing officer is appointed for some time, he will be transferred like a shuttle cock from one place to another. He does not understand the traditions and the habits of the country and he is removed from that place. Some of the officers who were appointed then and who are in service now in that Province, I may be allowed to submit, are not trained at all.

And this contention of mine has got a sufficient and substantial proof in the judicial administration reports which speak in my favour. The Judicial Commissioner in his remarks expressed regrets that some of the cases are dismissed in default so that the officer may not take the trouble of determining all the points involved in them. A good many cases are adjourned and postponed—with what intention? Naturally this Assembly will ask—with this intention that the parties may be compelled to come to terms, so that the judicial officer may not have to take the trouble of adjudicating on the questions involved in them. Now, that is the so-called efficiency of the judiciary in that unfortunate Province. On the top of that trouble, the North-West Frontier Criminal Regulation has been introduced, and the *Jirga*, which is said to be a Council of Elders, speaks very well no doubt, but is in fact a very undesirable institution and has proved an utter failure. There are remarks made by officers in charge of that Province that this *Jirga* has not done any good, and that it is unfortunately true that sometimes innocent men are hauled up and convicted. So far as the administration of this *Jirga* system is concerned, it has already been dilated upon by my learned friend, the Mover of the Resolution, and there is no need for me to go over the ground again; but I feel bound to make one remark in that connection also. That not only are criminal cases transferred to the *Jirga*, but also some times civil cases that are pending. An account appeared in the '*Tribune*' of 16th September 1921, which is a heart-rending account. A civil case, which was decided and adjudicated upon, was transferred to the *Jirga*. This instance serves as an authority, which is embodied and incorporated in the columns

[Dr. Nand Lal.]

of the 'Tribune' of 16th September 1921 for this statement. A case was reported in those columns and that case is this. Once upon a time a boy was challaned by the Police : when that boy appeared before the Magistrate, the Magistrate, on account of his own whim or sentiment, says : ' This boy cannot have committed the offence alone : there must be some adult men also.' He makes this suggestion to the Police Department and the Police Department, after making investigation, comes to this conclusion, that there was no other accomplice who had participated in the offence or accompanied that boy. That boy, when he was hauled up and appeared for trial, was either acquitted or discharged—I am not sure about it. But still the Magistrate, as I am told, had the hardihood of making a reference to the District Magistrate that the case should be referred to the *Jirga*, and those two men, I am told, were sent up to the *Jirga* for trial. Such is the deplorable condition of the judicial administration in that Province. I think every Member of this Assembly will have sympathy with the poor down-trodden people. The Judicial Commissioner, as my learned friend, the Mover, has already explained before you, in the summer season goes to the hills there and litigants have got to travel hundreds of miles. Lahore, as has been suggested, will be the suitable high tribunal for the final decision of cases which will be adjudicated upon by the Sessions Judges and District Judges in the North-West Frontier Province. I may inform this Honourable Assembly that the people of that Province, after having enjoyed for 50 years the benefit of the organised system of administration of the Punjab, were unfortunately degraded, and thrown down from that high pedestal. They had the benefit of being under the wholesome influences of the very good and splendid administration of the Punjab. But for the reasons, which I have already submitted before this House, they were compulsorily deprived of those privileges. Since then they have been crying that their separation from the Punjab is unreasonable. On the very eve of the scheme having been floated they submitted a memorial to the Punjab Government ; and the Punjab Government considered the memorial, but it was not appreciated ; subsequently some years after they raised the same point, but that contention also was not accepted. And up to now the cry of the people of that Province is for ' What offence of ours have we been separated from the Punjab ? What offence have we committed ? What sin has been committed by us that the light of civilisation has been denied to us ? What we want is simply this, give us back the privilege which was conferred upon us on the annexation of these districts to the Punjab.' I submit, the Government officials and the Government representatives will have nothing to say against it. If the separation had proved of some good, there would have been something to be said against this Resolution, but I have tried to establish, taking the question financially, that the internal administration has proved a miserable failure. If the expenditure of 1902 is compared with that of the present time, or even five years before, it will be proved that so far as the financial aspect of the question is concerned, it was a failure. So far as the administration is concerned, I have already dilated upon it. In some cases the private property of the inhabitants of Peshawar has been forcibly taken away from them. The private property of individuals resident in Peshawar and other places has been taken away by some Muhammadans, but no notice was taken of it ; I am not referring to particular instances, because one of them is *sub-judice* and I do not feel justified in

making any allusion to it ; but it is a fact that not only in one case but in a number of cases property has been forcibly usurped and no effective and desirable action has been taken. Therefore, I very respectfully submit that this learned Assembly should support this Resolution unanimously. I hope that even the official Members shall have sympathy with it. I am raising my voice not only to criticise the administration of the Government but to assist Government. I convey the message of the people of that unfortunate Province to the Government, that this is the condition, these are the feelings of the public and it would be better that suitable management may be made, so that the grievances may be redressed ; and the only remedy which seems to be feasible, which will prove effective, is this, that the judicial administration of that province may be placed under the control and superintendence of the High Court of Judicature at Lahore, and it will not cost the Government much, and the benefit and the fruit which both the public and the Government will derive will be of the greatest possible value. With these few remarks I very respectfully submit that this Assembly should give their vote unanimously in favour of this Resolution, part I, part II and part III. I do not like to dilate upon the things which I have already mentioned, and my remarks which I made in the last Session may be considered part of my arguments now.

**Lient-Colonel H. A. J. Gidney :** Sir, I rise to oppose this Resolution. We have listened to one of the most serious indictments against the administration of any Province I have ever heard in my life. I can appreciate the laudable motives that have actuated my Honourable friend, Sir Sivaswamy Aiyer, in the allegations he made against the North-West Frontier Government, and I have no doubt they are supported by the various official reports from which he has quoted so largely. But I take it that Sir Sivaswamy Aiyer has not spent a single day on the frontier ; he might have spent a few days there as a visitor, but not as an official ; if he had he would at once realise the peculiarities of the country whose administration he is attacking in such strong terms. As regards my Honourable friend, Dr. Nand Lal, I can quite understand how delightfully nice it would be for the High Court in Lahore to be swamped with more legal cases. At the same time, Sir, I rise to oppose this Resolution, as I hope to show, for some very serious reasons, which, I am afraid, the Honourable Mover of the Resolution appears to have overlooked ; he seems to have only taken a partial view of but one part of a very large problem.

The North-West Frontier Province assumes its greatest importance, in Indian eyes, when viewed in regard to its connection with the problem of Indian defence and military expenditure. And no matter *what* other considerations may be involved, this is its most important 'all India' aspect. But the land defence of India is not only a question of the defence of that part of the frontier, which forms the border of the North-West Frontier Province : Land defence cannot be considered without close regard also to the borders of Baluchistan. In fact, the problem of the land defence of India, from the Pamirs to the Persian Gulf, is one single indivisible problem. This problem is no less than the land defence of India, on the *only* front on which attack is to-day possible.

The domestic policy pursued in a territory contiguous to a frontier *must* inevitably react upon foreign policy and upon defence. It is inconceivable that domestic policy in such territory should be directed by any authority other than *that* which is responsible for foreign policy and defence,



[Lieut.-Col. H. A. J. Gidney.]

Can it be for one moment argued that it would be sound policy for affairs, up to the frontier of Baluchistan, to be administered by the Presidency of Bombay and for affairs up to the borders of the North-West Frontier Province, to be administered by the Province of the Punjab—and for the Government of India to accept responsibility for a foreign policy influenced by factors over which it could exercise *no really* adequate control?

**Dr. Nand Lal:** I rise to a point of order, Sir. We discuss the question of internal administration and not the executive aspect of it.

**Mr. President:** The Honourable Member is quite in order.

**Lieut.-Colonel H. A. J. Gidney:** I wanted to prove, before the Honourable Member interrupted me just now, that I am taking the Resolution as a whole, and I am not dealing with it in parts.

Out of this arises another question: The internal policy of the Punjab Government influencing, as it inevitably must (if this Resolution were enforced), events up to the very Passes of the North-West. It would be inevitable that the Government of India, in the interests of India as a whole, should keep the closest watch upon—and indeed might be compelled to interfere in the domestic affairs of the Punjab—thus retarding the free development of Provincial Self-government. For this reason this Resolution will surely not commend itself to Honourable Members representing Punjab constituencies.

There is yet a third aspect of the question: The frontier, from the Pamirs to the Sea, is the most important land frontier of the British Commonwealth. For this reason its defence is not a matter solely of Indian importance: India holds that frontier not only for her own protection but to guarantee the integrity of Imperial soil. This day may be not far distant when it may be widely recognized that India alone should not be called upon to bear the whole cost of defending this frontier. Should this be so, it will be impossible to countenance the authority of Provincial administrations up to the point of contact with foreign powers. The solution of the problem will be greatly facilitated if there is now created and maintained, from the Pamirs to the Persian Gulf, a corridor of territory under one central control.

In this connection I would ask the Government of India to enlighten this Assembly on the point as to why it is possible in Baluchistan, to collect revenue right up to the Persian border and why, for years past, the North-West Frontier Province has, in great measure, been in a state of lawlessness and continues to be a constant drain upon Indian resources. Is the reason due to the old Sandeman policy on the one hand, and the pinch and scuttle policy on the other? It would be very interesting to know. With these words, Sir, I oppose the Resolution.

**Mr. Abdur Rahim Khan:** Sir, before I offer my humble observations for consideration and deliberation of this Honourable House, I would first venture to offer my heartfelt gratitude to those who spoke on this Resolution. I am ever so much obliged and grateful to them for their good efforts, good intentions and noble motives which prompted them to sympathise with us. No doubt they brought home to us that well known English expression 'So far yet so near.' But in any case they should not think 'So near yet so far'

because we agree in this that the people of this North-West Frontier Province should be treated well and they should have the reforms. I differ from the Honourable speakers only in this, I say that every reform must come from within and not from without. The speeches of the Honourable speaker confused me so much that if I did not know the real facts I would have not dared to go back to my home. Their speeches give an impression that the officers over there are wolves and the residents of that place, lambs. In this respect we and the poor officers are treated just like a sober man with a drunken face who has the reputation of the men without its satisfaction. Will it be a good policy to re-unite these two Provinces after twenty years legal separation? I am sure that union will not be a happy one. Some severe remarks were passed that the judicial machinery of our province is defective. I am sorry to say that the Honourable speakers perhaps don't know that we had very learned Judicial Commissioners in the persons of Mr. Bunbury and Mr. Barton, every High Court would have simply been proud to have them as its Judges. Our present Judicial Commissioner is not inferior to any one in this respect who has got very long judicial experience. If he had been in the Punjab his judicial experience and seniority would have secured him a Judgeship in the High Court. They want us to be at home. But in order to be at home they want to send us to the Punjab. No, we want to remain where we are, where we really are in our home and at home.

Now, Sir, I will refer to another question, that is about the judicial line. You know very well, Sir, that the Afghan, the Pathan, are very impatient. One advantage we have got in having the Judicial Commissioner there, is the speedy disposal of cases. If, for instance, a Pathan has a case in the High Court and if he has been told by the Counsel that the date will be sent to him, he will think that the Counsel has pocketed the money. Then, another thing, in our province is that there is immediate supervision, control and inspection of the subordinate courts. While, in the High Court, the entire work of the control is entrusted to one single judge. Then, another thing is that Pathans have got peculiar manners, or peculiar character and they have got a peculiar law as far as custom is concerned, as for instance, the making of a will. Another thing is that a man who has been brought up there, who is well versed in the manners and customs of the Pathans, will, I think, be able far better to deal with them than the learned Judges who have not studied their customary laws. So these are the advantages at present, which I am bringing before this House. Another thing is that it will be a reflection on myself as a Barrister and an Afghan that I should not wish well to my country. The fact is that the situation there is not so bad and I say boldly that unfortunately the Honourable gentlemen here do not realise it. There is a military success and there is a political success. (Hear, hear.) The Honourable gentlemen are cheering me. I can prove it. The very fact that at present you have got only the Mahsuds to fight against you is due to the political officers in those parts. Otherwise, there would be one blaze from Chitral to Quetta.

And as regards border military expenditure, I am sorry to say that the Honourable gentlemen do not appear to realise that there are two issues to be considered. The first issue is whether you want to have a defence of India or not. The second is the defence of our province. I, as an Afghan, can assure the House that we have got sufficient rifles and our Local Government is generous and prepared to give us more rifles. We do not require any

[Mr. Abdur Rahim Khan.]

defence at all. The whole money is spent on the defence of India and if you do not realise the trouble and the difficulties which these military officers have to face, I think that it is very discourteous of and discreditable to us. If you go to those parts, you will find for instance that the General Officer Commanding, Afghanistan Field Force has to go to a place where he has not got a tent. Do you think the money that is spent on military expeditions goes into his pockets? How many Indian and British officers are killed there? Does it show sacrifice on their part or unnecessary expenditure on their part?

**Dr. Nand Lal:** On a point of order, Sir. There was no question of military expenditure.

**Mr. Abdur Rahim Khan:** I am sorry, but it is put down there. If you strike it out, I will withdraw my remarks.

As to kidnapping and all that sort of thing, you don't realise the amount of rifles we have got. If the same rifles are given to the Punjab, to Bengal or to Madras, the crimes would be worse. Now, for instance, take the case of the Bannu district, there are 10,000 rifles in that district and it is due to the magistrates and officers there that they are able to control them.

Then as regards the attitude taken up by some of the Honourable gentlemen, I must say it is sadly out of place. The dacoits make no distinction between Hindu and Muhammadan. Wherever they can get an opportunity they will commit dacoity, merely solely for the sake of pecuniary gain. Another thing about dacoits is, if you see the geographical position of the frontier, it will show you that unless there is a wall all along the whole line you cannot stop these dacoities. Moreover, the independent territory is close to these settled districts.

We have not got so many troops that they could guard the whole line. The unrest is due to the fact that they have such unlimited numbers of up-to-date rifles and munitions, and not because the administration of the North-West Frontier Province is defective.

If the administration were entrusted to the Punjab, do you think that persons would not be kidnapped? Do you think that the men need have no cause for fear? Do you think that the officers in the North-West Frontier Province would not risk their lives for them? I must say this, that I am very much obliged to Honourable gentlemen for the kind sympathy they have shown to that community in general. Unfortunately, the Frontier Administration is troubled by the Bolshevik movement and the movement in Afghanistan. You think that these Afghans are illiterate. They are born politicians. They know the situation. You can deliver speeches here, but they are only speeches. They have got natural instincts. They know their own ways. If you went to independent territory, and see the number of rifles they have got and how they are in touch with the political movement, you would be surprised. They are born politicians. So, regarding the situation as it stands, I think it is not desirable that our judicial administration should be amalgamated with the Punjab.

Another matter that was touched by my Honourable friends is that the five settled districts at least should be amalgamated with the Punjab. Unfortunately they forget that in all these independent territories, half the population belong to settled districts and half to unsettled districts. You cannot separate them.

Another thing I have to say is that the *Jirga* system has got its bright side also. Take the case of the Hijarat in Peshawar. There were 15,000 cases and they were referred to the *Jirga* under Section 8 and all these people got justice. If you ask a Pathan what *Jirga* is and what a judicial case is, he will say that in a judicial case you get law and in the case of *Jirga* you get justice. That is their belief. I ask to Honourable gentlemen if it was unfair that the cases of those 15,000 men who were led by a religious spirit, who went to Afghanistan with their bag and baggage, who left their property for nothing, who sold their property nominally to those who were interested in buying their lands, should be tried under Section 8. Is there any gentleman who will say that those people did not have right in law and equity for the property to be given back to them? In the circumstances, these cases were referred to the *Jirga* under Section 8. So, I say, that even with regard to this *Jirga* system, the amendment must come from within. There is no doubt there was some complaint and my Honourable friend, Sir George Ross-Koppel, passed orders that no District Magistrate should refer a case to a second *Jirga* without the sanction of the Local Government. Now, Sir, there is a strong feeling that these rules should be amended and the Honourable the Chief Commissioner is willing and prepared to do the needful. You cannot say of the Punjab that everything is good there. There is good and bad everywhere. I need not refer to those questions in detail. If there is any defect in the *Jirga* system in our Province, the best thing to do is to approach the Honourable the Chief Commissioner direct who is always prepared and ready to consider the public voice very favourably. Now, take for instance, the case of the Punjab. They too have got the same F. C. Regulation in the Mianwali and Dera Ghazi Khan districts.

First move your own Government, the Punjab Government. Let them remove that Regulation first and then they may find fault with our system of *Jirga*. Till then they are not justified in saying a single word against our Province.

Sir, I do not want to waste the time of the House. I have not come prepared because I had a very short time and I hope that the remarks and observations of the Honourable Mover will be considered in their several aspects. No doubt, the paper which my friend has read is an ideal paper, *I must say*, but we have to consider the Afghan element. If Sind can have its own Judicial Commissioner, if Oudh can have its own Judicial Commissioner, why should we not have our own Judicial Commissioner? So if any reform is needed in the judicial line, that reform must come from within and not from without. Once again I thank the Honourable Member from the bottom of my heart for his noble efforts on our behalf.

**Dr. H. S. Gour:** I have listened to this debate with very deep interest because I have never been to the Frontier, but I have interested myself to a small extent in the Frontier question. It seems to me that Sir P. S. Sivaswamy Aiyer's chief points have not been assailed because they are unassailable. He has pointed out that this separation of the Frontier Province from the main Province was brought about by Lord Curzon in 1901, and from a perusal of the papers of that time you will find that this separation was brought about despite the protest of the then Lieutenant-Governor of the Punjab, Sir Mackworth Young, and despite the doubts of the then Secretary of State for India. I find from the despatch of Sir Mackworth Young that he entered an emphatic and unqualified protest against this severance of a

[Dr. H. S. Gour.]

limb from its main trunk and in his concluding passage he appealed to Lord Curzon's Government to defer the separation at least for the remaining short tenure of his office. But what was the result? Lord Curzon brushed aside all his objections in a cavalier fashion and ordered that the separation should take place. Sir Mackworth Young prophesied a complete failure of the administration both from the standpoint of economy and efficiency. His words were prophetic as the annual Reports of the Frontier Province amply testify. Sir Sivaswamy Aiyer has pointed out that ever since the year 1901 the twenty years' administration of the Frontier has been a history of intrigues, ever increasing murders and dacoities and ever diminishing efficiency. This is a charge which has not been met. This is a charge which, I submit, cannot be met. And if the allegations made by the Honourable Mover of this Resolution are true, no amount of special pleading on the part of my Afghan friend in the corner can do away or belittle the facts. He told us, and I will take him first,—he told us in an extremely felicitous speech for which I congratulate him, after twenty years separation how can there be re-union?

But I wish to point out to him that if it is a case of 20 years' elopement, there shall be recapture. No lapse of time can justify a wrong and if a wrong was committed in 1901, in 1921 we shall rectify it. The fact that you have been for 20 years living asunder as the Poles is no justification for continuing to live so after. Justify your separation, and you shall have to justify it first before you are permitted to continue separate. Justify it on the grounds of efficiency, convenience or economy of administration. Have you done so? My friend says: 'We are all supplied with rifles.' I fear that your rifles are getting rusty for want of use. If I may judge from the facts, and the facts, I submit, cannot be denied, dacoities, raids and incursions from the Frontier tribes are increasing year after year entailing an ever increasing toll on the Imperial exchequer; and I say that your rifles had never been in use and how are we to stop these raids and frequent dacoities for which the tax payer in this country has to pay? Surely, Sir, this is a question which does not concern the Frontier people alone. It is a question which concerns the general tax payer of this country. My friend makes a passionate appeal and says that he is an Afghan and he would not have endured the illtreatment of the officials on the Frontier. I make no allegation and no allegation has been made of any personal wrong done by the officials of the Frontier. We are discussing here a system which was brought into existence despite the protest of the Secretary of State and the local Administration.

We are here to pass in review the history of that separation during the last 20 years and if, as I think, in the matter of efficiency, in the matter of administrative convenience, this separation has been prejudicial to the best interests of this country, then, I say, Sir, that this House will have no hesitation in recording its unanimous vote for its re-union. I submit, Sir, that the mistake of 1901 must be rectified in the year 1921 and for the reasons which, I submit, are enshrined in the official reports of the Frontier Province. We have nothing but dismal tales of annually increasing cost of administration. We have nothing but gloomy pictures of annually increasing raids. We have nothing but the same old chapter of the Frontier Province Report, which is stained with the blood of the innocents. You will find, Sir, that throughout the history of these 20 years of our Frontier Administration there has not been single advantage gained by the separation of this Province from the Punjab.

My friend has said that so far as the inferior judicial administration of the Frontier Province is concerned, we are very well satisfied, and I think in his peculiar Afghan humour he said that whenever we go to the *Jirga* we get justice and when we go to the courts we get law. Well, Sir, let my friend be assured that when he goes to the Punjab High Court, he will get a combination of both. (Hear, hear.) He should have no apprehensions on that ground.

My Honourable friend, Colonel Gidney, made a passionate appeal to this House to reject this Resolution on the ground that Sir Sivaswamy Aiyer had never been to the frontier. Now that is an eminently excellent ground for rejecting the Resolution if this House requires that every one who speaks upon the subject of the frontier must have visited the country.

Lieutenant-Colonel H. A. J. Gidney : I did not mention that as a reason ; I mentioned it as a passing remark.

Dr. H. S. Gour : I am glad, Sir, because I was going to add, that while my Honourable friend charged the Mover of this Resolution with not having gone to the frontier, I was going to interject the question as to whether the speaker himself had been to the frontier.

Lieutenant-Colonel H. A. J. Gidney : Often and for many years.

Dr. H. S. Gour : Yes, as an officer. However, I pass on, Sir, to the main objection which my Honourable and gallant friend, Colonel Gidney, has to this separation, and that main objection is that the frontier has got problems of its own. Now, Sir, if I want to justify a thing which is otherwise unjustifiable, I indulge in these very pleasant platitudes. It is a very good thing to have a distinct administration : you can always know and carefully examine and scrutinise the details of the work, have closer supervision,—increased efficiency, but, alas, Sir, if we put this to the acid test of experience, we find that the smaller the administrative unit, the greater is its inefficiency and cost. You must have read in the newspapers the other day that the English motor industry is suffering hopelessly in competition with the large gigantic organizations of the trans-atlantic continent, and the reason is that the overhead charges there are smaller, the organization is large, efficiency is greater, and the cost, therefore, must necessarily be smaller. If this elementary commercial principle is extended and applied to the administration of Provinces, there will be no difficulty in seeing that the smaller Provinces are more costly to rule, that efficiency is not so great, and that the incentive which people have to serve in their country is none too great. These were the points brought out by Sir Macworth Young, and, I submit, they remain as true to-day as on the day they were written. Now, I submit, that this is a question which affects the taxpayer,—the tax-payer in this country. It is a question, I submit, which can no longer be obscured by an appeal to sentiment or by an appeal to what we may call the 'settled fact.' We have once more to examine this question in the light of the remarks made by the Honourable Mover, namely, that it is a question which must be considered once more by this House, and I submit that none of the speakers who have followed the Honourable Mover have in the slightest degree attempted to shake his argument. I therefore take it, Sir, that so far as the case made out by the Honourable Mover of the Resolution is concerned, it remains unanswerable, and I have no hesitation whatever in asking my friends here to support the Resolution.

**The Honourable Dr. T. B. Sapru :** Sir, no client in a court of law could have commanded the advocacy of a more powerful advocate than the people of the North-West Frontier Province have been able to command in the person of the former Advocate-General of the Madras High Court. Unfortunately, however, it is a case of the client repudiating the authority of the counsel, for, to-day, we have in this House for the first time a representative, a genuine representative, of the North-West Frontier Province, whom I welcome on behalf of this House and on behalf of the Government. He has anticipated me in many of the things which I intended to lay before the House in answer to the terrible indictment of my Honourable friend, Sir Sivaswamy Aiyer. Sir Sivaswamy Aiyer and I both suffer from the disadvantage of never having resided permanently or even for any length of time in the North-West Frontier Province, and, although he has spoken dogmatically, as one would expect a counsel for the prosecution to speak, I should not follow his example. I would rather speak with a considerable amount of hesitation, remembering that although I may be a Member of the Government, and although I may have been briefed by them, I am still diffident on many of the problems of the North-West Frontier Province. Therefore, what I would ask the House to consider on the present occasion is, first of all the nature of the issues that are submitted for the decision of the House. There are two distinct issues which have been raised by my Honourable friend, Sir Sivaswamy Aiyer. For the sake of convenience I may describe the first issue as an issue of a judicial character and the second issue as an issue of an executive character—I am using words which are very familiar to my friends here. So far as the judicial issue is concerned, the gravamen of the charge which has been formulated at such length by my Honourable friend, Sir Sivaswamy Aiyer, is that the judiciary in the North-West Frontier Province is not so competent, as he with his standards of Madras or I with my standards of the United Provinces, would like it to be. So far as the executive administration is concerned, the sum and substance of the charge is, that although the Province of the Punjab was in the year 1901 bifurcated into two Provinces, and although so much money has been spent during the last 20 years on it, yet the people of the Province are not happy and contented in proportion to the money and labour which has been spent over the administration.

Now, I will deal with each one of these issues separately. The fact that a Province possesses a Judicial Commissioner and not a High Court is, to my mind, in itself not a sufficient condemnation of the judicial administration of that particular Province. If that were so, I should have expected my Honourable friend, Dr. Gour, who practises in Nagpur, where there is a Judicial Commissioner, to have frankly and boldly condemned his own court and the entire judicial administration of his own Province. If that were so, I should be equally willing to condemn the judicial administration of the Province of Oudh where there is a Judicial Commissioner and before whom I had the honour of appearing scores of times in my life.

**Mr. N. M. Samarth :** What about Sind ?

**The Honourable Dr. T. B. Sapru :** My Honourable friend, Mr. Samarth reminds me of Sind. Well, what I will say—perhaps my Honourable friend, Dr. Gour, will consider it as a compliment to his own court—is that even I have had at times to cite the decisions of Judicial Commissioners in the High Court.

Well, therefore, the mere fact that the judicial head of the Province happens to be a Judicial Commissioner and not a Judge of the High Court

is in itself not by any means a condemnation of the judicial system. What you have got to consider is whether the occupant of the office does credit to his office, whether the supervision of the subordinate judiciary is competent, whether the subordinate judiciary also gives good account of itself. Now I think a few facts are far more valuable than any amount of theory about the relative merits of the Judicial Commissioner and the High Court.

Now the Judicial Commissioner of the North-West Frontier Province happens to be a gentleman with considerable experience as Sessions Judge—a man who, if he had been in the Punjab, would in all probability have been a Judge of the High Court—he is a member of the Indian Civil Service.

**Sir P. S. Sivaswamy Aiyer:** I made that proposal myself that he should be transferred.

**The Honourable Dr. T. B. Sapru:** I am coming to that proposal. Well, under the Judicial Commissioner you have a number of Sessions Judges and I will invite the attention of the House to the fact that we have got two gentlemen belonging to the Indian Civil Service who are Sessions Judges, and a third Indian—Khan Bahadur Mahomed Abdul Karim Khan, of whom I am told that he is a particularly able and competent judicial officer. Now I do not know that the judicial officers in the Punjab are very much superior in their calibre or judicial attainments to these gentlemen who occupy judicial appointments there. But there is one phenomenon which I have noticed in the House to-day—a sudden love for the Punjab administration. I should have thought that last year, or even this year, or, as my Honourable colleague reminds me, even yesterday, the Punjab would have been anathema to this House. But what do you find to-day? The cry is raised—Give back this Province to the Province of the Punjab, which you have been condemning so far. Give back this Province to the High Court, which you say is not quite so good as the Madras High Court, or the Calcutta High Court. Well, as a debating point it may be a very good point but I will beg you to remember that the mere fact that you condemn the administration of the North-West Frontier Province affords you no solution of the difficulty. What you have got to prove is that if you transfer the Province, the North-West Frontier Province, to the control of the Governor of the Punjab, these evils which now exist will disappear either suddenly or within a reasonable distance of time. But so far as that particular question is concerned, I did not hear a syllable of argument in the elaborate indictment of my Honourable friend, Sir Sivaswamy Aiyer.

There are just one or two statements which my Honourable friend made in regard to the Judicial Commissioner of the North-West Frontier Province which I cannot allow to go unchallenged. For instance, one of the statements which he made was that the Judicial Commissioner of that Province was for six months in a place called Nathiagali. Now let me tell the House most emphatically that that is not so. The Judicial Commissioner of Peshawar used to go to Nathiagali, I am told on reliable authority, for a period of two and a half months, and it has now been decided that in future he will not go there at all. Well, I may, for the information of the House, say that it is by no means impossible that we might have an additional Judicial Commissioner to relieve the congestion of the work there and to make the administration of justice more efficient, and in all probability that officer may be an Indian. Before I pass on further, I would just refer to certain misconceptions about the *Jirga* system which I would like to dispose of at this particular moment inasmuch



[Dr. T. B. Sapro.]

as it is a matter relating more to the judicial side of the administration than to the executive side. My Honourable friend, Sir Sivaswamy Aiyer, has said that so far as trial by *Jirga* is concerned, it is subject to certain inherent defects; for instance, he has pointed out that the *Jirga* is not bound even to record evidence, that it can proceed also on private information and may pass its judgment upon secret inquiry. I shall not say that for all purposes the analogy between a *Jirga* and an arbitration court will hold, but I venture to say that if you study the law with regard to *Jirgas* you will find that it is as near the ordinary rules of arbitration as two things can be to each other. I shall only invite the attention of the House to the law on the subject and read one Section dealing with the Council or Elders:

‘Where the Deputy Commissioner is satisfied from a police report or on other information that a feud exists which is likely to cause bloodshed—(that is peculiar to the Province)—or murder or culpable homicide not amounting to murder or lead to a breach of the peace or in which either or both parties belongs to a frontier tribe, he may, if he considers that the settlement thereof in the manner provided by the Section will tend to prevent or terminate the consequences and if a suit is not pending in respect of the dispute, make an order in writing stating the grounds of his being so satisfied, referring the dispute, to a Council of Elders and require the Council to come to a finding on the matters in dispute after making such inquiries as may be necessary and after hearing parties. The members of the Council of Elders shall in each case be nominated and appointed by the Deputy Commissioner.’

Now remember that the order is subject to revision :

‘On receipt of the finding of the Council of Elders under the Section, the Deputy Commissioner may remand the case to the Council for a fresh finding, or refer the case back to the Council a second time or refer the parties to a civil court or pass a decree in accordance with the finding of the Council or of not less than three-fourths of the members thereof on any matter stated in the reference, or declare that further proceedings under this Section are not required.’

I refrain from reading Section 11 which deals with criminal proceedings. Of course you are entitled to say that it is not very legal, but I venture to submit that it is by no means much more astounding to the legal soul of, or to the legal conscience of any one of us here, than ordinary proceedings in arbitration cases are.

My Honourable friend reminds me of compulsory arbitration. There are statutes under which compulsory arbitration is allowed, and if it is allowed in British India and even in England why do you object to arbitration in a country of that stage of civilisation?

Therefore it is no use running down the *Jirga* any more than you would run down a panchayat; both have their defects; and the fact that they are not as legal as other modes of trial is no argument against their soundness.

It has been further observed by my Honourable friend that so far as the constitution of these *Jirgas* is concerned, it is mainly composed of hangers-on of the district magistrate or of the Deputy Commissioner and men of straw—I am using his very words—; and what was the authority which he put forward before the House in support of that astounding statement? The authority of a very reliable and respectable friend of his.—I am again quoting his very words. As against the authority of that reliable and respectable friend of his, let me say to the House that I say on the authority of a very high and distinguished officer, whose business it is to study those affairs from day to day,

whose knowledge of frontier affairs is as intimate as that of any man, that it is not so, that men are appointed to these *Jirgas* who have either local knowledge or whose honesty and integrity can be depended upon by the Deputy Commissioner; and even so there is Section 8 which I have read which provides remedies against failures of justice. It was for that reason and that reason alone that I read this Section of the Regulation.

The fact of the matter is that my friend has, in order to obtain the verdict of the House, overdrawn the picture, and asked you to give him a verdict without dispassionately considering the pros and cons of the question. But although this is the position that I take up, yet I venture to think that the House will be pleased to know from me that we are not so hopeless as Sir Sivaswami Aiyer tries to make us out to be. If it is the desire of the House that we should make an inquiry into the question as to whether the judicial administration of the province should or should not be transferred to the High Court of the Punjab, we are willing to make a reference on this question to the Government of the Punjab, to the High Court of the Punjab, to the Judicial Commissioner and to the Local Government of the North-West Frontier Province, and I am prepared to say that our future action will depend upon the result of this inquiry. Surely the House will not expect, in a matter of this importance, that the Government should at once commit themselves to the definite position that they are going to transfer the judicial administration of that province to the control of the High Court. All that I can say is that, if it is the desire of this House, we will institute an inquiry, and a thorough inquiry, into this matter and then decide what steps we should take in regard to the judicial administration of the province.

**Sir P. S. Sivaswami Aiyer :** Will it be an inquiry by a Committee?

**The Honourable Dr. T. B. Sapru :** The Government propose in the first instance to make an inquiry into this matter themselves, and if, as a result of that inquiry, it appears to them that some further steps should be taken, they will be prepared to take those further steps. I am not prepared to indicate at the present moment what those further steps will be.

I now pass on from the judicial administration to the executive administration of the province. My Honourable friend, Dr. Gour, who spoke on this subject with the knowledge of an expert, told us that the policy of Lord Curzon was a misconceived policy and that it had completely failed. Let me assure him with the humility of a tyro in these matters that it was not Lord Curzon who first conceived the idea. The idea began with the administrators of an earlier generation, and it came to a head in the time of Lord Curzon because of certain events which had happened in the North-West Frontier Province, and because it was felt that the Punjab Government could not from that distance be able to control the affairs of the North-West Frontier Districts as efficiently as it might have or should have. It began after the late seventies and in the early eighties, and if I go into the history of this question, probably my whole time will be taken up by that. But let me assure the House that Lord Curzon did not stand alone by himself in regard to this matter. If there was one Lieutenant-Governor of the Punjab who took a different view, there was another member of the Civil Service who succeeded him and who strongly supported Lord Curzon,—I refer to Sir Charles Rivaz. Therefore, it is no use now raising the question as to whether Lord Curzon was or was not justified

[Dr. T. B. Saprū.]

in taking the step which he did take in the year 1901. But before I proceed further, there are just a few facts with regard to that province which I would like to place before the House in order to enable Members to give their considered verdict on a question like this.

The North-West Frontier Province—I say so because I feel there are certain Members of this House who, like myself, have no direct or personal knowledge of that Province,—consists of 5 Districts and 5 Trans-Border Agencies, and, so far as those 5 Districts are concerned, it is important to bear in mind that there are 20,40,000 Muhammadans there, and 1,20,000 Hindus. So far as those 5 tracts are concerned, the figures available are by no means very accurate because the census has not been taken, but still I shall give the approximate figures. You have got in those tracts 16 lakhs of Muhammadans and 20,000 Hindus, so it will appear to the House that the population of those 5 Districts and of those 5 tracts is overwhelmingly Muhammadan.

Now you cannot get away from this fact which is an essential fact about this Province that it is really a Pathan Province with a small Hindu population. Please do not understand from this that I imply that Hindus are not entitled to protection, they are most assuredly entitled to protection and they deserve to be protected, but I want you to remember that it is essentially a Pathan Province.

Now, what is the main charge which my Honourable friend, Sir Sivaswamy Aiyer, has brought against the administration? It is this; that although so much money has been spent, although the administration has become so much more expensive, yet the amount of protection afforded to the people or received by the people is very insignificant. And he has referred to the large number of raids that have taken place and given us a harrowing picture of the misery of the population in that unfortunate Province...

**Sir P. S. Sivaswamy Aiyer :** From my imagination.

**The Honourable Dr. T. B. Saprū :** No, certainly not from his imagination, but from reports which he has read, but these very reports give two sides of the question, and it is only one side that has been presented to you—I am going to present the other side of the question to you now.

I shall read from a report—which has, I have no doubt, been read by my Honourable friend—I refer to the last report of 1920 from which I quoted when a similar debate was raised during the last Session in Delhi. I read from page 14 :

‘ It will be seen from the above table with what a problem the officers of this Province were confronted. A few years ago arms of precision and ammunition were so expensive and scarce among the frontier tribes, that only wealthy men could afford to possess them. But since then, and especially since the beginning of the Great War, such an enormous number of modern rifles have been poured into tribal territory owing to desertions from our civil and military forces, losses in action, and from the looting of Afghan stores at Dakka and Jalalabad that any young man who has a taste for a highwayman's career can obtain the necessary weapons with little difficulty.

‘ In addition to this, raiding parties put to full use the military training they have received in the Army and in Militia. The system of pickets, of covering fire, withdrawals according to plan, the use of the whistle and the numerical strength which they employ make their attacks formidable. Their intimate knowledge of the country and the fact that they almost invariably raid in the darkest nights give these gangs a most unpleasant

advantage. It has been suggested that useful results might have been obtained by wholesale reprisals on the tribes concerned in the form of arresting and imprisoning every trans-frontier man who set foot in British territory, but there were obvious objections to this. In the first place, this would have meant definite hostilities with the tribe concerned; in the second place, sections of a tribe do not regard themselves as responsible for the misdeeds of other sections; and in the third place, this policy would have involved the imprisonment of Maliks who on the whole have been well behaved, and through whom alone we could hope to exercise control over the lawless elements in the tribe. If wholesale reprisals had been taken up, it would have been impossible to get any service from the tribes such as was rendered by the Afridis in rescuing the lady who was kidnapped from Peshawar. On the other hand, whenever it was possible to take reprisals against the actual section or individuals involved, this was invariably done.

Then this report goes on to point out the steps which have been taken to improve the situation there. For instance, a large number of arms has been distributed among the populace. The police force has been strengthened. The motor transport facilities have been increased. Therefore, you cannot say that the Government have been neglecting their duty. In judging of the position you must make allowance for the character of the people there, for the character of the country, for the position which changes from point to point throughout the North-West Frontier, and above all, for the fact that the tribes there have now got enormous numbers of arms of precision. Therefore, what I would beg the House to remember is, that, in judging of their administration, it would be absurd to apply the same standard of administration that you would be justified in applying, say, to the settled districts either in the Punjab or the United Provinces or Madras. As my Honourable Colleague to my right reminds me it would be as unfair to compare these districts in the North-West Frontier Province with the settled districts of the Punjab and the United Provinces as it would be to compare Malabar with Madras.....

**Sir P. S. Sivaswamy Aiyer:** But Malabar is under Madras.

**The Honourable Dr. T. B. Sapru:** And because it is under Madras, therefore you have suffered like that. Now, the position is a very difficult one. When some time ago the Chief Commissioner of the North-West Frontier Province took very strong action in putting down these acts of kidnapping and abduction, the cry went forth that he was indulging in repression and high-handedness. You must, therefore, in fairness make allowance for the difficulties of the situation.

I have said enough to show that, in spite of the difficulties which are of an enormous character, Government and the administration have been doing the best that they can in the circumstances. I do not for a moment claim that the administration of the province is perfect; far from it. No one knows better than the Government that it is imperfect, and that there is every need for these imperfections being removed. But I venture to think that those who understand and who realise the local situation and the local difficulties will not be prepared to endorse such a severe indictment as has been brought by Sir Sivaswamy Aiyer, though they may join him in demanding that the grievances of the people there should be more energetically removed.

I will beg the House to remember one other important circumstance with regard to the North-West Frontier Province. The population of the five settled districts there is intimately connected and associated with the five agency tracts. In fact, I am told that there are many among them who have houses on both sides of the frontier. Their relations are intimate and it would be, in the opinion of the frontier officers who know the province, extremely dangerous and disastrous to divide control in that part of the country.

[Dr. T. B. Sapru.]

In approaching the question of the North-West Frontier Province, I would beg the House to take a large view of the question.

The money spent on the administration of the province is really money not spent for the sake of the province alone. It is spent for the safety of the entire country. It is an insurance for the benefit of the whole country. Therefore, if we remember the warning which is given by our own history in regard to the North-West Frontier Province, if we remember that from the time of Alexander the Great right up to recent years, the danger point of India has been the North-West Frontier Province, I venture to think that we shall approach the question from a different point of view, howsoever much we may sympathise with the misery or misfortune of the people of that part of the country, and howsoever keenly we may desire that those evils should be remedied. I will earnestly implore the House not to trifle with this question in a debating spirit, but to consider the effect of their decision not merely upon the safety or the prosperity of that particular province, but upon the safety of the entire country; and if you approach the question from that particular point of view, I have no doubt whatsoever that whatever else you may demand from the Government, whatever else you may demand from the administration, you will certainly do nothing which may have the effect of weakening the administration or of weakening their hold on these frontier tribes. I can also point out to the House that the real remedy is not.....

**Mr. Muhammad Yamin Khan :** May I rise to a point of order, Sir? Is there no time-limit for the Honourable the Law Member to speak?

**The Deputy President :** I think the Honourable Member has been long enough a Member of this House to know that there is.

**The Honourable Dr. T. B. Sapru :** I am still within three minutes of my time, Sir. I may point out that last year, when a debate of this character was raised at Delhi, I said that the Government were willing to give the House or the representatives of the House an informal conference, where we would be able to exchange ideas, to receive suggestions, to explain our own position. In pursuance of those suggestions and in pursuance of the advice that might have been given, we were prepared to take action where it was necessary. But that offer was rejected and spurned by the Honourable Mover, Dr. Nand Lal, at that time. So far as I am concerned, I am willing to repeat that offer. The Government, I am bound to say, are not prepared to appoint a roving commission which would go to the North-West Frontier Province to make an inquiry into the administration there, because the conditions which prevail there are not such that it will be safe to cause further excitement among the people there. But if it will please the House to have an informal conference with the representatives of the Foreign Department or the representatives of the administration and the Government, my offer still holds good.

There is only one more remark which I will make before I resume my seat. It will be within the recollection of the House that last year I informed it that a scheme for securing representation of certain portions of the North-West Frontier Province was engaging the attention of the Government. I am prepared to make a further statement with regard to that, and it is this, that although the problem is one of peculiar difficulty and its consideration has been impeded by the change of Chief Commissioners, the continuance of military

operations in Waziristan and the prolonged character of the negotiations at Kabul, the Government are still prepared to state that the matter is receiving their best attention. At the present moment having regard to the difficulties of the situation, I am not prepared to make any further statement in regard to that scheme.

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

**Mr. Abul Kasem :** I move that the question be now put.

**Mr. S. C. Shahani :** I have listened very carefully to the statement that has been made by the Mover of this Resolution, Sir Sivaswamy Aiyer. I have also listened carefully to my friend, Mr. Abdur Rahim Khan, who is described as a genuine representative of the North-West Frontier Province. (A voice: Elected?). Nominated. I have also listened carefully to the Law Member and to Dr. Nand Lal and Dr. Gour. It would, I think, be only right on my part to state that the reply that has been made by my Honourable friend the Law Member has not appeared to me to be in any manner fair, and I am going to substantiate this statement.

The point at issue is, whether Lord Curzon was right in combining the five settled Cis-frontier districts with the trans-frontier charges. An answer on that point, I think, is due to us. I have not the slightest objection, nor do I think has Sir Sivaswamy Aiyer, to all the Political agencies on the Frontier being formed into a single trans-frontier charge directly under the control of the Government of India. If that had been done the civil administration of the five settled districts on the frontier would have gone on steadily improving. The charge that is being brought against the present administration of the combined Cis and trans-frontier districts is that the attention of the administration is entirely engrossed in punitive expeditions and other trans-frontier affairs, and that on that account enough attention is not being paid to the internal organisation. An answer on this point, I urge, should have been forthcoming from the Law Member. So far as I see, there are not a few who come forward to complain, and complain most bitterly, of what is transpiring in the North-West Frontier Province. It has, however, been stated by the Law Member that the Judicial Department is as well-constituted as it could possibly be. I should have liked very much if the Law Member had referred to what was stated by Sir Sivaswamy with regard to the inadequate number of practitioners allowed in the newly formed province. I should have been also very glad if he had come forward to say that the police were not shirking their duty. I am informed that, in order to avoid investigations, the police there ordinarily refer cases to the *Jirgas*. We are aware of the utility of the *Jirga* system when properly worked. No doubt it can serve the purposes of our old *panchayat* system; but the point is whether those who constitute the *Jirgas* in the North-West Frontier District are rightly selected. The Law Member has no doubt come forward to say that they are, as a rule, rightly selected; but here again my information is different. I know for a fact from those who hail from those parts of the country, and on whose word I can rely, that the *Jirgas* are very badly constituted, constituted like our honorary magistracies are in Sind. Probably honorary magistrates are better appointed elsewhere. I know how they are appointed in Sind, and my information is that the appointments of these *Jirgas* in the North-West Frontier Province are, if anything, worse.

[Mr. S. C. Shahani.]

An inquiry on this head surely is desirable. An inquiry on this head has been offered us by the Law Member on behalf of the Government and I hope this inquiry will be made.

The Law Member has been at considerable pains to make out that in the existing circumstances the province has been administered very efficiently. I now come to the consideration of instances that have been given us by Sir Sivaswamy Aiyer, namely, that we are told that 317 murder cases came up for decision before the *Jirgas*, and the full penalty of the law was inflicted only in 16 cases. I think such statements should have been controverted by the Law Member. When I contemplate the above instance, my mind clearly tells me that there must be something very radically wrong with the *Jirga* system. I would like very much to refer also to the appointments of Extra Assistant Commissioners in the Province. We learn that family considerations often intervene, and men who are not educationally qualified are appointed. It has been most definitely stated by Sir Sivaswamy Aiyer that in the matter of executive appointments, as also in the matter of educational appointments, educational qualifications or previous training are not at all considered, and that the Chief Commissioner at times dispenses with the necessity of the knowledge of English. No answer has been forthcoming on this point either. Hindus, it has been said, by my Honourable friend, Mr. Abdur Rahim Khan, are not neglected and that the attitude of the Pathans is not one of apathy. Informed as I am, I do not feel disposed to endorse such a statement. I know that Hindus are persecuted. No doubt they constitute only about 5 per cent. of the total population, but that is no ground for neglecting them. I would most respectfully make a suggestion to the military authorities as also to Government to form a territorial force there as early as possible consisting of Hindus and respectable Muhammadans who would be sympathetically disposed towards the Hindus of the tract. Whatever your decision may be on this Resolution, I trust that you will bear in mind my suggestion and that you will not be disposed to discard what has been stated, namely, that the Hindus of the settled districts are being persecuted. An answer is also due on one other head from the Law Member. We have heard that 611 raids by trans-frontier men were organised during 1919-20. What was Lord Curzon's policy? To make friends with these independent tribes, employ them as militia men and secure their allegiance. It is difficult to make these men loyal. Still I have always appreciated the desire of Lord Curzon to constitute a buffer State. I know very well how knowing His Majesty Amir Amanullah Khan is, and how very knowing his mother is. . . . .

**Mr. President :** I also know that the Bolsheviks are supplying these independent tribes with ammunition. I also know that the Amir of Afghanistan. . . . .

**The Honourable Dr. T. E. Saprú :** The Honourable Member is referring to foreign matters.

**Mr. President :** I do not think the Honourable Member has gone very far : and this question was raised by previous speakers.

**Mr. S. C. Shahani :** I also know that Jamal Pasha is approaching the Amir of Afghanistan in this connection. I would, therefore, hesitate to condemn a policy of the kind enforced by Lord Curzon. Continue the policy in its original or modified form with regard to the independent tribes ; but how

about the corollary of this policy with regard to the settled districts. I feel disposed to strongly protest against the combination of the Cis-and trans-frontier districts which, I submit, is not justified by circumstances. To say that the Punjab judicial administration is defective, and that on that account separation should not be made is, to say the least, devoting inadequate attention to the question. If there has indeed been failure of judicial administration there, the one thing that we should do is to transfer the judicial administration to a better organised High Court, a better organised judiciary. It has been said that the Judicial Commissioner of the combined province is very competent and so also the Sessions Judges. But it appears to me that they must have been drawn from within this miniature province where the training ground is bound to be very small. In my opinion it will be a safe policy to revest the control of the judicial administration of this province in the Punjab High Court. It is futile to seek to make out that the Judicial administration of the Punjab is not better organized than the judicial administration of this newly settled province. The Educational Service, it was further pointed out by Sir Sivaswamy Aiyer, is very defective; and so are the agricultural and other services. There has been no answer on this point too. It has besides been definitely stated that 40 per cent. of the land tax recovered is spent upon its collection, whereas only 17 per cent. is spent upon the collection of land-revenue in the Punjab. An answer on this point is, I think, due to us. To my mind, public money is being wasted. If every year we are asked not only to give about 50 lakhs to a crore of rupees for ordinary annual excess of expenditure over revenues in the province, but in addition, to spend about 6 crores on frontier punitive expeditions, and then again, in addition to defray the cost of an Afghan war to the tune of about 23 crores, and to incur very large expenditure on an expedition to Waziristan, we certainly have a right to come forward and say, 'Examine your administration and your accounts; see if the expenditure is being properly incurred.' I have not appreciated the manner in which the Honourable the Law Member has dismissed the arguments advanced by Sir Sivaswamy Aiyer. With these remarks, Sir, I commend the Resolution to your care, and I trust you will see that you declare your opinion advisedly and with proper care.

**Sir Godfrey Fell:** Sir, when I came down to the Assembly this afternoon, I had no intention of intervening in this debate. My only reason for doing so—and I can assure Honourable Members that I will be very brief—is with reference to part (b) (1) of the Honourable Mover's Resolution, dealing with the question whether the separation has fulfilled expectations from the military point of view. I listened—as I am sure every one in the Assembly did—with great interest to Sir Sivaswamy Aiyer's very eloquent speech. That speech appeared to be a very scathing indictment of the administration of the North-West Frontier Province—an indictment which, but for the physical temperature of this Chamber, would have made my blood run cold. Before we had got over the severe shock of listening to his account of the condition of the people of the North-West Frontier Province, our feelings were harried by my Honourable friend, Dr. Gour. He drew a pathetic picture of the Punjab Government still mourning over its lost bride, who eloped 20 years ago. I gathered that he was in effect pleading on behalf of the Punjab Government for the restitution of conjugal rights. I am doubtful whether the Assembly, with their knowledge of



[Sir Godfrey Fell.]

human nature, will endorse the view that the preponderant partner in a union of this sort necessarily desires to take back a truant spouse after an absence of 20 years.

Sir Sivaswamy Aiyer's method of attacking the administration of the Frontier Province appeared to me to compare the conditions prevailing there in 1901 with those of 1921.

I may be wrong, but he gave me the impression of suggesting that the authors of the scheme for the creation of the North-West Frontier Province expected that the transfer of these five districts would immediately result in the dawning of the Golden Age, that all raiding from across the border would cease; that all murders would cease, or, if murders did unfortunately occur, that at all events 100 per cent of the murderers would be hanged; and that there would be no more military expeditions, or, if there were, they would not cost any more money than they did at that time. I think, Sir, that this method is not quite fair. Circumstances have changed everywhere very considerably since 1901. We have only to look round the world to see what an enormous difference there is now compared with its condition, say, 20 years ago. That change has affected the tribesmen just as much as it has affected other parts of the world, in some ways perhaps even more so. The mere fact of transferring the administration of the frontier tracts to the Government of India, acting through the Chief Commissioner of the North-West Frontier Province, was not likely to alter the essential nature of the gentlemen who live beyond our borders. They are still addicted to raids; those raids are very largely influenced by economic causes, which affect the tribesmen just as much as they affect other parts of the world. Other factors have been the enormous increase in the armament of the tribes and, as the Honourable Dr. Sapru has pointed out, the improvement in their fighting methods and in their knowledge of tactics, most of which they have learnt from us. Twenty years ago, I believe that only 20 per cent. of the tribesmen were armed; now 80 per cent. of them are armed; and, as 99 per cent. of the full-grown male population are fighting men, the Assembly will readily realise what that means in the way of fighting strength.

Then Sir Sivaswamy Aiyer went on to complain of the cost of the expeditions that have to be undertaken on the frontier. It is perfectly true that frontier expeditions cost a great deal more than they used to do some years ago; but that is due to the development of military science, very largely to those improved tactics and increased armaments of the tribesmen which I have just mentioned. Is there any reason to suppose that, if the administration of the frontier had remained with the Punjab Government, these expeditions would cost less? I do not think so.

There is one other point which I should like to mention before I sit down, and that is this. I understood my Honourable friend Professor Shahani to say that he would have no objection to a system under which, while the five administered districts reverted to the Punjab Government, the control of the trans-frontier tract should be directly under the Government of India. I think that, as the Honourable the Law Member has already pointed out, a little reflection will convince every one in this Assembly that, considering the intimate relations that exist between the trans-frontier men and the inhabitants of our districts, any system of divided control of this sort would be bound to lead to inefficiency and friction, and would not certainly improve the administration.

That is all I have to say, Sir. My sole object in intervening in this debate was to show that the military expectations which are referred to by the Honourable Mover in his Resolution have neither been fulfilled, nor have they been disappointed.

**Mr. C. A. H. Townsend:** Sir, I rise as a Punjabi, and I wish to say a few words from the Punjab point of view. Most of the speakers this afternoon, Sir, have discussed this matter from the point of view of the Frontier Province, but I think before we are asked to take this erring wife back that we should be asked our opinion on the matter.

The Resolution, Sir, is divided into two parts. As to the first of these I have not much to say, and, if this Assembly decides that it would like to have the matter further inquired into, I have no objection.

The second part of the Resolution, Sir, is quite a different matter. Much water has run under the Attock Bridge since 1901 when the separation of the frontier districts from the Punjab proper took place.

Whatever, Sir, may have been the views held by the Punjab Government at that time on that separation, I should like to make it quite clear now, Sir, that we do not want the frontier districts back in the Punjab. It is true, Sir, that we feel to some extent complimented by this Resolution. We are glad to find that it is possible that some people may wish to come under the Punjab Government: a different view was popular very recently: and I confess I felt considerable pleasure at hearing the many complimentary remarks made by speakers this afternoon, including my friend Dr. Nand Lal, on the magnificent system of government in the Punjab. The Punjab, Sir, is a very different Province now to what it was in 1901. We had at that time practically no political anxieties. We have them now, Sir, in full measure, and the ordinary work of administration has increased a great deal during the last 20 years. During that time three new districts have been added, Attock; Lyallpur and Sheikhupura.

In addition to that we have our large and rapidly developing canal colonies, with their own difficult problems which always give much work to the Local Government. Indeed, in their small compass, they give as much work as six or seven ordinary districts. In addition to them, even larger projects of canal irrigation than have been made in the past are probable in the future. I refer not merely to the Sutlej Valley project which will probably come into existence within the next few years. I refer to the much larger projects for making use of the waters of the mighty Indus, and extending irrigation to the great sandy tract, known as the Thal, which lies in the Mianwali and Muzaffargarh districts of the Province. And for all these irrigation projects we shall have to arrange the financial arrangements ourselves, a difficulty we had not with similar previous schemes. Surely all these grave matters will give the Local Government enough to do.

There is another point, Sir. Personally, I fail to see how any one officer could have borne on his shoulders the immense responsibility that fell during the War and after it on the shoulders of the Lieutenant-Governor of the Punjab and the Chief Commissioner of the North-West Frontier Province. God forbid that we should have a repetition of that War and its anxieties, but the future is shrouded in doubt.

Further, Sir, it would be more difficult than it used to be to put the frontier districts and the Punjab under one Government for one reason, and that

[Mr. C. A. H. Townsend.]

reason is the reformed system of Government. I can hardly imagine, whatever changes the Government of India may find themselves able to make in the administration of the frontier districts, that they will find it possible to give them the same degree of self-government as is practicable and advisable in the Punjab; and the difficulties of uniting under one Government districts with very different degrees of self-government and with very different languages are obvious.

I am sorry, Sir, to inflict yet another metaphor on this House. Our position in this matter is rather like that of a father with a large family, from whose house some years ago a son—an attractive son, I admit, but distinctly troublesome—chose to migrate and set up on his own. The father is now fully occupied with his other children, some of whom are developing rather troublesome proclivities of their own, and generally rather rapidly developing. A proposal is made that the prodigal return to his father's home. He is even more troublesome, and his neighbours, if possible, even more unpleasant, than formerly. We must, I fear, decline to kill the fatted calf and welcome the prodigal son home. Let him continue to bask in the sun and continue to eat from the hands of the Government of India. As the Mover of this Resolution showed, he eats a good deal.

Personally, Sir, I deprecate even the appointment of such a Committee as is

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indicated in the second part of the Resolution, to investigate this matter. I think it will only tend to raise hopes that we in the Punjab might eventually agree to a proposal to which, in our opinion, a blank and decisive negative should be given in the first instance.

**Mr. W. M. Hussanally :** I move, Sir, that the question be now put.

**Sir P. S. Sivaswamy Aiyer :** Sir, within the limit of time at my disposal I do not think it is possible for me to reply to all the observations that have fallen from all the previous speakers. I therefore propose to confine myself to the observations which have fallen from the Honourable the Law Member who spoke on behalf of the Government. My Honourable friend the Law Member was pleased to compliment me on my advocacy of the North-West Frontier Province population. It is more than ten years since I doffed my mantle as an advocate, and I believe the length of time that has passed must have certainly tended to deprive me of any little temptation towards taking up the advocate's role that I may have had. May I, in return, compliment the Government upon having secured the services of the *quondam* leader of the Allahabad bar who has shown what an excellent special pleader he can be? My Honourable friend Dr. Sapru, remarked that I was very dogmatic. I had always flattered myself that I was not so; and even in the best days of my advocacy it was my besetting sin to be more aware of the weak points in my own armour than in the armour of my adversary. Now, with regard to this charge of dogmatism, the terms of my Resolution and the language of my speech, I thought, would have precluded any criticism of that kind. I did not ask the Government to accept offhand any cut and dried solution from me; I stated distinctly that in this question of re-amalgamation with the Punjab I had no definite solution to offer, that I was anxious that there should be a full and thorough inquiry by a strong and impartial Committee. I only stated that I hoped to be able to make a strong *prima facie* case for

re-opening the policy of the partition of the Punjab, and in that I trust the House will come to the conclusion that I have succeeded in making out a *prima facie* case.

Now, with regard to the other question of the judicial administration of the North-West Frontier Province, it was not my intention at all—nor did I actually do so—to cast any reflection against any officer in the North-West Frontier Province. I did not say a word against Mr. Rennie, and in fact I myself suggested that if the control of the judicial administration was transferred to the Punjab High Court, Mr. Rennie might well find a place in the Punjab High Court itself. I do not think that anybody who listened to my speech can say that I made any reflection against any other officer of the North-West Frontier Province administration. My complaint was against the system, and I believe that the passages I was able to quote, not from my imagination, but from the official reports themselves, amply make out that the system is faulty; and that in fact is the opinion expressed by the Judicial Commissioner himself. He said: 'making every allowance for the excitability and turbulence of the Pathan population, making every allowance for this factor and that factor, the ultimate explanation is that crimes go unpunished and that the political machinery and the judicial machinery are absolutely unsuited to the people.' That is not my language, but the language of the Judicial Commissioner of the North-West Frontier Province.

It was because that I had a respect for those officers and for the conclusions at which they had arrived, that I quoted these passages *in extenso*. My Honourable friend said that I overdrew the picture, but may I say that the Honourable Mr. Bray has supplied him with a large wet sponge to wipe off all the blots, however dark, on the administration and that my Honourable friend has not been sparing in his use of the sponge?

Now to proceed to the detailed remarks of my Honourable and learned friend Dr. Sapru, he said that, taking the Judicial administration, the first question that would strike us is, is there any ground for supposing that the judicial administration of the province will fare better under the control of the Punjab High Court....

**The Honourable Dr. T. B. Sapru:** I rise to a point of order, Sir. I never put that question.

**Sir P. S. Sivaswamy Aiyer:** He said that the Assembly had developed a sudden love for the Punjab administration. We love people not because they are perfect, but because they are less imperfect than others.

Now I am not in a position to say whether the Punjab judicial administration is the most perfect in the land, but I have no doubt, and I believe my Punjab friends will support me, that the judicial administration of the Punjab cannot be one-fourth as bad as the judicial administration of the North-West Frontier Province. In this imperfect world it is a choice of the better and not of the perfect.

Then my learned friend,—if I may adopt the language which I was at one time in the habit of adopting,—admitted that things were not altogether perfect in the North-West Frontier Province. Now does my Honourable and learned friend really mean to say that the North-West Frontier Province is just short of perfection and that things are no more imperfect there than they are imperfect in other parts of the world? Now if he does honestly say that, I leave that statement to the judgment of the Assembly.

[Sir P. S. Sivaswamy Aiyer.]

Then my Honourable and learned friend referred to the question of the disparity between the Hindu and Muhammadan population. Of course, I am aware of it, and I know that in the North-West Frontier Province, the proportion of Hindus is only 5 per cent. or so, but it has no bearing on this question. I was not complaining of the distribution of the loaves and fishes of office. I did not introduce that into my speech, and why my Honourable and learned friend should introduce this question of disparity of the populations I cannot understand. I know it is essentially a Muhammadan tract, and certainly the Government would be justified in giving the loaves and fishes to the Muhammadans provided of course they possessed the minimum standard of efficiency requisite for the discharge of the duties of any office to which they might be appointed. I make no complaint of that at all.

Then my Honourable and learned friend referred to the Report of 1919-20, to the character of the people and said that that must make a difference in the record of crime and so on. I do not know whether the character which my Honourable and learned friend is anxious to give to the people of the North-West Frontier Province is one which would be accepted by the new member of this House. I should have thought that that representation of the people of the North-West Frontier Province as a backward people, as a turbulent people or as a lawless people, would find no support from that quarter.

Then, Sir, my Honourable and learned friend said that the men who are appointed to the *Jirga* were quite respectable and that I wanted to seek the verdict of this House without inviting it to a dispassionate consideration.

Do you think it is a fair charge to bring against me when I invited an inquiry by a Committee into the matter? I can safely say that there is not one syllable in my speech which I have not taken from the Reports—the Official Reports. And if my Honourable friend will, instead of inviting us to a round table conference, invite me to meet him in his room, I can confront him with passage after passage in the Official Reports. In the face of the condemnation in the official records—not a condemnation from non-official sources,—from persons without experience or authority, in the face of that condemnation I say, that my Honourable friend Dr. Sapru should come forward and say that the *Jirga* is composed of perfectly respectable people and that there is no reason to complain, passes my comprehension.

As regards the system of *Jirga* I did not in my speech complain of the North-West Frontier Crimes Regulation and I did not urge a word of criticism against its provisions, but what I said was that in actual working, the *Jirga* system had proved a hopeless failure. I would beg the House to accept my word for this that every syllable that I have uttered against the *Jirga* system has been taken from the Official Reports.

I may illustrate my reference to the Honourable Dr. Sapru's talents in special pleading by drawing attention to his comparison of the *Jirga* to a system of arbitration. Now arbitration is a system by which the parties concerned resort willingly to it, but that is not the case in the system of *Jirga*. The *Jirga* system is forced upon the parties and the Deputy Commissioner can refer a case to *Jirga* whether the party consents or not. Now that marks an essential difference between arbitration and the other system. I was surprised to hear my Honourable friend say that there were many cases of statutory

arbitration, and that the *Jirga* was such a case. I know of statutory arbitration in regard to certain cases of contracts, or cases relating to railway companies or cases of land acquisition, but where a person's life or liberty is involved, I must confess that I am ignorant of any Statute compelling parties to resort to arbitration.

Sir, I do not wish to occupy the time or the attention of the House any more, but I would say that the observations made by the Honourable the Law Member on behalf of Government only amount to an offer of an inquiry by the Government. If it is going to be a public inquiry in which persons who have complained against the existing system will be allowed to come forward and give evidence, then I have no objection; but if it is an inquiry merely addressed to the Local Governments, then all I can say is that I am not willing to accept the offer. I would put it to the House not to be swayed by the consideration that if it does not accept the offer, the offer will be withdrawn. I do not believe that the Government are actuated by any huckstering spirit. I believe that whether this Motion is carried or not, their offer will still hold good, because it is not a private question, but one that the Government are bound to examine for themselves.

**Mr. President :** It will be convenient for the House to take this Resolution in two separate parts :

The question is :—

‘That this Assembly recommends to the Governor General in Council that the powers of control and superintendence over the judicial administration in the North-West Frontier Province now vested in the Judicial Commissioner and the Chief Commissioner of that Province and all jurisdiction, original, appellate or revisional now vested in them and all powers and authority in relation to the administration of justice including the power to make rules for regulating the practice of the courts, and to authorise legal practitioners to appear and practise in such Courts, be transferred to the High Court of the Punjab, and that the necessary legislation be undertaken to invest the High Court of the Punjab with the same jurisdiction, powers and authority in the five administered districts of the North-West Frontier Province as are now exercisable by that Court in the territories now vested in the Government of the Punjab and the Delhi Province.’

The motion was adopted.

**Mr. President :** The question is :—

‘That this Assembly recommends to the Governor General in Council that a Committee be appointed including a certain number of elected members of the Indian Legislature for the purpose of considering and reporting :—

- (i) whether the separation of the five administered districts of the North-West Frontier Province from the Punjab Province has fulfilled the expectations of the Government of India from the political, military or financial point of view, or has been attended with any substantial advantage to the internal administration, and
- (ii) whether it is expedient to re-amalgamate the said districts with the Punjab Province leaving under the direct control of the Government of India the political administration of the unadministered tracts on the British side of the Durand line.’

The motion was adopted.

**Mr. President :** This House now stands adjourned till to-morrow 10-30