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**THE  
LEGISLATIVE ASSEMBLY DEBATES  
(Official Report)**

**VOLUME II**

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**SECOND SESSION**

**OF THE**

**LEGISLATIVE ASSEMBLY, 1921**



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# LEGISLATIVE ASSEMBLY.

*Tuesday, 30th September, 1921.*

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

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## DEATH OF RAJA SIVANANDAN PRASAD SINGH.

**Dr. H. S. Gour :** Sir, before commencing the business of the day, it is my painful duty to bring to the notice of this House the sad and untimely death of one of our colleagues—Raja Sivanandan Prasad Singh of Monghyr, which sad event took place up here at 2 P.M. yesterday afternoon. It is a sad commentary upon the shortness of human life when we think that only the other day when I moved a loyal address of welcome to His Royal Highness the Prince of Wales the Raja stood up from his seat and delivered a speech cordially seconding me. A few days later he was taken ill and we all hoped that it was a temporary ailment. Yesterday morning all the medical assistance that was available was called in consultation, but it was of no avail.

The late Raja had rendered useful public service and for this he was awarded the distinction of O.B.E. some 5 years back, and the title of Raja was conferred upon him only last year. He was a prominent landholder of Monghyr, of the Municipality of which place he was the President. His charity is well-known in the neighbourhood. He represented the landholders of the Bhagalpur Division, and it is a matter of some satisfaction that he has left a mark behind him which will be an example to fellow landholders of his and other Provinces to take part in the public deliberations of this Assembly.

I know, Sir, that if he had been alive, and if a similar sad occurrence had happened, he would have been the last to desire that the proceedings of this Assembly should be interrupted by any adjournment, and I therefore move that all we should now do—which I think would have been in consonance with his wishes—is that the lamentable fact be recorded in the minutes of this House and that a vote of sympathy with the bereaved family of the deceased be conveyed over the signature of the President of this Assembly.

**The Honourable Sir William Vincent :** Sir, I should like to join my Honourable friend in the expression of regret and sorrow of this Council on the untimely death of our colleague. I knew the Raja and his father before him for many years. I think indeed our friendship originated some twenty years ago ; and from time to time I have been in close contact with him. He was a man who prospered largely in life, by his business capacity and industry, and at the same time was never to my knowledge unmindful of his public duties. He was in every sense a good citizen, ready to give time and munificent grants of money to works of charity or public utility. In politics he was a man with strong opinions, a steady opponent of what he believed to be treasonable or disloyal, and a loyal supporter of the Government. In his own Province, he was a man of great influence and merit and I can honestly say that by his untimely death both the Government and the public, particularly the public of his Province, which is also my own, and the public of the district of Monghyr, where he was well-known, suffer a loss which it would be difficult to make good. He was a man of great capacity and I am certain that all will appreciate the testimonial that has been so eloquently given to him by my Honourable colleague.

The Resolution\* was put and carried *nem. con.*, the Assembly standing.

## QUESTIONS AND ANSWERS.

### UNPAID WAGES IN THE NORTH-WESTERN RAILWAY.

**341. Khan Sahib M. M. Ikramullah Khan :** Is it a fact that the payment of unpaid wages to the menial staff of the North-Western Railway and specially wages of deceased men to their heirs, takes a very long period to the great inconveniences and trouble of the ignorant persons and, if so, will the Government be pleased to make arrangements for the expeditious payments thereof ?

**Colonel W. D. Waghorn :** It has been ascertained that it is not usual to withhold the payment of unpaid wages on the North-Western Railway for a long period.

With regard to the payment of wages of deceased men to their heirs, payment is arranged as soon as an Indemnity Bond is executed by the claimant. Such Bond is, however, dispensed with in cases of sums under Rs. 500 'in certain circumstances' on the responsibility of a District Officer. In cases where contesting claims are put in and there is difficulty in deciding who is the right party, final payment must naturally be delayed.

\* That this Assembly do place on record its appreciation of the public services of Raja Siranandan Prasad Singh of Monghyr and that the President be requested to convey to his family the sympathy and condolence of the Legislative Assembly on his untimely death.

I can assure the Honourable Member that these matters receive the constant attention of the Railway Administration.

**THEFTS OF COAL BY THE RAILWAY STAFF.**

**342. Khan Sahib M. M. Ikramullah Khan :** Is it a fact that there is a general complaint by the industrial public of thefts by the Railway staff, of coal from open trucks on their way from collieries and, if so, will the Government be pleased to devise some effective means to prevent such thefts?

**Colonel W. D. Waghorn :** Complaints have been received from time to time as to shortages of coal in particular consignments from individual traders and Associations and have been taken up with the railways concerned.

Railways recognise the necessity for adopting measures to prevent such shortages, and are doing so by means of surprise weighment checks, the employment of special Chowkidari staff and by the payment of rewards to persons detecting thefts of coal from wagons.

**SECRETARY OF STATE'S STERLING LOAN AT 7 PER CENT.**

**343. Mr. Narayandas Girdhardas :** (a) Will the Government be pleased to lay on the table a copy of the prospectus issued by the Secretary of State for India, on or about the 20th April 1921, regarding the Sterling Loan of £7½ millions raised by him at 7 per cent.?

(b) Will the Government be pleased to state whether the Secretary of State for India, at the time of issuing the prospectus, or at any time subsequent to the issue of the prospectus, stated in Parliament that the whole of the proceeds of this Loan would be utilised for the purchase of Railway materials and stores, in Great Britain?

(c) Will the Government be pleased to state the amount of expenditure incurred by way of brokerage, commission, underwriting charges, advertisements and otherwise, as far as possible under each head, in respect of the said Sterling Loan?

(d) Will the Government be pleased to state whether it has come to their knowledge that any of the underwriters or sub-underwriters of the last Sterling Loan of the Secretary of State for India were officials of the India Office or any one directly or indirectly connected with them?

(e) Will the Government be pleased to give an undertaking that in respect of future Sterling Loans to be issued by the Secretary of State for India, Indian investors will be given equal opportunities to subscribe to such Loans with British or other investors?

**The Honourable Mr. W. M. Hailey :** (a) A copy of the prospectus is being sent to the Honourable Member.

(b) Yes.

(c) The Government of India are not in possession of the details of the actual expenditure under the heads mentioned. The total underwriting and similar charges apart from the cost of advertisement and normal incidental expenses, but including the usual  $\frac{1}{4}$  per cent. commission allowed on applications bearing bankers' and brokers' stamps, were reported by the Secretary of State to be about 2 per cent. of the Loan.

(d) The reply is in the negative.

(e) The Government of India cannot give such an undertaking but the Secretary of State will consider on the occasion of a future Loan whether, in the event of the early closing of the lists, special consideration can be given to residents in India.

#### HIGH COMMISSIONER FOR INDIA IN THE UNITED KINGDOM.

344. **Mr. Narayandas Girdhardas:** Will the Government be pleased:

(a) to lay on the table a copy of the Order in Council of His Majesty appointing a High Commissioner for India in the United Kingdom?

(b) to state whether in the exercise of his powers and the performance of his duties, the High Commissioner is subject to the direction and control of the Governor General in Council?

(c) to state whether the control of the Stores Department of the India Office exercised by the High Commissioner, includes the purchase of stores on behalf of the Indian Military, Railway and other Departments?

(d) to state whether the High Commissioner is entrusted with the task of calling for tenders for the supply of stores to the India Office and of accepting or rejecting tenders according to his discretion?

(e) to state whether the Secretary of State for India, the Finance Committee of the India Office, or the Council of the Secretary of State for India, have the right to exercise any control over the High Commissioner in the purchase of Stores on behalf of the Government of India?

(f) to lay on the table a statement showing:

(i) the total value of stores purchased by the High Commissioner since the creation of his appointment on the 1st October last;

(ii) the value of the stores purchased by him from British manufacturers or tradesmen;

(iii) the value of the stores so purchased from other than British manufacturers or tradesmen;

(iv) the difference in total value of the articles purchased from British manufacturers or tradesmen, and the value of the articles of the same or similar quality at the rates for which the High Commissioner had received tenders from manufacturers outside Great Britain?

(g) to lay on the table a copy of the recorded evidence of Sir William Meyer before the Indian Railway Committee during their recent sittings in London?

**Mr. A. C. Chatterjee:** (a) I would refer the Honourable Member to the Commerce Department's notification No. 6631, dated the 2nd October 1920, published in the *Gazette of India*, dated the 2nd October 1920, for the Order in Council referred to.

The answer to (b) and (c) and (d) is in the affirmative. But it should be explained that the supply of stores for India is no longer a function of the India Office. This function has been transferred to the High Commissioner, who is entrusted with the duties referred to in respect of stores for which indents are forwarded to him by departments of the Government of India.

(e) The High Commissioner is the agent of the Government of India in respect of the purchase of stores on behalf of the Government of India, and is responsible to them alone. This, however, does not restrict the powers of superintendence, direction and control vested in the Secretary of State, or the Secretary of State in Council, under the Government of India Act or otherwise.

(f) and (g). I am unable at present to state the total value of stores purchased by the High Commissioner since the creation of his appointment on the 1st October 1920, or the value of the stores purchased by him from British manufacturers or tradesmen. The statements which have already been laid on the table, however, will give the information so far as railways are concerned, required in sub-paragraphs (iv) and (v) of part (f) of the Question.

#### ENHANCEMENT OF RAILWAY FREIGHTS.

**345. Mr. Narayandas Girdhardas:** Will the Government be pleased:

- (a) to publish for the information of the public and of the Trading and Commercial Communities in the country and for the formulation and expression of interested opinion thereon, their proposals for the enhancement of the general railway freights?
- (b) to give an assurance that until their proposals have been, for a sufficient time, before the public, they will not authorise the enhancement of the existing rates?
- (c) to furnish full particulars of the increased rates and fares levied and collected, by State as well as Company-managed Railways, within the maxima and minima prescribed for them, and the additional gross Railway Revenue thereby derived, since the coming into force of the Indian Freight Tax Act of 1921?

Colonel W. D. Waghorn : (a) Proposals for the reclassification of goods with revised maxima rates have been approved by the Railway Board, and a statement showing the existing and revised classification of goods with the maxima and minima rates applicable to each class is laid on the table. It will be noticed that there is no change in the case of the minima rates, and railways will as hitherto have the power to vary rates between the sanctioned minima and maxima.

The date from which the revised classification and maxima rates will have effect has not yet been decided, but the desirability of giving the public ample notice is fully recognised.

(b) The proposed enhanced maxima rates and revised classification will not be brought into force without giving due notice to the public.

(c) The information which will involve much time and labour in compilation, will be called for from railways, if desired.

EXISTING.			PROPOSED.		
Class.	Maximum.	Minimum.	Class.	Maximum.	Minimum.
1st ... ..	333	100	1st ... ..	38	100
			2nd ... ..	42	
2nd ... ..	500	166	3rd ... ..	58	166
			4th ... ..	62	
3rd ... ..	666		5th ... ..	77	
			6th ... ..	83	
4th ... ..	833		7th ... ..	96	
			8th ... ..	104	
5th ... ..	1000		9th ... ..	125	166
10th ... ..	1500		10th ... ..	187	

GENERAL CLASSIFICATION OF GOODS.

Articles.	Present Classification.		Proposed Classification.		Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.		R.R.	O.R.	R.R.	O.R.
A 1 Monobel or Victor powder (Viking powder) No. 1.	X	5	10	9	Acid oxalic ...	3	...	6	...
A 2 Monobel or { Viking powder (No. 2) }	X	5	10	9	Acid phosphoric ...	4	3	8	6
Aal root ...	1	...	2	...	Acid picric ...	X	5	10	9
Abkir (as Colours—Division A)	...	...	...	...	Acid sulphuric or oil of vitriol or vitriol	4	3	8	6
Absober or howbair (as Drugs, country) ...	...	...	...	...	Acid sulphurous (solution) ...	X	5	10	9
Abruck (harude or mica) ...	2	...	4	...	Acid tartaric ...	4	...	8	...
Absolute alcohol or ethyl alcohol ...	X	5	10	9	Acids vegetable, N. O. C. ...	4	...	8	...
Accutments ...	3	...	6	...	Advertising or signboards ...	2	...	4	...
Acetose (soluble in water in all proportions) ...	X	5	10	9	Aerated waters ...	2	1	4	2
Acetylene compressed into porous substances ...	5	4	9	8	Includes—Mineral waters	...	...	...	...
Acid acetic ...	4	3	8	6	Aeroplanes, packed, subject to a minimum weight for charge of 50 masnds each ...	...	...	8	6
Acid carbolic ...	4	3	8	6	Aeroplanes, component parts of Agarwood ...	2	...	4	...
Acid citric ...	4	...	8	...	Agricultural implements (not machinery) packed ...	1	...	1	...
Acid cresylic ...	X	5	10	9	Agricultural implements (not machinery) unpacked ...	3	1	3	1
Acid fluoric or hydrofluoric ...	X	5	10	9	Ajma, aljan or emum (as Seeds, com-mos) ...	...	...	...	...
Acid formic ...	X	5	10	9	Ajwan flowers (as Drugs, country)	...	...	...	...
Acid hydrochloric or muriatic or spiritis of salts ...	X	5	10	9	Alkalies (as Drugs, country)	...	...	...	...
Acid lactic ...	2	...	4	...	Alabaster, unwrought ...	1	...	2	...
Acid medicinal ...	4	...	8	...	Alabaster, wrought ...	3	...	6	...
Acid nitric or aqua fortis ...	X	5	10	9	Albums ...	4	...	8	...
					Ale and beer ...	2	1	4	...
					Includes—Porter, Stout	...	...	...	...



Articles.	Present Classification.		Proposed Classification.		Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.		R.R.	O.R.	R.R.	O.R.
Albarine, aniline or dyes otherwise described 'as Colours—Division A)	2	1	3	2	Ashes Includes— Cinders	1	1	2	2
Alkali (soda ash)	2	2	4	2	Asphaltum	2	1	4	2
Almond oil (as Oils—Division B)	2	2	4	2	Asphaltoids, dry	2	1	4	2
Almonds	2	2	4	2	Asphaltoids, liquid	5	1	9	2
Alcobia, machine pressed, hand or power	1	1	1	1	Assalia seed, (as Seeds, common)	5	1	9	2
Alcobia, unpressed	2	2	3	2	Atees (as Drugs, country)	4	1	8	2
Alco fibre, unpressed, W/200 R.G., W/100 M.G.	2	1	1	1	Atmospheric air compressed	X	5	10	9
Alka (as Colours—Division A)	2	2	1	1	Attah, maids or soofee (as Flour)	3	1	6	2
Alum	1	1	1	1	Augarbatti (coodhatti)	3	1	6	2
Alumal	X	5	10	9	Avloo or beaten rice (as Grain and pulses)	3	1	6	2
Alumina, sulphate of	1	1	1	1	Axles of carriages	3	1	4	2
Aluminate of soda	2	2	4	2	Axles of carts	1	1	2	2
Aluminium	3	3	6	4	Axles of other wheeled vehicles	2	1	4	2
Aluminium scrap	2	1	4	2	Babona flower (as Drugs, country)	3	1	6	2
Aluminium torches	X	5	10	9	Babul seeds (as Seeds, common)	3	1	6	2
Aluminium ware	4	3	8	6	Bacon	3	1	6	2
Alumino ferric	1	1	1	1	Bagatelle blades	3	2	6	4
Amber	5	5	9	9	Bagatelle tables and accessories	5	4	9	8
Amberite, No. 2	X	6	10	9	Paga, canvas	3	1	4	2
Anchar (dry mango pieces)	3	3	4	2	Paga, carpet	3	1	6	2
American cloth	3	3	6	4	Paga, gunny (as Gunnies)	3	1	6	2
Asmonal	3	3	6	4	Paga, leather	3	1	6	2
Ammonia, carbonate of...	3	3	6	4	Pigs, N. O. C.	3	1	6	2
Ammonia gas, compressed	3	3	6	4	Bahara	3	1	6	2
Ammonia in solution	3	3	6	4	Baidana (as Drugs, country)	3	1	6	2
Ammonia, muriate of	3	3	6	4	Bair fruit or jungle plum	3	1	6	2
Includes—Salmasac	3	3	6	4	Bejree (rumbao) (as Grain and pulses)	3	1	6	2



Articles.	Present Classification.		Proposed Classification.		Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.	R.R.	O.R.	R.R.	O.R.
Baskets, common, country	2	2	4	4	2	2	4	4
Baskets, N. O. C.	3	3	6	6	3	3	2	2
Bathing oil (as <i>Oils</i> —Division C)	...	...	...	...	...	...	...	...
Bath bricks	2	2	4	4	2	2	...	...
Baths, coral	5	5	9	9	5	5	...	...
Baths, N. O. C. (if of glass (G))	2	2	4	4	2	2	4	4
Beams, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	4	4
Beams, reinforced concrete (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	4	4
Beams, wooden (as <i>Timber, unwrought</i> )	2	2	...	...	2	2	...	...
Beans, (as <i>Grain and pulses</i> )	L	L	...	...	L	L	...	...
Beans, parched (as <i>Grain and pulses</i> )	...	...	...	...	...	...	...	...
Bearing plates, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	...	...
Beaters, cast iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	...	...
Bedding	3	3	6	6	3	3	10	10
Bedsteads	3	3	6	6	3	3	3	3
Bedsteads, country	3	3	4	4	3	3	3	3
Beer and ale (See <i>ale and beer</i> )	...	...	...	...	...	...	1	1
Bell chairs, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	4	4
Bellmetal and bellmetal ware	3	3	6	6	3	3	6	6
Includes—Kansaware	...	...	...	...	...	...	...	...
Bellmetal scrap	1	1	2	2	1	1	...	...
Includes—Kansaware, broken.	...	...	...	...	...	...	...	...
Belloes	3	3	6	6	3	3	...	...
Belt, leather or any other kind (for machinery)	3	3	6	6	3	3	10	10
Benjamin (silarus)	3	3	6	6	3	3	10	10
Bettes, common, country	...	...	...	...	...	...	...	...
Bettes, N. O. C.	...	...	...	...	...	...	...	...
Bathing oil (as <i>Oils</i> —Division C)	...	...	...	...	...	...	...	...
Bath bricks	...	...	...	...	...	...	...	...
Baths, coral	...	...	...	...	...	...	...	...
Baths, N. O. C. (if of glass (G))	...	...	...	...	...	...	...	...
Beams, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	...	...
Beams, reinforced concrete (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	...	...
Beams, wooden (as <i>Timber, unwrought</i> )	...	...	...	...	...	...	...	...
Beans, (as <i>Grain and pulses</i> )	...	...	...	...	...	...	...	...
Beans, parched (as <i>Grain and pulses</i> )	...	...	...	...	...	...	...	...
Bearing plates, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	...	...
Beaters, cast iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	...	...
Bedding	...	...	...	...	...	...	...	...
Bedsteads	...	...	...	...	...	...	...	...
Bedsteads, country	...	...	...	...	...	...	...	...
Beer and ale (See <i>ale and beer</i> )	...	...	...	...	...	...	...	...
Bell chairs, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...	...	...	...	...
Bellmetal and bellmetal ware	...	...	...	...	...	...	...	...
Includes—Kansaware	...	...	...	...	...	...	...	...
Bellmetal scrap	...	...	...	...	...	...	...	...
Includes—Kansaware, broken.	...	...	...	...	...	...	...	...
Belloes	...	...	...	...	...	...	...	...
Belt, leather or any other kind (for machinery)	...	...	...	...	...	...	...	...
Benjamin (silarus)	...	...	...	...	...	...	...	...

Articles.

[illegible]

\* See General Rule (b).

† See General Rules 66 to 68.











Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
<i>Coal—contd.</i>				
<i>Includes—</i>				
Patent fuel				
Coal gas, compressed				
Cochineal (as <i>Colours—Division A</i> )	X	5	10	9
Cocconuts, coconut kernels (coprae)	...	...	...	...
Cocconut husks	...	...	...	...
Cocconut oil (as <i>Oils—Division C</i> )	...	...	...	...
Cocconut shells	...	...	...	...
Cooking	...	...	...	...
Coffee	...	...	...	...
Coffins	...	...	...	...
Cair	...	...	...	...
Cair rope	...	...	...	...
Car yarn	...	...	...	...
Coke (see <i>coal</i> )	...	...	...	...
Colloides	...	...	...	...
Colophony (resin)	...	...	...	...
Coloured fire	...	...	...	...
Colours, paints and dyes—				
Division A	3	2	6	4
<i>Includes—</i>				
Abhir				
Alba				
Annatto				
Artists' colours in pans and tubes				
Black, including lamp-black, ivory black, etc.				
Blue, Prussian and Chinese				
Bronze powder				
Carmine				

## Articles.

Combs, ivory	...	...	...	...
Combs, wooden	...	...	...	...
Compositions, cements, paints, polishes and other articles partly composed of naphtha or other highly inflammable liquids, i. e., having a flashing point below 76° Fahr.	...	...	...	...
Compositions, cements, paints, polishes and other articles partly composed of naphtha or other inflammable liquids, i. e., having a flashing point at or above 76° Fahr.	...	...	...	...
Compressed atmospheric air	...	...	...	...
Condensed and tinned milk	...	...	...	...
Condiments	...	...	...	...
Confectionery	...	...	...	...
<i>Includes—</i>				
Sweets	...	...	...	...
Cordage (ropes), earthen	...	...	...	...
Cooking utensils, brass	...	...	...	...
Cooking utensils, copper	...	...	...	...
Cooking utensils, iron (as <i>Iron or steel—Division B</i> )	...	...	...	...
Cocopa (as <i>Empties</i> )	...	...	...	...
Cocconut seeds (as <i>Seeds, common</i> )	...	...	...	...
Copper coin, defaced	...	...	...	...
Copper cooking utensils	...	...	...	...
Copper foil	...	...	...	...
Copper idols	...	...	...	...
Copper ingots	...	...	...	...
Copper sheets and slabs	...	...	...	...
Copper nails	...	...	...	...

Cheep	Copper ore ...	L	1	...	2	...
Cinnamon	Copper, ornamental	...	6	...	9	...
Cochineal	Copper scrap ...	S	1	...	3	...
Crimson	Copper screws ...	...	3	...	4	...
Dyes, saline, alizarine or otherwise described	Copper, sulphate of	...	2	...	4	...
Enamels and enamel paints (such as Paripan, Ripolin, Aspinall's, etc.)	Copper vessels	S	2	...	4	...
Magenta	Copper manufactured, M.O.C.	S	2	...	4	...
Finjat, roli or kankoo	Includes—Balters, copper	...	...	...	...	...
Rouge	Copras (cocoanut kernels), cocoanuts ...	...	1	...	2	...
Salpide of mercury	Conal ...	...	4	...	8	...
Vermilion	Coral beads ...	...	5	...	9	...
Colours, paints and dyes—	Cord ...	...	2	...	4	...
Includes—	Corduan bickford	...p:d	X	5	10	9
Colours and powders, dry, used for colouring and painting other than those mentioned in Division A	Cordials (see Spirits, wines and cordials)	...	...	...	...	...
Dhal flowers	Cordite ...	...p:d	X	5	10	9
Dhow or dhowree	Cordite, M.D. ...	...p:d	X	5	10	9
Distempers and water paints (such as calcarium)	Coriander seeds (as Seeds, common)	...	...	...	...	...
Loch	Corks	...	2	...	4	...
Medder	Corrugated sheets (as Iron or steel—Division B)	...	...	...	...	...
Manjeet	Cotton, iron or steel (as Iron or steel—Division B)	S	...	...	...	...
Paints, moist and mixed (except enamels and enamel paints)	Cotton, full-pressed	S	2	...	4	...
Pistachul or pisheco flowers	Cotton, half-pressed	S	3	...	6	...
Red lead	Cotton, loose ...	S	3	...	8	...
Safflower	Cotton listing (newar)	...	4	...	4	...
White reed	Cotton powder or tonite	...	2	...	4	...
White zinc	Cotton refuse ...	...p:d	X	5	10	9
Columns, cast-iron or steel (as Iron or steel—Division B)	Cotton rope ...	...	1	...	2	...
Combs, horn ...	Cotton seeds (as Seeds, common)	...	2	...	4	...
	Cotton seed oil (as Oils—Division C)	S	...	...	...	...
	Cotton seed oil refuse	...	1	...	1	...
	Cotton string ...	...	1	...	1	...
	Cotton tape ...	...	2	...	4	...
	Cotton velvet (as Piece-goods, cotton or woolsen) ...	...	2	...	4	...

\* See General Rule 30.

Articles.	Present Classification.			Proposed Classification.		
	R.R.	O.R.	E.R.	R.R.	O.R.	E.R.
Cotton waste ...	...	...	...	...	...	...
Cotton with seed (trusses) ...	...	...	...	...	...	...
Coverles ...	...	...	...	...	...	...
Cover's hair (kungowan) ...	...	...	...	...	...	...
Crates, bicycle, empty ...	...	...	...	...	...	...
Crates, R. O. C. (as <i>Emplices</i> ) ...	...	...	...	...	...	...
Crayon shaft ...	...	...	...	...	...	...
Crescids ...	...	...	...	...	...	...
Crichtie kit and accessories ...	...	...	...	...	...	...
Crimbeur (as <i>Colours</i> — <i>Division A</i> ) ...	...	...	...	...	...	...
Crochery ...	...	...	...	...	...	...
Crocks (as <i>Emplices</i> ) ...	...	...	...	...	...	...
Crossings from or steel (as <i>Iron or steel</i> — <i>Division B</i> ) ...	...	...	...	...	...	...
Croton ( <i>Junalgota</i> ) seeds (as <i>Drugs</i> , <i>country</i> ) ...	...	...	...	...	...	...
Croton oil (as <i>Oil</i> — <i>Division B</i> ) ...	...	...	...	...	...	...
Crowder, iron or steel (as <i>Iron or steel</i> — <i>Division B</i> ) ...	...	...	...	...	...	...
Crumbles, earthenware ...	...	...	...	...	...	...
Crumbles, plumbago ...	...	...	...	...	...	...
Crude oil (as <i>Oil</i> — <i>Division C</i> ) ...	...	...	...	...	...	...
Crushed food ...	...	...	...	...	...	...
Crystals, soda ...	...	...	...	...	...	...
Cubels or cubeholines ...	...	...	...	...	...	...
Culms ...	...	...	...	...	...	...
Cumbles (blankets) ...	...	...	...	...	...	...
Cumbles— bag, travelling ...	...	...	...	...	...	...
Cumbeo (hajree) (as <i>Grain and pulses</i> ) ...	...	...	...	...	...	...
Deers, wooden ...	...	...	...	...	...	...
Deeroids alda ...	...	...	...	...	...	...
Drapery, N. O. C. ...	...	...	...	...	...	...
Dretilps ...	...	...	...	...	...	...
Drugs, country ...	...	...	...	...	...	...
Includes— Abbeir or bow bar ...	...	...	...	...	...	...
Alvan flowers ...	...	...	...	...	...	...
Alvult ara ...	...	...	...	...	...	...
Alvua ...	...	...	...	...	...	...
Alvua flower ...	...	...	...	...	...	...
Baldana ...	...	...	...	...	...	...
Black salt ...	...	...	...	...	...	...
Burnio ...	...	...	...	...	...	...
Bitch ...	...	...	...	...	...	...
Chiretta ...	...	...	...	...	...	...
Chobelines ...	...	...	...	...	...	...
Croton ( <i>Junalgota</i> ) seed ...	...	...	...	...	...	...
Kaufgol ( <i>octajera</i> ) seed ...	...	...	...	...	...	...
Ginger, dried ...	...	...	...	...	...	...
Googel ...	...	...	...	...	...	...
Hadial ...	...	...	...	...	...	...
Herts, medicinal ...	...	...	...	...	...	...
Hutimach ...	...	...	...	...	...	...
Kapulant ...	...	...	...	...	...	...
Karundaphes ...	...	...	...	...	...	...
Kasutaduri ...	...	...	...	...	...	...
Chabes seed ...	...	...	...	...	...	...
Karoo rock, wood or kukki ...	...	...	...	...	...	...
Leaves, medicinal ...	...	...	...	...	...	...
Laguorice root ...	...	...	...	...	...	...

Gummin (jeera) seeds	...	...	...	...	...
Grass	...	...	...	...	...
Gardens	...	...	...	...	...
Cashew	...	...	...	...	...
Cattle fish	...	...	...	...	...
Cycles, molar, packed, subject to a minimum weight for charge of 4 mds. for each case or crate.	...	...	...	...	...
Cycles, motor, component parts of	...	...	...	...	...
Cylinders (as Engines)	...	...	...	...	...
Damper	...	...	...	...	...
Deadies, subject to a minimum weight for charge of 1 md. each	...	...	...	...	...
Dampo (loose) (as Seeds, common)	...	...	...	...	...
Bats	...	...	...	...	...
Deodorising fluid	...	...	...	...	...
Detonators	...	...	...	...	...
Detonators, electric	...	...	...	...	...
Dhol flowers (as Colours—Division B)	...	...	...	...	...
Dhall (as Grass and pulses)	...	...	...	...	...
Dhall stalks (as Grass, dry)	...	...	...	...	...
Dhamma (coriander) seeds (as Seeds, common)	...	...	...	...	...
Dharries (matrajams)	...	...	...	...	...
Dhodlies, subject to a minimum weight for charge of 1½ maunds each	...	...	...	...	...
Dhoosur (rall or resin)	...	...	...	...	...
Dhowswood	...	...	...	...	...
Dhor or dhowes (as Colours—Division B)	...	...	...	...	...
Diamant liquid	...	...	...	...	...
Diamant powder	...	...	...	...	...
Disinfectant and water paints (such as calcareum) (as Colours—Division B)	...	...	...	...	...
Doonka seeds (as Seeds, common)	...	...	...	...	...
Door frames,	...	...	...	...	...
Doors, iron or steel (as Iron or steel —Division B)	...	...	...	...	...

See General Rule 65 (b).

† See General Rule 65 (c).

<sup>1</sup> See General Rule 65(c).



Emery cloth	...	...	2	...	4	...	Filled shells not containing their own	X	5	10	9
Emery powder	...	...	2	...	4	...	means of ignition and closed by a	...	...	...	...
Emery stone	...	...	1	...	2	...	substantial metal plug	...	...	...	...
Emery wheels	...	...	2	...	4	...	Films, cinematograph	...	...	...	...
Empire powder	...	...	X	5	10	9	Fitters, earthenware	...	...	...	...
Empties	...	...	1	...	1	...	Fire-arms†	...	...	...	...
Includes—	...	...	...	...	...	...	Firebricks	...	...	...	...
Boxes, common, wooden	...	...	...	...	...	...	Fire clay	...	...	...	...
Cases for packing	...	...	...	...	...	...	Fire extinguishers, N. O. C.	...	...	...	...
Casks	...	...	...	...	...	...	Firewood	...	...	...	...
Cocopas	...	...	...	...	...	...	Firework compositions	...	...	...	...
Crates, N. O. C.	...	...	...	...	...	...	Fireworks, manufactured	...	...	...	...
Crocks	...	...	...	...	...	...	Fish, dried or salted	...	...	...	...
Cylinders	...	...	...	...	...	...	Fish feathers	...	...	...	...
Drums	...	...	...	...	...	...	Fish fins	...	...	...	...
Dubbens	...	...	...	...	...	...	Fish, fresh	...	...	...	...
Jars	...	...	...	...	...	...	Fish, in tins	...	...	...	...
Tins, used and old	...	...	...	...	...	...	Fishing rods or tackle	...	...	...	...
Empty bicycle crates	...	...	2	1	3	2	Fish oil (as <i>Oils—Division C</i> )	...	...	...	...
Enamelled ware	...	...	3	...	6	...	Fish, smoked	...	...	...	...
Enamels and enamel paints (such as—	...	...	...	...	...	...	Fish spawn	...	...	...	...
Paripan, Ripolin, Aspinol's, &c.)	...	...	...	...	...	...	Flags	...	...	...	...
(as <i>Colours—Division A</i> )	...	...	...	...	...	...	Flagstone (as <i>Stone, N. O. C.</i> )	...	...	...	...
Engines (as <i>Machinery</i> )	...	...	...	...	...	...	Flannel (as <i>Piece-goods, cotton or</i>	...	...	...	...
Engravings	...	...	...	...	...	...	woolen)	...	...	...	...
Empoem salts	...	...	5	...	...	...	Flares parachute (for air craft)	...	...	...	...
Essences	...	...	2	...	...	...	Flat iron or steel (as <i>Iron or steel—</i>	...	...	...	...
Essential oils (as <i>Oils—Division A</i> )	...	...	5	...	...	...	<i>Division B</i> )	...	...	...	...
Sanfgood (ocotilla) seeds (as <i>Drugs,</i>	...	...	...	...	...	...	Flax (as <i>Hemp</i> )	...	...	...	...
<i>country</i> )	...	...	...	...	...	...	Flax seeds (as <i>Seeds, common</i> )	...	...	...	...
Etarnit (as <i>Roofing, felt or patent</i> )	...	...	...	...	...	...	Flour cloth	...	...	...	...
Ether	...	...	...	...	...	...	Flour	...	...	...	...
Ethyl alcohol or absolute alcohol	...	...	5	4	9	8	Includes—	...	...	...	...
Ethyl chloride	...	...	X	5	10	9	Atta	...	...	...	...
Eucalyptus oil (as <i>Oils—Division C</i> )	...	...	X	5	10	9	Maida	...	...	...	...
Fans, electric or mechanical	...	...	...	...	...	...	Scoja	...	...	...	...
Fans, N. O. C.	...	...	2	...	4	...	Fluoric or hydrofluoric acid	...	...	...	...
	...	...	3	...	6	...		...	...	...	...

\* See General Rule 65 (c).

† See General Rule 65 (d).

Articles.	Present Classification.		Proposed Classification.	
	R.R.O.R.	R.R.O.R.	R.R.O.R.	R.R.O.R.
Fodder or forage (as Grass, dry) ... L	...	5	10	9
Fuel, solid, railway ... P-d	...	...	...	...
Fertilizer or fodder (as Grass, dry) ... L	...	...	...	...
Forges, iron or steel (as Iron or steel—Division B) ... S	...	5	10	9
Formic acid ... P-d	...	2	4	...
Frames for Indian drums, wooden ...	...	...	...	...
Frames for pipes (as Iron or steel—Division A) ...	...	...	...	...
Frass ... P-d	...	5	10	9
Friction table ... P-d	...	5	10	9
Fruits, bark, leaves or nuts used in tanning, N. O. C. ... S	...	...	1	...
Fruits, dried ... S	...	2	4	...
Fruits, fresh ... P	...	2	1	3
<i>Includes—</i> Mangoes Oranges Plantains	...	...	...	...
Fuel, solid (see Coal) ...	...	...	...	...
Fully's earth ...	...	1	1	...
Fulminant powder ...	...	5	10	9
Fulminate of mercury ...	...	5	10	9
Furniture, packed ... P-d	...	3	6	...
Furniture, unpacked ... S	...	...	...	...
Fuse ... S	...	...	...	...
Fuse oil or amylalcohol ...	...	5	10	9
Fuse instantaneous ... P-d	...	5	10	9
Fuse lighters ... P-d	...	5	10	9
Fuse safety, lighters ... P-d	...	5	10	9
Fuse, electric ... P-d	...	5	10	9
Goggles or lenses (as Grass, dry) ... L	...	...	...	...
Goggles or lenses (as Grass, dry) ... P-d	...	...	...	...
Goggles or lenses (as Grass, dry) ... L	...	...	...	...
Goggles, iron or steel (as Iron or steel—Division B) ... S	...	5	10	9
Goggles, broken ... P-d	...	...	...	...
Goggles, ground ...	...	...	...	...
Gogglesware—Division A ...	...	...	...	...
<i>Includes—</i> Looking glasses Mirrors	...	...	...	...
Gogglesware—Division B ...	...	...	...	...
<i>Includes—</i> Glass plate Glass, aimed Glass, N. O. C.	...	...	...	...
Gogglesware—Division C ...	...	...	...	...
<i>Includes—</i> Glass chimneys and globes Glass inkpots Glass panes Glass, shaving, tin framed, country Glass tiles	...	...	...	...
Goggles ...	...	...	...	...
Goggles ...	...	...	...	...
Goggles (see) ...	...	...	...	...
Goggles, iron or steel ...	...	...	...	...
Goggles, other than crude ...	...	...	...	...
Goggles, hair (pushin) ...	...	...	...	...
Goggles (as Hides and skins) ...	...	...	...	...
Goggles (concrete), carbon ...	...	...	...	...
Goggles face ...	...	...	...	...

Fuses, electric, safety	...	pfd	X	5	10	9	Gulf kit
Fuses for shells	...	pfd	X	5	10	9	Sootak
Fuses, safety, for blasting	...	pfd	X	5	10	9	Grains, uncleaned
Gallants (as Myrobolams)	...	...	...	...	...	...	Grains, uncleaned
Galvanic batteries	...	...	4	...	8	...	Grain (as Drugs, country)
Gams	...	P	3	...	6	...	Goodhand
Gandaberoza (herosa)	...	...	1	...	1	...	Goodhand
Gauges water	...	P	4	3	8	6	Goovarat seeds (as Seeds, common)
Gauge (as Drugs, narcotic)	...	P	2	...	4	...	Goovarat seeds (as Seeds, common)
Gauze cloth	...	...	2	...	4	...	Gourd
Gauze pads	...	S	2	...	4	...	Grown seeds (as Seeds, common)
Gaulin (jason)	...	...	2	...	4	...	Grain and pulmes
Gavile (jason), C/200 B.G., C/100 M.G.	...	...	2	1	4	2	Rafeder-
Gas fittings	...	...	2	...	4	...	Alveo or beken rice
Gas oil (as Kerosine or paraffin oil non-dangepous)	...	sld	...	...	...	...	Bajree (cumbao)
Gasoline or benzoline	...	...	...	...	...	...	Barley
Gates, iron or steel (as Iron or steel—Division E)	...	pfd	X	5	10	9	Beans, parched
Gelatin dynamite	...	S	...	...	...	...	Black grain
Gellignite	...	pfd	X	5	10	9	Burna
Geological specimens	...	pfd	X	5	10	9	Cassava or sun-dried tapioca
Geological specimens for bona fide use in Inkasmas	...	...	4	3	8	6	Oheera
Germans silver (electrum)	...	S	2	1	4	2	Cludive (rice pounded)
Ghaityr seeds (as Seeds, common)	...	...	4	...	...	...	Chusi
Ghaipsale, iron or steel (as Iron or Steel—Division II)	...	...	...	...	...	...	Dhall
Ghee	...	S	2	2	6	4	Gram
Ghidya (ari root)	...	S	2	1	3	1	Gram, parched
Ghecking	...	...	1	...	1	...	Indian corn
Gila, iron or steel (as Iron or steel—Division E)	...	...	...	...	...	...	Josdbla
Gingelly or til oil (as Oil—Division C)	...	S	...	...	...	...	Jow
Gingelly or til seeds (as Seed, common)	...	S	...	...	...	...	Jowari or ehulam
Ginger, dried (as Drugs, country)	...	...	...	...	...	...	Koolhi or korthi (gram)
Ginger, preserved	...	...	...	...	...	...	Maise
	...	...	...	...	...	...	Makacholam
	...	...	...	...	...	...	Makai
	...	...	...	...	...	...	Meong
	...	...	...	...	...	...	Musak
	...	...	...	...	...	...	Museoor or musoorie

\* See General Rule 65(A).

See General Rule 56.





Grates, clay ...	... 5p	1	...	2	...	...	Includes— Flax	...	...	...	...
Gravel (as Ballast)	... L	2	...	4	...	...	Flax	...	...	...	...
Grease	... S	...	1	...	...	...	Jute	...	...	...	...
Grease oil (as Oil—Division C)	... S	...	...	...	...	...	Moamj	...	...	...	...
Green oil (as Oil—Division C)	... S	5	...	9	...	...	Tow	...	...	...	...
Grenades, hand, for extinguishing fire	... P;d	X	5	10	9	...	Hemp, unpressed	...	2	...	4
Grenades, hand filled	... P;d	X	5	10	9	...	Includes— Flax	...	...	...	...
Grenades, hand or rifle filled	... P;d	X	5	10	9	...	Jute	...	...	...	...
Grenades, hand filled (without detonators)	... P;d	X	5	10	9	...	Moamj	...	...	...	...
Grenades, rifle filled	... P;d	X	5	10	9	...	Tow	...	...	...	...
Grinding mills	... S	2	...	4	...	...	Hemp, unpressed, W/200 B.G., W/100 M.G.	... L	...	1	...
Grinding mills, C/30 B.G., C/160 M.G.	... S;L	...	1	...	2	...	Includes— Flax	...	...	...	2
Grindstones	... L	2	...	4	...	...	Jute	...	...	...	...
Groceries	...	3	...	6	...	...	Moamj	...	...	...	...
Ground, glass	...	3	...	6	...	...	Tow	...	...	...	...
Groundnut oil (as Oil—Division C)	... S	...	...	...	...	...	Hemp seeds (as Seeds, common)	...	...	...	...
Groundnuts	...	3	...	4	...	...	Herba, medicinal (as Drugs, country)	...	...	...	...
Groundnuts, W/300 B.G., W/160 M.G. L	... L	2	1	4	2	...	Hessian cloth (as Grasses)	...	...	...	...
Gum	...	...	...	...	...	...	Hide (khari) salt (as salt, N. O. C.)	...	...	...	...
Gun cotton, dry	... P;d	X	5	10	9	...	Hides and skins, dry	...	...	...	...
Gun cotton, wet	... P;d	X	5	10	9	...	Includes— Goat skins	...	...	...	...
Gun cotton, yarn	... P;d	X	5	10	9	...	Sheep skins	...	...	...	...
Gundak (brimstone or sulphur) <sup>a</sup>	...	2	...	3	...	...	Hides and skins, dry W/300 B.G., W/200 M.G.	... S;L	...	1	...
Gundak (brims one or sulphur)	...	...	...	...	...	...	Includes— Goat skins	...	...	...	2
C/300 B.G., C/160 M.G. <sup>a</sup>	... L	...	1	...	1	...	Sheep skins	...	...	...	...
Gungovan (cow's hair)	... S	1	...	2	...	...	Hides and skins, wet	...	...	...	...
Gunnies	...	...	...	...	...	...	Includes— Goat skins	...	...	...	...
Gunny bags	...	...	...	...	...	...	Sheep skins	...	...	...	...
Hessian cloth	...	...	...	...	...	...	Hides and skins, wet	...	...	...	...
Gunpowder	... P;d	X	5	10	9	...	Includes— Goat skins	...	...	...	...
Gunpowder, schultze	... P;d	X	5	10	9	...	Sheep skins	...	...	...	...
Guns <sup>a</sup>	...	4	...	8	...	...	Hides and skins, wet W/400 B.G., W/270 M.G.	...	...	1	...
Guts, salted	...	2	...	4	...	...	...	...	...	...	2
Gutta-percha	...	3	...	6	...	...	...	...	...	...	...

<sup>a</sup> See General Rule 65 (e).

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
<b>Hides and skins, wet—could.</b>				
<i>Includes—Goat skins, Sheep skins</i>				
Hinge, iron or steel (as <i>Iron or steel—Division B</i> )	...	...	...	...
Hones	...	...	...	...
Honey	...	...	...	...
Horns (as <i>Bones</i> )	...	...	...	...
Hoolahs, common country	...	...	...	...
Hoolahs, N. O. C.	...	...	...	...
Hoops, iron or steel (as <i>Iron or steel—Division B</i> )	...	...	...	...
Hops	...	...	...	...
Horns, common (as <i>Bones</i> )	...	...	...	...
Horns, stag	...	...	...	...
Horse-shoes, iron or steel (as <i>Iron or steel—Division B</i> )	...	...	...	...
Hoses, canvas	...	...	...	...
Hose, leather	...	...	...	...
Hosiery cotton or woollen (as <i>Piece-goods, cotton or woollen</i> )	...	...	...	...
Hosiery, silk	...	...	...	...
Household effects	...	...	...	...
Howhair or alabaster (as <i>Drugs, country</i> )	...	...	...	...
Howdahs, subject to a minimum weight for charge of 15½ ind. each.	...	...	...	...
Humra seeds (as <i>Seeds, common</i> )	...	...	...	...
Humra (as <i>Myrsinolam</i> )	...	...	...	...
Hureto (abuck or mica)	...	...	...	...
Hushs of grain, pulses and common seeds	...	...	...	...
<b>Articles.</b>				
<i>Includes—</i>				
Ink	...	...	...	...
Ink-pots, glass (as <i>Glassware—Division C</i> )	...	...	...	...
Insecticides	...	...	...	...
Iron and seeds (as <i>Seeds, common</i> )	...	...	...	...
Iron dust	...	...	...	...
Iron, nitrate of	...	...	...	...
Iron, sulphate of (as <i>Iron</i> )	...	...	...	...
Iron or steel— <i>Division A</i>	...	...	...	...
<i>Includes—</i>				
Cash boxes	...	...	...	...
Castings, ornamental	...	...	...	...
Files	...	...	...	...
Frames for piles	...	...	...	...
Pulleys	...	...	...	...
Railings, ornamental	...	...	...	...
Saws	...	...	...	...
Steel grit	...	...	...	...
Iron or steel— <i>Division B</i>	...	...	...	...
<i>Includes—</i>				
Anchors	...	...	...	...
Angle	...	...	...	...
Anvils	...	...	...	...
Beads	...	...	...	...
Bars	...	...	...	...
Beams, reinforced concrete	...	...	...	...
Bearing plates	...	...	...	...
Benders east	...	...	...	...
Bed chairs	...	...	...	...
Bolts	...	...	...	...
Brackets	...	...	...	...



Articles.	Present Classification.	Proposed Classification.	Articles.	Present Classification.	Proposed Classification.
	R.R.O.R.	R.R.O.R.		R.R.O.R.	R.R.O.R.
<b>Iron or steel—Division B. s</b>					
<i>Includes—</i>					
Nuts			Jars (as <i>Emptyes</i> )	...	...
Pass			Jaroo (hide scrapings)	...	...
Permanent-way materials other than for railways			Jeeze (cumin) seeds	...	...
Pickaxes			Jessamine (chambeli) oil (as <i>Hair oils</i> )	...	...
Pile			Jedimadh (liquorice root) (as <i>Drugs</i> , country)	...	...
Piles, screw			Jhaco stalks	...	...
Pipes			Jingles (gongras)	...	...
Plates			Joista, iron or steel (as <i>Iron or steel—Division B</i> )	...	...
Pots			Joudhla (as <i>Grain and pulses</i> )	...	...
Powrabs			Jow (as <i>Grain and pulses</i> )	...	...
Rails			Jowan seeds (as <i>Seeds</i> , common)	...	...
Railings, not ornamental			Jowari or obelam (as <i>Grain and pulses</i> )	...	...
Ridings, ornamental or not			Jowles (edjans)	...	...
Rivets, ornamental			Jules, sugarcane	...	...
Rods			Jungle-plum or hair fruit	...	...
Rollers			Jute (as <i>Hemp</i> )	...	...
Roofing			Jute seeds (as <i>Seeds</i> , common)	...	...
Screw jacks			Jute stick	...	...
Screws			Jute waste	...	...
Sheets			Kachoo	...	...
Shoe tips and heels			Kadice (as <i>Timber</i> , <i>unwrought</i> )	...	...
Shutters			Kaiphal nut (as <i>Drugs</i> , country)	...	...
Sleepers			Kajunats (cashnuts)	...	...
Spades			Kakaribai seeds (as <i>Seeds</i> , common)	...	...
Spears			Kakree seeds (as <i>Seeds</i> , common)	...	...
Springs			Kakuranghee (as <i>Drugs</i> , country)	...	...
Squares			Kaladna seeds (as <i>Seeds</i> , common)	...	...
			Kalejiri seeds (as <i>Seeds</i> , common)	...	...



Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Kheera seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Khole seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Khol oil (as <i>Oil</i> — <i>Division 4</i> ) ...	...	...	3	...
Khuskhus, pressed ...	1	...	4	...
Khuskhus, unpressed ...	2	...	...	...
Khuskhus seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Kirby (as <i>Grass</i> , dry) ...	...	...	4	...
Knife cleaning boards ...	3	...	4	...
Kokan ...	3	...	...	...
Koelthi or korthi (gram) (as <i>Grain and pulses</i> ) ...	...	...	...	...
Kooringe stone (as <i>Stone</i> , <i>N.O.C.</i> ) ...	...	...	...	...
Koorun stone (as <i>Stone</i> , <i>N.O.C.</i> ) ...	...	...	...	...
Kotoo (darnoo) seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Korundum (as <i>Stone</i> , <i>N.O.C.</i> ) ...	...	...	...	...
Kote luktrees (a dye wood) ...	...	...	3	...
Kacha or aux-vonica, unprepared (as <i>Drugs</i> , country) ...	1	...	...	...
Kungnes seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Kunkar (as <i>Ballast</i> ) ...	...	...	...	...
Kuppas (cotton with seed) ...	2	...	4	...
Kurdee seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Kurtoo roots, wood or kutki (as <i>Drugs</i> , country) ...	...	...	...	...
Kutnees seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Kuskortie (musk) ...	5	...	9	...
Lao dye ...	...	...	...	...
Lao of all kinds other than shalloo ...	1	...	...	...
Lao, gold ...	...	...	...	...
Lao, silver ...	5	...	9	...

  

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Coloured leather ...	...	...	...	...
Embossed leather ...	...	...	...	...
Morocco leather ...	...	...	...	...
Patient leather ...	...	...	...	...
Russia leather ...	...	...	...	...
Leather washers ...	...	...	...	...
Leaves, bark, nuts or fruits used in tanning, <i>N.O.C.</i> ...	...	...	...	...
Leaves, betel ...	...	...	...	...
Leaves, biddy ...	...	...	...	...
Leaves, mandhar ...	...	...	...	...
Leaves, medicinal (as <i>Drugs</i> , country) ...	...	...	...	...
Leaves, mendhee or mendhee leaves powdered or mendhee flowers ...	...	...	...	...
Leaves, <i>N.O.C.</i> ...	...	...	...	...
Lemon, grass oil (as <i>Oil</i> — <i>Division B</i> ) ...	...	...	...	...
Lemon or lime juice, country (as <i>Syrups</i> , country) ...	...	...	...	...
Lemon or lime juice, imported (as <i>Oil</i> — <i>mandorcs</i> ) ...	...	...	...	...
Light lead smokeless ...	...	...	...	...
Lightning powder ...	...	...	...	...
Light signals ...	...	...	...	...
Lime (shanam) ...	...	...	...	...
Lime (shunan) shells ...	...	...	...	...
Limestone ...	...	...	...	...
Linen (as <i>Piece-goods</i> , cotton or woollen) ...	...	...	...	...
Linoleum ...	...	...	...	...
Linsseed (as <i>Seeds</i> , common) ...	...	...	...	...
Linsseed meal ...	...	...	...	...
Linsseed oil (as <i>Oil</i> — <i>Division C</i> ) ...	...	...	...	...





Articles.	Present Classification.		Proposed Classification.	
	R.R.O.R.	R.R.O.R.	R.R.O.R.	R.R.O.R.
<b>Machinery.—contd.</b>				
Presses, grain	...	...	...	...
Presses, indigo	...	...	...	...
Presses, printing	...	...	...	...
Pumps	...	...	...	...
Refrigerators	...	...	...	...
Rotary converters	...	...	...	...
Scales weighing and accessories	...	...	...	...
Sewing machines	...	...	...	...
Steam rollers	...	...	...	...
Water meters	...	...	...	...
Weigh bridges	...	...	...	...
Weighting machines and accessories	...	...	...	...
Madder (as Colours— <i>Division B</i> )	...	...	...	...
Magenta (as Colours— <i>Division A</i> )	...	...	...	...
Magnesia	...	...	...	...
Magnesium, calcined	...	...	...	...
Magnesium, crude	...	...	...	...
Magnesium, dead burnt	...	...	...	...
Magnesium, low burnt	...	...	...	...
Magnesium, chloride of	...	...	...	...
Magnesium torches	...	...	...	...
Mahogany wood	...	...	...	...
Maida (as Flour)	...	...	...	...
Maise (as Grain and pulses)	...	...	...	...
Maum (as Drugs narcotic)*	...	...	...	...
Makacholam (as Grain and pulses)	...	...	...	...
Mahai (as Grain and pulses)	...	...	...	...
Malt	...	...	...	...
Malunga seed (as Drugs, country)	...	...	...	...
Maschar leaves	...	...	...	...
Manganese ore	...	...	...	...
<b>Medicines</b>	...	...	...	...
Medicines, narcotic	...	...	...	...
Melon seeds (as Seeds, common)	...	...	...	...
Mandhee leaves or mandhee leaves powdered or mandhee flowers	...	...	...	...
Mercury, fulminate of	...	...	...	...
Mercury (quicksilver)	...	...	...	...
Mercury, sulphide of (as Colours— <i>Division A</i> )	...	...	...	...
Metal, fancyware	...	...	...	...
Metal polishes (paste)	...	...	...	...
Metals, N. O. C.	...	...	...	...
Metal, white	...	...	...	...
Methi seeds (as Seeds, common)	...	...	...	...
Methyl alcohol	...	...	...	...
Methylated spirit	...	...	...	...
Mhowa spirit (country liquor 50 to 70 degrees over proof) (as Industrial alcohol 50 to 70 degrees over proof) pcd	...	...	...	...
Mica (abreck or hurate),...	...	...	...	...
Microscopes	...	...	...	...
Military electric tubes	...	...	...	...
Military stores see "Military Traffic Pamphlet."	...	...	...	...
Milk	...	...	...	...
Milk, condensed and tinned	...	...	...	...
Millboard or strawboard	...	...	...	...
Millinery	...	...	...	...
Mill stores (as Stone, N. O. O)	...	...	...	...
Mill-stones (i.e., consumable stores for bond, &c. use in mills or other manu-	...	...	...	...

[illegible]

↑ See General Rules 68 to 69.

• See General Rule 65 (b).

Articles.	Present Classification.		Proposed Classification.		Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.		R.R.	O.R.	R.R.	O.R.
Motor cycles, packed, subject to a minimum weight for charge of 4 mds. for each case or crate ...	...	...	...	...	Nitrate of potash, alkali or salt-petre (other than manures) ...	1	...	2	...
Motor cycles, component parts of ...	4	3	8	6	Nitrate of soda (other than manures) ...	1	...	2	...
Motor lorries, subject to a minimum weight for charge of 50 maunds each ...	4	3	8	6	Nitrate of strontia ...	2	1	4	2
Motor spirit ...	...	...	8	6	Nitre cake ...	...	...	...	...
Motor tractors, packed, subject to a minimum weight for charge of 8 mds. for each case or crate ...	4	3	8	6	Nitre, nitrate of potash or salt-petre (other than manures) ...	1	...	2	...
Motor tractors, subject to a minimum weight for charge of 50 maunds each ...	4	3	8	6	Nitrous oxide gas, compressed or liquid ...	...	...	...	...
Moulds ...	...	...	8	6	Nitro ...	X	5	10	9
Moose or rat traps ...	3	...	6	...	Nobel's electric detonators time fuse ...	X	5	10	9
Mowha or mowra flowers ...	1	...	2	...	Nobel's safety electric time fuse ...	X	5	10	9
Mowha seeds (as <i>Seeds, common</i> ) ...	...	...	...	...	Nobel's special powder or ideal powder ...	X	5	10	9
Mowra seeds (as <i>Seeds, common</i> ) ...	...	...	...	...	N. B. smokeless ...	X	5	10	9
Mullmull (as <i>Piece-goods, cotton or woollen</i> ) ...	...	...	...	...	Nundabs ...	3	...	4	...
Munak (as <i>Grains and pulses</i> ) ...	...	...	...	...	Nutmeg (Jaiphal) ...	3	2	6	4
Muriate of ammonia (see <i>ammonia, muriate of</i> ) ...	...	...	...	...	Nuta, bark, leaves or fruits used in tanning, N. O. C. ...	1	...	1	...
Muriate of potash ...	...	...	...	...	Nuta, iron or steel (as <i>Iron or steel—Division B</i> ) ...	...	...	...	...
Muriate of tin or tin liquor ...	...	...	...	...	Nuta N. O. C. ...	2	...	4	...
Muriate or chloride of zinc ...	1	5	1	...	Nux-vomica, unprepared (kashla) (as <i>Drugs, country</i> ) ...	...	...	...	...
Muriatic or hydrochloric acid or spirits of salts ...	2	...	10	...	Oatmeal in bags ...	3	...	4	...
Muriataringh (litharge) (as <i>Drugs, country</i> ) ...	X	5	10	9	Oatmeal in tins ...	3	...	6	...
Museum exhibits ...	...	...	...	...	Oats (as <i>Grains and pulses</i> ) ...	...	...	...	...
Musical instruments ...	...	...	...	...	Oatry ...	1	...	1	...
	...	...	...	...	Offaly ...	1	...	1	...
	...	...	...	...	Includes—	...	...	...	...
	...	...	...	...	Hood dried	...	...	...	...
	...	...	...	...	Meat meal	...	...	...	...
	...	...	...	...	Office records ...	3	...	6	...

[illegible]

† See General Rules 66 to 68.

\* See General Rule 65 (b).



Onions	...	...	...	...	...	...
Oodhatti (agrabatti)	...	...	...	...	...	...
Oorid or oodid (as Grain and pulses)	...	...	...	...	...	...
Ootajjeem (sunflower) seed (as Drugs, country)	...	...	...	...	...	...
Opium	...	...	...	...	...	...
Opium crude, liquid	...	...	...	...	...	...
Oranges (as Fruits, fresh)	...	...	...	...	...	...
Ores, common, N. O. C.	...	...	...	...	...	...
Ornaments, bronze	...	...	...	...	...	...
Ornaments, German silver	...	...	...	...	...	...
Ornaments made of beads	...	...	...	...	...	...
Ovens, clay	...	...	...	...	...	...
Oxalic acid	...	...	...	...	...	...
Oxide of iron	...	...	...	...	...	...
Oxygen gas, compressed	...	...	...	...	...	...
Paddy (as Grain and pulses)	...	...	...	...	...	...
Paintings	...	...	...	...	...	...
Paints (see Colours)	...	...	...	...	...	...
Paints, enamel and enamels (such as Parisian, Ripolin, Aspal's, &c.) (as Colours—Division A)	...	...	...	...	...	...
Paints, moist and mixed (except enamels and enamel paints) (as Colours—Division B)	...	...	...	...	...	...
Paints, polishes, cements, compositions, and other articles partly composed of naphtha or other highly inflammable liquids, i.e., having a flashing point below 76° Fahr.	...	...	...	...	...	...
Paints, polishes, cements, compositions, and other articles partly composed of asphalt or other inflammable liquids, i.e., having a flashing point at or above 76° Fahr.	...	...	...	...	...	...
Palanquins, subject to a minimum weight for charge of 13½ mannds each	...	...	...	...	...	...

\* See General Rule 65 (b).

Articles.	Present Classification.		Proposed Classification.		Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.		R.R.	O.R.	R.R.	O.R.
Pickaxes, iron or steel (as <i>Iron or steel</i> — <i>Division B</i> ) ... .. S	2	2	...	...	Pipes, iron or steel (as <i>Iron or steel</i> — <i>Division B</i> ) ... .. S	4	4	...	...
Pickles ... .. S	X	5	4	...	Pipes, smoking, clay ... .. S	3	3	8	6
Picric acid ... .. S	X	5	10	9	Pipes, smoking, wooden ... .. S	3	3	6	...
Picric powder ... .. S	X	5	10	9	Pipes, smoking, N. O. C. ... .. S	4	4	8	...
Picture frames ... .. S	5	...	9	...	Pipes, N. O. C. ... .. S	2	1	4	2
Pictures ... .. S	5	...	9	...	Pistaphul or pichoo flowers (as <i>Colours—Division B</i> ) ... .. S	...	...	...	...
Place-goods, cotton or wool- len, in bales, press-packed and bound with iron bands or packed in boxes or cases ... .. S	3	2	6	4	Pistols ... .. S	4	4	8	...
<i>Includes—</i>					Piston packing ... .. S	2	1	4	2
Book-binding cloth					Pitch ... .. S	4	4	8	...
Bread cloth					Pish ... .. S	5	...	...	...
Calico					Planks (as <i>Timber, wrought, N. O. C.</i> ) ... .. S	...	...	9	1
Cambric					Plans ... .. S	1	...	1	...
Cotton velvet					Plantain bark ... .. S	1	2	2	4
Flannel					Plantain fibre, machine pressed, hand or power ... .. S	...	...	...	...
Hosiery					Plantain fibre, unpressed ... .. S	1	1	2	...
Linen					Plantain fibre, unpressed, W/200 B.G., W/100 M.G. ... .. S	...	...	...	2
Mullin					Plantain trees ... .. S	...	...	...	...
Muslin					Plantains (as <i>Fruits, fresh</i> ) ... .. S	3	3	6	4
Puggies, khaki					Plants ... .. S	1	1	1	...
Shawls, common					Plaster ... .. S	...	...	...	...
Thread, cotton or woollen, flax or hemp					Plaster of Paris ... .. S	1	1	2	...
Turban					Platedware ... .. S	5	5	9	4
Twist, cotton or woollen, flax or hemp					Plate powder ... .. S	...	...	...	...
Yarn					Plates, iron or steel (as <i>Iron or steel—</i> <i>Division B</i> ) ... .. S	...	...	...	...
					Plates, yellow metal (as <i>Brass ingots,</i> <i>sheets and slabs</i> ) ... .. S	...	...	...	...

Piece-goods, cotton or wool- len, not press-packed or not packed in boxes or cases ...	4	3	8	6	Platina	3	...	6	...
<i>Includes—</i> Book-binding cloth.					Plumbago (black lead or graphite) ...	2	...	4	...
Broad cloth					Poha (beaten rice) (as <i>Grain and pulses</i> ) ...	...	...	...	...
Calico					Pailite (as <i>Roofing, felt or patents</i> ) ...	...	...	...	...
Cambrie					Pollaxes, paints, cements, compositions, and other articles partly composed of naphtha or other highly inflammable liquids, i.e., having a flashing point below 76° Fahr. ...	X	5	10	9
Cotton velvet					Pollaxes, paints, cements, compositions, and other articles partly composed of naphtha or other inflammable liquids, i.e. having a flashing point at or above 76° Fahr. ...	...	...	...	...
Flannel					Polo kit ...	5	4	9	8
Hosiery					Poppy heads (as <i>Drugs, country</i> ) ...	4	2	6	4
Linen					Poppy seed oil (as <i>Oil—Division B</i> ) ...	...	...	...	...
Mullinall					Poppy seeds (as <i>Seeds, common</i> ) ...	...	...	...	...
Meelin					Porcelain ...	4	...	8	...
Puggies, khaki					Porter (as <i>Alc and beer</i> ) ...	...	...	...	...
Shawls, common					Port-fires ...	X	5	10	9
Thread, cotton or woollen, flax or hemp.					Potens ...	3	...	6	...
Turbans.					Potash (apalarum or papundkar) Potash, carbonate of (pearl-ash) ...	1	...	1	...
Twist, cotton or woollen, flax or hemp.					Potash, chlorate of ...	3	...	4	...
Yarn					Potash, chlorate of ...	X	5	10	9
Piece-goods, cotton or woollen, mixed with silk, with or without common metal, brass or tinsel thread edging or with false or imitation lace ...	5	...	9	...	Potash, nitrate of, nitre or saltpetre (other than manures)* ...	1	...	2	...
Piece-goods, cotton or woollen, worked with gold or silver lace...	5	...	9	...	Potash, permanganate of ...	4	...	8	...
Piece-goods, silk ...	5	...	9	...	Potash, sulphate of ...	1	...	1	...
Pig iron or steel (as <i>Iron or steel— Division B</i> ) ...	...	...	...	...	Potassium ...	X	5	10	9
Piles, frames for (as <i>Iron or steel— Division A</i> ) ...	...	...	...	...	Potassium, country ...	1	...	2	...
Piles screw, iron or steel (as, <i>Iron or steel—Division B</i> ) ...	...	...	...	...	Potassium, sulphate of ...	1	...	2	...
Pinjar, roli or hankoo (as <i>Colours— Division A</i> ) ...	...	...	...	...	Potatoes ...	1	...	2	...
Pipeclay ...	1	...	2	...	Potatoes, sweet (sukkurund) Pots or chutties, clay ...	2	1	4	3
						3	2	6	4

\* See General Rule 55 (c).



Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Pots, iron or steel (as <i>Iron or steel</i> — <i>Division B</i> ) ...	3	1	3	1
Powder, bleaching (chloride of lime) ...	4	3	4	3
Powder nursery, toilet or tooth ...	4	3	4	3
Powderine ...	...	...	...	...
Powder, iron or steel (as <i>Iron or steel</i> — <i>Division B</i> ) ...	3	1	3	1
Presses ...	...	...	...	...
Presses, copying (as <i>Machinery</i> ) ...	...	...	...	...
Presses, grass (as <i>Machinery</i> ) ...	...	...	...	...
Presses, indigo (as <i>Machinery</i> ) ...	...	...	...	...
Presses, printing (as <i>Machinery</i> ) ...	...	...	...	...
Presses screw, cotton or jute ...	...	...	...	...
Primers, electric ...	...	...	...	...
Primers, percussion ...	...	...	...	...
Primroses, smokeless ...	...	...	...	...
Printed forms, loose or bound in books, and other printed matter, N. O. C. ...	...	...	...	...
Printing materials, N. O. C. ...	...	...	...	...
Prussian blue (as <i>Colours</i> — <i>Division 4</i> ) ...	...	...	...	...
Pudlo ...	...	...	...	...
Pudras (mays seed or sakur) (as <i>Seeds</i> , common) ...	...	...	...	...
Puggies, khaki (as <i>Piece-goods</i> , cotton or woolen) ...	...	...	...	...
Pullipai seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Pulleys, iron or steel (as <i>Iron or steel</i> — <i>Division 4</i> ) ...	...	...	...	...
Pulvers and grain (as <i>Grain</i> and <i>pulses</i> ) ...	...	...	...	...
Pumice stone ...	...	...	...	...
Records, office ...	...	...	...	...
Red lead (as <i>Colours</i> — <i>Division B</i> ) ...	...	...	...	...
Redwood ...	...	...	...	...
Reeds and rushes ...	...	...	...	...
Refrigerators (as <i>Machinery</i> ) ...	...	...	...	...
Refuse, cotton seed oil ...	...	...	...	...
Rehman seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Relays for bombs (for air craft) ...	...	...	...	...
Remington Dens Powder ...	...	...	...	...
Rentic ...	...	...	...	...
Resin (dhooma or rall) ...	...	...	...	...
Rexite ...	...	...	...	...
Ribs, machine pressed, hand or power ...	...	...	...	...
Ribs, unpressed ...	...	...	...	...
Ribs, unpressed, W/300 R. G., W/100 M. G. ...	...	...	...	...
Rice (as <i>Grain</i> and <i>pulses</i> ) ...	...	...	...	...
Rice, parboiled (shurumie) ...	...	...	...	...
Rice pounders, wooden ...	...	...	...	...
Rickshaw, packed, subject to a minimum weight for charge of 4 mds. for each case or crate ...	...	...	...	...
Ridings, ornamental or not ornamental, iron or steel (as <i>Iron or steel</i> — <i>Division B</i> ) ...	...	...	...	...
Ribs (scapula) ...	...	...	...	...
Rivets, iron or galvanized (as <i>Iron or steel</i> — <i>Division B</i> ) ...	...	...	...	...
Roburite ...	...	...	...	...
Rootlets, other than war rootlets ...	...	...	...	...

[illegible]

\* See General Rule 65 (c).

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Rubber solution, composed of rubber and naphtha, vapour not inflammable at 76° Fahr. ...	3	...	6	...
Rubber tyres (as Rubber, manufactured) ...	3	...	...	...
Enbroid (as Roofing, felt or patent) ...	3	...	...	...
Ruby powder ...	X	5	10	9
Rugs, floor or carpets ...	3	3	6	4
Rugs, travelling [as Blankets (-umbrellas)] ...	...	...	...	...
Rushes and reeds ...	L	...	...	...
Saddlery ...	1	...	1	...
Safes, iron or steel ...	3	...	6	...
Safflower (as Colours—Division B) ...	4	3	8	6
Safflower seeds (as Seeds, common) ...	...	...	...	...
Saffron ...	4	...	8	...
Sago, common (as Grain and pulses) ...	...	...	...	...
Sago, pearl ...	2	...	4	...
Sahyora (caraway seed) ...	2	...	4	...
Sailcloth ...	2	...	4	...
Sakar or mays seeds (pudwas) (vs Seeds, common) ...	...	...	...	...
Salted oil (as Oils—Division C) ...	...	...	...	...
Salanac (as Amnesia, murate of) ...	...	...	...	...
Salammoniac (noodal) ...	2	...	4	...
Salt for table use ...	2	...	4	...
Salt N O.C. ...	1	...	1	...
Includes—Khari (hids) salt ...	...	...	...	...
Salts, epson ...	2	...	4	...
Saltetre, nitre, or nitrate of potash (rather than natures) ...	d	1	3	...
Sealing wax ...	...	...	...	...
Seeds, bamboo ...	...	...	2	...
Seeds, caraway (sehjeera) ...	2	...	4	...
Seeds, cotton (jamalgota) (as Drugs, country) ...	...	...	...	...
Seeds, cummin (jeera) ...	1	...	2	...
Seeds, castigool (sothjeera) (as Drugs, country) ...	...	...	...	...
Seeds, garden ...	2	...	4	...
Seeds, khakoo (as Drugs, country) ...	...	...	...	...
Seeds, malinga (as Drugs, country) ...	3	...	4	...
Seeds, rubber ...	...	...	...	...
Seeds, tea (see Tea seed) ...	...	...	...	...
Seeds, til acanted ...	3	2	6	4
Seeds, common—	1	...	1	...
Includes—	...	...	...	...
Ajma, ajwaas or onam	...	...	...	...
Aniseed	...	...	...	...
Aesolia	...	...	...	...
Babel	...	...	...	...
Bhang	...	...	...	...
Bija tarwada	...	...	...	...
Howchee	...	...	...	...
Carrot	...	...	...	...
Caster	...	...	...	...
Chakora	...	...	...	...
Chowlee	...	...	...	...
Cocconaba	...	...	...	...
Cortander	...	...	...	...
Cotton	...	...	...	...
Darnoo	...	...	...	...

Sale sulphate of	...	4	...	8	...	Dhannia
Salum mirae (as Drugs, country)	...	3	...	6	...	Deonga
Salvitis	...	X	5	10	9	Fennel
Santonite	...	...	...	...	...	Flax
Sanamokhi (senna leaves) (as Drugs, country)	...	L	...	1	...	Ghajar
Sand	...	...	...	...	...	Gingelly
Sandals (as Barks)	...	...	...	...	...	Govavar
Sandalwood, red	...	...	...	...	...	Gowan
Sandalwood, white	...	...	...	...	...	Hemp
Sandalwood bark, chips, dust and roots	...	...	...	...	...	Hara
Sandalswood oil (as Oils—Division A)	...	...	...	...	...	Indigo (randi)
Sand, monazite	...	...	...	...	...	Jaffer
Sandpaper	...	...	...	...	...	Janamala
Sandstone	...	L	...	...	...	Janappa
Sars (ghee)	...	...	...	...	...	Jowan
Setoo (as Grain and pulses)	...	...	...	...	...	Jule
Settranjees dharries	...	...	...	...	...	Katerikai
Sawa seeds (as Seeds, common)	...	...	...	...	...	Kakree
Saw dust	...	...	...	...	...	Kaladana
Saw, iron or steel (as Iron or steel—Division A)	...	...	...	...	...	Kalajiri
Saronite	...	...	...	...	...	Kalanjee
Scales, weighing and accessories (as Machinery)	...	...	...	...	...	Kalingra
Scantlings (as Timber, unwrought)	...	...	...	...	...	Kamalgoti
Scanted water	...	...	...	...	...	Kar
Scents	...	...	...	...	...	Karamony
Schultze cube powder	...	...	...	...	...	Katboojah
Schultze gunpowder	...	...	...	...	...	Karila
Scientific instruments	...	...	...	...	...	Kheera
Scrap, iron or steel	...	...	...	...	...	Khobis
Scrap, lead	...	...	...	...	...	Khuskhus
Screwjacks, iron or steel (as Iron or steel—Division B)	...	...	...	...	...	Kotoo
Screws, iron or steel (as Iron or steel—Division B)	...	...	...	...	...	Kungnee
	...	...	...	...	...	Kurdee
	...	...	...	...	...	Kushnee
	...	...	...	...	...	Lai
	...	...	...	...	...	Linseed

\* See General Rule 65 (c).

Articles.	Present Classification.	Proposed Classification.	Articles.	Present Classification.	Proposed Classification.
	R.R.O.R.	R.R.O.R.		R.R.O.R.	R.R.O.R.
<b>Seeds, common—(continued).</b>					
Lower			Signals mortar smoke—Yellow	X	9
Loaki			Sign or advertising boards	1	10
Maya seed			Sihakpi (sheekai)	1	4
Meion			Siharui (benjamin)	3	2
Methi			Silicate of cotton or slagwool mineral	2	6
Moili			Silicate of soda	1	4
Mowha			Silk, manufactured	4	2
Mowha			Silk, raw or in cocoons	1	8
Mowrie			Silk, twist or thread	3	6
Mustard			Silk, velvet	3	6
Nil			Silk waste (chusam)	4	8
Nim			Silver lace	2	4
Onum			Singrah (teeoor or paniphal)	5	9
Poppy			Sirtee (as Grass, dry)	1	2
Pudras			Sins	2	4
Pulharai			Sising flour (farina)	2	4
Pumpkin			Skins and hides (see <i>Hides and skins</i> )	1	2
Radiuh			Skins scrap (as Bones)	2	4
Radownee			Slag	...	...
Rape			Slipwood mineral or silicate of cotton	...	...
Rohan			Slate in tiles or slabs	1	1
Safflower			Slates, writing	1	2
Sakur			Sleepers, iron or steel (as Iron or steel— <i>Division B</i> )	3	4
Kawa			Sleepers, wooden (as Timber, wrought, N. O. C.)	...	...
Shalkata			Slippers (as Boots)	...	...
Soolpha			Smoke balls	...	...
Sonaf			Smokeless diamond	...	...
Tansarind			Saufl	...	...
Tam				...	...
Taramita				...	...
Til				...	...









Articles.	Present Classification.		Proposed Classification.		Articles.	Present Classification.		Proposed Classification.	
	R.	R.	R.	R.		R.	R.	R.	R.
Tarballs, iron or steel (as <i>Iron or steel—Division B</i> )	...	...	...	...	Tobacco, country, unmanufactured	...	...	...	...
Tarballs	...	...	...	...	Tobacco, imported	...	...	...	...
Tea	...	...	...	...	Toddies (as <i>Spirits, wines and cordials, country</i> )	...	...	...	...
Includes—	...	...	...	...	Tonics or cotton powder	...	...	...	...
Piled tea	...	...	...	...	Tolls	...	...	...	...
Tea dust	...	...	...	...	Tour (as <i>Grain and pulses</i> )	...	...	...	...
Tea chest linings	...	...	...	...	Tortois, live...	...	...	...	...
Tea chests, in pieces (shooks)	...	...	...	...	Tortois shell	...	...	...	...
Tea chests, made up	...	...	...	...	Tow (as <i>Hemp</i> )	...	...	...	...
Tea seed	...	...	...	...	Towals, iron or steel (as <i>Iron or Steel—Division B</i> )	...	...	...	...
Tea Waste	...	...	...	...	Toy fireworks	...	...	...	...
Includes—	...	...	...	...	Toys, country...	...	...	...	...
Tea sweepings	...	...	...	...	Toys, imported	...	...	...	...
Tea stuff	...	...	...	...	Travelling rugs (as <i>Blankets (sumblies)</i> )	...	...	...	...
Tea stalk	...	...	...	...	Travels	...	...	...	...
Tea or singaroh or penipul	...	...	...	...	Treails	...	...	...	...
Telegraph and telephone instruments	...	...	...	...	Tricars motor, packed, subject to a minimum weight for charge of 8 maunds for each case or case	...	...	...	...
Telegraph and telephone materials, N. O. C.	...	...	...	...	Tricycles, packed, subject to a minimum weight for charge of 3 maunds for each case...	...	...	...	...
N. O. C.	...	...	...	...	Tricycles, component parts of Tri-nitro-tolual (Troyl) and Triton	...	...	...	...
Teleropes	...	...	...	...	Trolleys	...	...	...	...
Tents and tent equipments	...	...	...	...	Trucks, hand	...	...	...	...
Terebinth and sundryers	...	...	...	...	Trunks, or boxes, tin	...	...	...	...
Tarracotta bricks	...	...	...	...	Trunks, N. O. C.	...	...	...	...
Tarracotta ware	...	...	...	...					
Theatrical kit	...	...	...	...					
Thread, cotton or woollen, flax or hemp (as <i>Piece-goods, cotton or woollen</i> )	...	...	...	...					
Thread, gold or silver	...	...	...	...					
Thread, gold or silver imitation	...	...	...	...					
Shread, silk	...	...	...	...					



Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Vaseline	3	...	4	...
Vegetable oil, N. O. C. (as Oil— Division E)	...	...	...	...
Vegetables	3	...	3	...
Vels or blawa (marking nuts)	1	...	1	...
Veneers for machines	2	1	4	3
Verdigris	4	...	8	...
Vermicelli	3	...	4	...
Vermilion (as Colours—Division A)	...	...	...	...
Victor powder or Monobel A 1	X	5	10	9
Viking powder No. 1 or A 2	X	5	10	9
Viking powder No. 3	...	...	...	...
Vinegar	2	...	4	...
Vitrol or oil of vitrol or sulphuric acid	4	3	8	6
Vulcanite	3	...	6	...
Walking sticks	4	...	8	...
Wall paper	3	...	6	...
Washers wood	3	...	6	...
Wax machinery	...	...	...	...
Washers, iron or steel (as Iron or steel—Division B)	X	5	10	9
Washers, leather	...	...	...	...
Washers, N. O. C.	2	...	4	...
Waste, cotton, wool and yarn	1	...	2	...
Waste jute	2	...	4	...
Waste refuse	1	...	2	...
Waste refuse, W/200 R. G. W/300 M. G.	...	...	...	...
Washers	...	...	...	...
Wine (see Spirits, wines and cordials)	...	...	...	...
Wines, non-alcoholic	...	...	...	...
Wintaxes	...	...	...	...
Wire, brass or copper	...	...	...	...
Wire fencing (as Iron or steel— Division B)	...	...	...	...
Wire, gold or silver imitation or German silver	...	...	...	...
Wire, gold or silver plated	...	...	...	...
Wire, insulated	...	...	...	...
Wire, iron or steel (as Iron or steel— Division B)	...	...	...	...
Wire, netting (as Iron or steel— Division B)	...	...	...	...
Wire rope	...	...	...	...
Wire, N. O. C.	...	...	...	...
Wolfraam	...	...	...	...
Wooden articles N. O. C.	...	...	...	...
Wood pulp	...	...	...	...
Wood spirit or wood naphtha	...	...	...	...
Wood, full-pressed	...	...	...	...
Wood, half-pressed	...	...	...	...
Wool, horse	...	...	...	...
Wool, fancy	...	...	...	...
Wool, waste	...	...	...	...
Worthans (as Groins and pulses)	...	...	...	...
Yak tails	...	...	...	...
Yarns	...	...	...	...
Yarn, cotton or woollen (as Piece- goods, cotton or woollen)	...	...	...	...
Yarn waste	...	...	...	...



## RAILWAY PROJECTS IN SOUTHERN INDIA.

**346. Mr. Narayandas Girdhordas :** Will the Government be pleased to furnish a list of projects for new construction of Railways in Southern India, started by the Local Government, by District Boards, by private Agencies or by the Railway Board, within the area covered by the Madras and the Southern Mahratta and the South Indian Railways, since the creation of the Railway Board in 1908, with particulars as to when each project was surveyed, when such project was sanctioned for construction, and also with a short statement of the reasons for the delay in construction in each case?

**Colonel W. D. Waghorn :** A statement giving the information asked for is laid on the table.

*Statement showing railways projected since the formation of the Railway Board in 1908 in the area covered by the Madras and Southern Mahratta Railway and the South Indian Railway. [Indian States lines excluded.]*

Name of project.	Surveyed or not.	REMARKS.
Ammayanayakanur-Uttamapalayam railway.	Surveyed in 1906 ...	Proposed by the District Board of Madura.
Attur-Chinnasalem railway ...	Surveyed in 1913-14	Proposed by the Salem and South Arcot District Boards. } So far no definite proposals for construction have been received.
Attur-Tirumondurai railway	} Surveyed in 1913-14.	Alternatives to Attur-Chinnasalem railway.
Attur-Pennambalur railway ...		
Rajapur Talikote railway ...	Not ...	Proposals for construction under Branch Line Terms have been received from private promoters, but the project has, at the request of the promoters, been held in abeyance until the question of the revision of the Branch Line Terms have been settled.
Connada Kotipalle railway	Surveyed in 1916 ...	Proposed by the District Board of Godavery.
Cuddalore-Vridhdachalam railway.	Surveyed in 1906 ...	Proposed by the District Board of South Arcot. } So far no definite proposals for construction have been received.
Erode-Satyamangalam railway.	Surveyed in 1906-11.	Proposed by the Coimbatore District Board. In April 1919, the Madras Government were informed that the Railway Board would be prepared to consider favourably a revised application from the District Board for a concession for the construction of this line. This application is awaited.
Guddivada-Midalevolu railway.	Surveyed in 1913 ...	Proposed by the District Board of Kistna.
Guntur-Macherla railway ...	Surveyed in 1916 ...	Proposed by the District Board of Guntur. } So far no definite proposals for construction have been received.
Haveri-Havanur railway ...	Surveyed in 1917 ...	Further consideration of this project has been deferred for the present in view of its unremunerativeness.
Habli-Shri railway ...	Not ...	Reconnoitred in 1917-18. In view of the very poor return on the capital outlay involved further consideration of this project has been postponed for the present.
Karakudi-Arantangi railway	Surveyed in 1910 ...	Alternative to Devakota-Arantangi branch of Trichinopoly-Ramanad railway. Proposals for construction under Branch Line Terms have been received from private promoters and are under the consideration of the Railway Board.
Kavali-Udayagiri railway ...	Surveyed in 1906 ...	Proposed by the Madras Government as a famine protective railway. The project was not considered by the Local Government to be urgent and has therefore been deferred.
Madura-Bodinayakanur railway.	Surveyed in 1913-14	Proposed by the District Board of Madura. Definite proposals as regards the method of financing it are awaited from the District Board.
Mannargudi-Tiruturaiyandi railway.	Surveyed in 1913 ...	Proposed by the Tanjore District Board. Some of the terms for the construction and working of this line are under discussion with the Agent, South Indian Railway Company.
Nandyal-Atmakur railway ...	Surveyed in 1909 ...	Proposed by the District Board of Kurnool. So far no definite proposals for construction have been received.
Nidamangalam-Mannargudi railway.	Surveyed in 1913 ...	Proposed by the District Board of Tanjore. Sanctioned for construction on 15th October 1912. Opened on 15th February 1915.
Ollapalem-Kanigiri railway...	Surveyed in 1917 ...	Proposed by the District Board of Nellore. So far no definite proposals for construction have been received.
Padalam (or Madavutakam)-Arni railway.	Not ...	Reconnaissance sanctioned in 1916, but it has been deferred since the Chingleput and North Arcot District Boards are unable to finance the construction of the line at present.
Palakodu-Krishnagiri railway	Not ...	Proposed by the South Indian Railway Company. Project deferred till there is prospect of funds being available.

Name of project.	Surveyed or not.	REMARKS.
Palamcottah-Panagudi railway.	Not ...	Reconnaissance deferred on account of want of staff.
Podanur-Pollachi railway ...	Surveyed in 1908-09.	Proposed by the District Board of Coimbatore. Sanctioned for construction on 18th December 1913. Opened on 18th October 1918.
Ramnad-Kilakkeral railway ..	Surveyed in 1909-10.	Proposed by the District Board of Madurai. So far no definite proposals for its construction have been received.
Ramnad-Virudupatti railway	Surveyed in 1908 ...	Proposals for construction under Branch Line Terms have been received from private promoters and the construction estimates and traffic report are being revised and brought up to date.
Repalle-Viewswaram railway	Surveyed in 1915 ..	Consent for construction of this line granted to the District Board of Guntur, but construction has been deferred owing to the high cost of railway materials.
Salem-Samayapuram railway	Not ...	Proposed by the Madras Government. Reconnoitred in 1915. Detailed survey postponed on account of want of staff.
Suramangalam Salem railway	Surveyed in 1913...	Proposed by the District Board of Salem. Sanctioned for construction on 23rd March 1915. Opened on 1st June 1917.
Tanjore-Tiruvadi railway ...	Surveyed in 1915 ..	Proposed by the Tanjore District Board. So far no definite proposals for its construction have been received.
Tirupatti (Renguntha)-Madras railway.	Surveyed in 1913...	Proposed by the Madras and Southern Mahratta Railway Company. Construction has been deferred in view of the financial stringency.
Trichinopoly-Jayankonda Sholapuram railway.	Surveyed in 1916 ..	Proposed by the Trichinopoly District Board. Awaits the construction of the proposed Trichinopoly-Panruti railway.
Trichinopoly-Panruti railway	Surveyed in 1907...	Proposed by the Madras Government. The question of the gauge to be adopted for the Panruti-Trichinopoly-Ramnad railway is not yet settled and is to be further investigated.
Trichinopoly-Ramnad railway	Surveyed in 1900 ..	Consent granted to the Pudukkottai Durbar for construction of Trichinopoly-Pudukkottai section. Construction of this section was sanctioned on 4th August 1916, but it has been postponed for the present.
Tuttorai-Pandi Vedaramiam railway.	Surveyed in 1912...	Proposed by the Tanjore District Board. Sanctioned for construction on 15th October 1912. Opened on 15th May 1919.
Ulunduppettai-Chinnai Salem railway.	Surveyed in 1909...	Proposed by the District Board of South Arcot. Awaits the construction of the proposed Trichinopoly-Panruti railway, on which this line depends.
Virudupatti-Tenkasi railway...	Surveyed in 1913	Proposals for construction under Branch Line Terms have been received from private promoters and the construction estimates and traffic report are being revised and brought up to date.
Yerragudi-Pad-Nandyal railway.	Surveyed in 1908-09.	Proposed by the Madras Government as a famine protective railway. Project could not be proceeded with on account of want of funds.
Manamadurai-Sivaganga railway.	Surveyed in 1914 ..	Proposed by the District Board of Ramnad. Sanctioned for construction on 2nd December 1915. Construction postponed for the present owing to the high cost of materials.
Mayavaram Tranquebar railway.	Surveyed in 1915 ..	Proposed by the District Board of Tanjore. Sanctioned for construction on 15th December 1915. Construction postponed for the present owing to the high cost of materials.
Bagalkot Raibag railway ...	Surveyed in 1911-12.	Proposed by the Madras and Southern Mahratta Railway Company. Construction held up in view of the difficulty of financing it under existing conditions.
Belgaum Saundatti Hubli railway.	Surveyed in 1913-14.	Proposed by the Bombay Government. Construction held up till funds can be made available out of the programme.
Gadag Yalvigi railway ...	Surveyed in 1905-06.	Proposed by the Madras and Southern Mahratta Railway Company. Project held in abeyance in view of the financial stringency.
Koregaon Satara railway ...	Surveyed in 1911 and again in 1917.	Proposed by the Government of Bombay. Construction deferred till programme funds are available; meanwhile earthwork and land acquisition have been sanctioned.
Nipani Branch railway ...	Surveyed in 1913-13.	Proposed by the Madras and Southern Mahratta Railway Company. Project held in abeyance in view of the financial stringency.
Rajahmundry Sitoneha railway.	Surveyed in 1909-10.	Proposed by the Madras and Southern Mahratta Railway Company. The results of the survey indicated that the gross earnings would not suffice to cover working expenses. The project was therefore not proceeded with.
Ramswaram Danishkodi Extension.	Surveyed in 1907...	Construction sanctioned in 1906. Opened by sections during 1908-14.
Dharwadpuri Housur railway ...	Surveyed in 1905-06.	Construction sanctioned in 1908. Opened in 1913.

COMMISSIONS ON INDIAN CURRENCY, EXCHANGE AND FINANCE.

347. Mr. Narayandas Girdhardas: (a) Will the Government be pleased to state whether they have in contemplation the appointment in the

immediate future of another Commission to undertake an inquiry into questions of Indian Currency, Exchange and Finance ?

(b) If the answer be in the affirmative, will the Government be pleased to give an undertaking that the composition of such a Commission will be predominantly representative of Indian interests and that the inquiry will be conducted in India ?

**The Honourable Mr. W. M. Hailey :** (a) Government have so far not contemplated the appointment of such a Commission in the immediate future.

(b) This does not arise.

Question No. 348 was withdrawn.

#### TRANSPORT OF KAPAS COTTON.

**349. Sardar B. A. Dalal :** Will the Government be pleased to state whether legislation for stopping the transport of Kapas—cotton with seed—by rail or boat, etc., in Gujarat is to be taken in hand and, if so, when ?

**The Honourable Mr. C. A. Innes :** The Government of Bombay recently asked for sanction, under section 80-A. of the Government of India Act, for the introduction of a Bill in the Bombay Legislative Council to prohibit the transport of cotton to certain stations in the Surat-Navsari long staple cotton area. They wished to introduce the Bill in the recent Session of the Council. Previously, the Government of India had expressed approval of the main lines of the legislation proposed, but an examination of the draft Bill disclosed such serious difficulties in the way of Provincial legislation of this kind, that the Governor General was unable to accord his sanction. The Government of India, however, recognise the importance and urgency of the question. The Central Cotton Committee has recommended that legislation should be undertaken by the Indian Legislature to enable the transport of cotton to specified areas to be regulated, and the Government of India have the proposals under examination.

#### OFFICIAL 'WHO'S WHO' IN INDIA.

**350. Lala Girdharilal Agarwala :** (a) Do the Government propose to compile an official *Who's Who* in the Indian Legislature or encourage private enterprise ?

(b) Have the Government made inquiries about the educational, legal, commercial and other qualifications and experience of each Honourable Member to find out his special fitness for various kinds of duties as a Member of the Indian Legislature ? If so, will the Government be pleased to lay the same on the table ?

(c) How many Honourable Members of the Indian Legislature are unable to speak in English ?

(d) How many of them are illiterate ?

**The Honourable Dr. T. B. Sapru :** (a) No.

(b) No.

(c) and (d). The Government of India can give no information. I may, however, in this connection add that the fitness of Members of the Legislative

Assembly is a matter on which Government can never be indifferent; but it is not a matter for which Government has any legal or constitutional responsibility. Neither Government as a whole, nor any individual member of it, can be asked officially to sit in judgment upon the political qualities of their Parliamentary Colleagues. The inquiry suggested by the Honourable Member, will, it is apprehended, be resented by the House itself, as implying a reflection on the Members and their constituencies. The elected Members of the Legislative Assembly are responsible to the electors who chose them to serve in the Assembly, and it is, therefore, from their respective electorates that Members must seek the judgment suggested in the question.

#### NON-SUPPLY OF WAGONS, NORTH-WESTERN RAILWAY.

351. **Dr. Nand Lal:** Is the Government aware that there is a general complaint among traders that in all Mandi stations (i.e., stations at or near which grain or cotton markets are situate) of the North-Western Railway they are put to a great deal of inconvenience as regards the supply of wagons? If so, would the Government be pleased to take necessary steps to remove their complaint?

**Colonel W. D. Waghorn:** It must be admitted that the supply of wagons is not always sufficient at all stations when demands are at the maximum during the busy traffic season, but since the accumulation of traffic, due to the shortage of coal, was worked off, the North-Western Railway has been in a position, not only to provide wagons for all traffic originating at its own stations, but also to help other railways in this respect by sending them large numbers of wagons.

#### SURVEY OF CATTLE.

352. **Sardar B. As Dalal:** Will the Government be pleased to state whether any steps have been taken in regard to the survey of cattle and their classification as milk breeds? If not, why not?

**Mr. J. Hullah:** A good deal in this direction has been done in the Provinces. Full information is being obtained and will be communicated to the Honourable Member later.

#### IMPORT OF FOOD PROVISIONS.

353. **Mir Asad Ali, Khan Bahadur:** Will Government be pleased to state the quantity, as well as the value, of each kind of food provisions imported into India from each of the foreign countries for the last three years?

**Mr. J. Hullah:** The information required by the Honourable Member can be obtained from the "Annual Statement of the Sea-borne Trade of British India within the British Empire and Foreign Countries" which is available in the Library for years up to the fiscal year ending 31st March 1920. After that date monthly volumes of these statistics are available.

#### CALCUTTA MAIL TRAINS—LAHORE TO PESHAWAR.

354. **Khan Sahib M. M. Ikramullah Khan:** Will the Government be pleased to state the circumstances under which the running of the Calcutta mail trains between Lahore and Peshawar was discontinued, and what now delays the resuming of the service to Peshawar?



**Colonel W. D. Waghorn :** Nos. 1 Up and 2 Down Calcutta Mail trains were discontinued between Lahore and Peshawar on the 24th January 1921, due to shortage of coal. They were, however, replaced by Nos. 11 Up and 12 Down slow passenger trains on the 1st April 1921.

As circumstances do not permit at present of the North-Western Railway running both mail and slow passenger trains, it was decided by the Railway Administration, after due consideration and discussing the question with merchants and others, that a slow passenger train would better meet the public demand than a fast mail train. Measures are being taken to improve the capacity of the section, but until this has been done and more stock is available, it is regretted the question of running more trains cannot be considered.

#### INCOME-TAX AND SUPER-TAX, 1921.

**355. Mr. R. A. Spence :** Will Government state what is the amount paid for the year ending 31st March, 1921, in :

(a) income-tax,

(b) super-tax,

by Europeans and Anglo-Indians in this country, and what percentage is this of the total income-tax and super-tax paid ?

**The Honourable Mr. W. M. Hailey :** I regret that there are no such statistics available. We do not classify income-tax payers by race or religion, and it would of course be quite impossible to effect any such classification in the case of companies, from whom a considerable proportion of our revenue is received.

#### CURRENCY COMMISSION.

**356. Mr. R. A. Spence :** Does Government contemplate the appointment of a Commission to investigate and report on the Currency question before the close of the official year, and, if the answer is in the affirmative, will the members of the Commission be appointed in India, or will they be appointed in England by the Secretary of State ?

**The Honourable Mr. W. M. Hailey :** The Honourable Member is referred to the reply I have just given to Mr. Narayandas Girdhardas.

#### BRANCH RAILWAY LINE TO PAK PATTAN SHARIF.

**357. Haji Wajih-ud-din :** (a) Is it a fact that during war days a Railway branch line leading to Pak Pattan Sharif in the Punjab, was, as a temporary measure, closed, which has not yet been resumed for traffic and which is causing great inconvenience to the public in general, and particularly to the pilgrims, as well as a loss of income to the Government ?

(b) If so, will the Government be pleased, in the interest of both the public and the Government, to take steps to do the needful in the matter without further delay ?

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

(b) Government are anxious to relay this line at the earliest possible moment, and intend doing so as soon as the necessary provision can be made.

The question of relaying hinges on two factors—materials and funds.

As regards the former, it is proposed on economic grounds to relay this line with second-hand 75 lb. rails released from the main lines of the North-Western Railway.

The supply of new rails is now satisfactory, and it is hoped that, if a reasonable programme of renewals can be undertaken on the North-Western Railway, sufficient second-hand rails will be set free to permit of the completion of the relaying of the Sutlej Valley Railway during the next three years.

From the above it will be seen, therefore, that the question of relaying depends on an adequate provision of funds to enable the necessary renewals to be undertaken. If these funds are forthcoming the relaying of the Sutlej Valley Railway can be assured.

#### RECOMMENDATIONS OF THE STORES PURCHASE COMMITTEE.

358. **Mr. P. S. Kamat:** (a) Will Government be pleased to state if any action has been taken in the matter of the recommendations of the Stores Purchase Committee, 1920? If so, whether the same is in accordance with the views contained in the Majority Report signed by the Officials and Non-officials, or the Minority Report signed by only two of the Officials on the Committee? If no action has yet been taken, will Government kindly indicate the reasons for the delay?

(b) With reference specially to Chapter VII of the Stores Purchase Committee's Report, will Government be pleased to state when, and what steps, they propose to take in regard to encouragement and protection of indigenous manufactures by (a) guaranteeing orders, (b) placing orders at favourable rates, and (c) securing favourable railway rates?

**Mr. A. C. Chatterjee:** (a) The Government of India consulted Local Governments in March last with regard to the recommendations contained in the Stores Purchase Committee's Report. I will, if he so desires, supply the Honourable Member with a copy of the letters issued to Local Governments, from which he will observe that the Government of India are provisionally inclined to adopt the views of the Minority of the Committee in regard to the points of importance in which those views differ from the opinions expressed by the Majority. On receipt of the replies from Local Governments, the Government of India will proceed, with the least possible delay, to place their final conclusions before the Secretary of State. In the meantime, in order to avoid delay in the organization of the Stores Department in India, they have obtained the sanction of the Secretary of State to the appointment, on a temporary basis, of the three chief officers of the new Department. It is intended that these officers, when appointed, should work out the preliminary details and submit proposals for the permanent organization.

(b) The Government of India are not in a position to indicate at present their final views on the steps which should be taken with reference to the recommendations contained in Chapter VII of the Stores Purchase Committee's Report.

#### REPORT AND RECOMMENDATIONS OF THE STORES PURCHASE COMMITTEE.

850. **Mr. B. S. Kamat:** (a) With reference to the views of the Non-official Members in the Report of the Stores Purchase Committee, 1920, in regard to the position of Local Governments, will Government be pleased to

state if they propose to leave Provincial Governments free to purchase their stores, both imported as well as indigenous, as best as they like?

(b) With reference to the location of the headquarters of the Indian Stores Department, do Government propose to fix it at the headquarters of the Government of India, or Calcutta or Bombay?

(c) With reference to the organisation and staff recommended by this Committee, will Government be pleased to state the various grades of appointments proposed to be created, and what steps are proposed to be taken to secure suitable Indians for them, as far as possible?

**Mr. A. C. Chatterjee:** (a) The reply is in the affirmative. The Government of India, however, propose to rule that, if Local Governments order imported stores from the United Kingdom, these stores must be obtained through the London Stores Department.

(b) The Government of India have provisionally formed the opinion that the headquarters of the Indian Stores Department would most suitably be located with the Government of India.

(c) The Government of India are not at present in a position to indicate the various appointments which will be created in the new Stores Department. This matter will be considered after the appointment of the three chief officers of the Department who, as indicated in the reply to the Honourable Member's last Question, will formulate proposals for the organization of the Department. The Honourable Member may rest assured that the question of appointing Indians, who possess the requisite qualifications, will not be overlooked.

#### HEAD LIGHTS ON RAILWAYS.

360. **Mr. Pyari Lal Misra:** (a) Is it a fact that during His Royal Highness the Duke of Connaught's visit to India last year head-lights were used on Railways?

(b) Were these lights used for averting accidents?

(c) If the answer to (b) be in the affirmative, will Government be pleased to recommend to the Railway Board to use head lights on all Railways to avert loss of life and property which have become so frequent of late?

**Colonel W. D. Waghorn:** It is not quite clear what is meant by the term 'head-lights' in this question.

The general rules for working Open Lines of Railway in India, 1906, lay down that at night, and in thick or foggy weather, no train or engine shall be worked either outside or within station limits unless it has the head-lights prescribed by the Railway Administration.

The answer to items (a) and (b) of the Question is, therefore, that head-lights were used on Railways during His Royal Highness the Duke of Connaught's visit to India last year in the ordinary course of working and in accordance with the general rules. It is possible, however, that the Honourable Member refers to a specially powerful type of head-light which was used by one railway on the engines working the Royal Train. This, however, was in the nature of an experiment, and the question whether the adoption on railways generally of a head-light, or search-light of the special type described is justified is under consideration.

STATE RELIGION IN INDIA.

**361. Mr. Pyari Lal Misra :** (a) Is there any State religion in India?

(b) If the answer to (a) be in the negative, will Government be pleased to state why the Ecclesiastical Department has been placed on the Civil List?

(c) Has the Government placed any other religion in India on the Civil List?

(d) If not, do Government propose to consider the question of removing the Ecclesiastical Department from the Civil List?

(e) What is the total annual cost of maintaining the Ecclesiastical Department throughout India?

**Mr. H. Sharp :** (a), (b) and (c). There is no State religion in this country. The Government of India, however, recognise the duty, within reasonable limits, of providing the ministrations of religion for British-born European Christian servants of the Crown, and especially for soldiers and their families.

Certain expenditure is annually incurred by Government on the provision of non-Christian religious instructors for Indian Regiments. For further information, the Honourable Member is referred to part (b) of the reply given to the question on the same subject asked by Mr. Makhdum Syed Rajan Buksh Shah.

(d) The answer is in the negative.

(e) The total expenditure on the Ecclesiastical establishment during the year for which the latest figures are available, viz., 1919-20, was Rs. 21,14,724.

CHIEF COURT FOR CENTRAL PROVINCES.

**362. Mr. Pyari Lal Misra :** Will Government be pleased to state when the Central Provinces Judicial Commissioner's Court is going to be raised to the status of Chief Court?

**The Honourable Sir William Vincent :** A decision on the question of constituting a Chief Court for the Central Provinces was postponed on financial grounds during the war, and the question has not since been revived by the Central Provinces' Government.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

**363. Mr. Pyari Lal Misra :** (a) Will Government be pleased to state if any action has been taken on the Resolution, regarding listed posts in the Indian Civil Service moved on the 17th February, 1921, in the Legislative Assembly, by Mr. Wali Mohamed Hussanally?

(b) If so, to what extent?

(c) If the answer be in the negative, when do Government propose to take action?

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

## PERCENTAGE OF INDIANS IN THE I.C.S.

**364. Mr. Pyari Lal Misra :** (a) Will Government be pleased to state if it has given effect to the Government of India, Home Department, Resolution No. 2559, dated 1st December 1920, paragraph 12 ?

(b) If not, when is it going to do so and to what extent ?

**The Honourable Sir William Vincent :** As regards the percentage of Indians in the service, the answer is in the affirmative. I would refer the Honourable Member to the Press Communiqués issued from this Department on the 12th February and 20th June 1921, copies of which will be given to him.

As to the holding of a separate examination in India, the necessary information is being given to-day in reply to another question of the Honourable Member.

## SIMULTANEOUS EXAMINATIONS FOR THE INDIAN CIVIL SERVICE IN INDIA AND ENGLAND.

**365. Mr. Pyari Lal Misra :** Will Government be pleased to state if simultaneous examinations for the Indian Civil Service in India and England are to be introduced ? If so, when ?

**The Honourable Sir William Vincent :** Government have already announced their intention of holding a separate examination in a Resolution published on 1st December 1920. We are now in communication with the Secretary of State in regard to the details, and hope they will be finally settled during the cold weather, and that the first examination will be held in India in the Spring of 1922, but, as stated in a reply to another question, we cannot guarantee this.

## INDIANISATION OF THE FOREST DEPARTMENT.

**366. Mr. Pyari Lal Misra :** (a) How long will it take to Indianise the Forest Department as recommended by the Public Services Commission ?

(b) To what extent, if any, has recruitment to the Forest Service in England been effected in accordance with the recommendation of the Public Services Commission ?

**Mr. J. Hullah :** (a) It is not possible to say. 40 per cent of the recruits required annually for the Imperial Forest Service in India, and 25 per cent of those required for Burma, are to be sought in India and Burma, respectively, for the present. In addition 12½ per cent. of the major posts in the Imperial Forest Service are reserved for promotion from the Provincial Forest Service.

(b) Presumably recruitment in India, and not England as stated in the question is referred to. In 1920-1921, 24 Indians have been appointed in India as probationers for the Imperial Forest Service.

## MEMORIAL FROM THE EXTRA DEPUTY CONSERVATORS OF FORESTS IN INDIA.

**367. Mr. Pyari Lal Misra :** (a) Is it a fact that Extra Deputy Conservators of Forests in India who have been promoted to the Imperial Forest Service have memorialised the Government praying that the period of their service a

Extra Deputy Conservators may be counted in fixing their initial pay in the Imperial Forest Service ?

(b) If so, has their prayer been granted ?

(c) If not, will Government be pleased to do so now ?

**Mr. J. Hullah :** (a), (b) and (c) : Extra Deputy Conservators who have been promoted to the Imperial Forest Service have memorialised the Government of India on the subject of their initial pay on promotion. The matter is under consideration.

#### IMPERIAL FOREST SERVICE OFFICERS OFFICIATING AS CONSERVATORS.

**368. Mr. Pyari Lal Misra :** (a) Will Government be pleased to lay on the table a statement showing the names of all Imperial Forest Service Officers at present officiating as Conservators in all Indian Provinces, including Burma, giving their age, total length of service, length of service as Deputy Conservators and the date from which they have been officiating as Conservators in each case ?

(b) Also a statement showing the names of all Extra Deputy Conservators recently promoted to the Imperial Forest Service in each of the Provinces, giving in each case the age, total length of service as gazetted Officers and the length of service as Extra Deputy Conservators ?

**Mr. J. Hullah :** The information asked for can be obtained from the Classified Lists of Forest Officers in India and Burma. A copy of the list for July 1920 is laid on the table. A copy of that for July 1921 will shortly be sent to the Honourable Member.

#### PROMOTIONS TO ADMINISTRATIVE POSTS.

**369. Mr. Pyari Lal Misra :** (a) Is it a fact that promotions to administrative posts in all Departments of Government are made by selection and not by seniority ?

(b) Is it also a fact that some members of the Provincial Service other than the Forest Department have been promoted to administrative posts ?

(c) If the answer to question (b) be in the affirmative, will Government be pleased to state if there have been any such promotions in any of the Provinces up till now in the Forest Department ?

(d) If the answer to question (c) be in the negative, will Government be pleased to give reasons therefor ?

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

(b) No, not in any service the conditions of which are analogous to those of the Forest Department.

(c) and (d) do not arise ; but it may be stated that officers of the Provincial Forest Service who are promoted to the Imperial Service become in all respects members of that Service, and are therefore eligible for promotion to administrative rank.

#### INDIAN RECRUITS FOR THE IMPERIAL FOREST SERVICE.

**370. Mr. Pyari Lal Misra :** (a) Will Government be pleased to lay on the table a statement showing the names of Indian recruits with their qualifications for training for the Imperial Forest Service this year ?

(b) Is it a fact that Indian recruits in England are given only £200 a year?

(c) Has Government imposed any condition on the parents or guardians of recruits to make up for the deficiency from their own pockets? If so, to what extent?

(d) Is it not a fact that, owing to the condition mentioned in (c), many a brilliant recruit is kept back from going to England? Have any Indian recruits been kept back this year owing to this condition? If so, how many?

(e) Will Government be pleased to increase the amount of scholarship?

**Mr. J. Hullah :** (a) A statement showing the names of the Indian probationers for the Imperial Forest Service appointed in India this year is placed on the table.

The first sixteen were appointed under the ordinary regulations. All of these possessed Honours or first class degrees. The last four were appointed under special regulations for the recruitment of candidates who had rendered military service.

(b) All forest service probationers, whatever their race, are given allowances of £200 per annum while under training.

(c) No, except by warning intending candidates that the allowance granted is unlikely to meet all the needs of a probationer.

(d) The Government of India have no information.

(e) The allowance has recently been increased from £150 to £200, but the Honourable Member's suggestion will receive consideration.

Names.	Names.
1. Raj Narain Brahmawar. 2. A. N. Ananta Nanyanan. 3. Netar Parkash Mohan. 4. M. Kesavan Unni Nayar. 5. C. R. Ranganathan. 6. Subodh Kumar Bose. 7. Bimala Prasanna Bose. 8. Sukumar Sen Choudhri. 9. Gurdial Singh. 10. Jiwan Singh Khanna.	11. Partap Singh. 12. Narving Daas. 13. Kiran Chandra Ray. 14. Manindra Lal Sen Gupta. 15. Lakhpai Rai. 16. Raj Naranjan Singh. 17. Khan Sahib Choudhri Allah Baksh. 18. Harish Chandra Khanna. 19. Sunder Singh. 20. Sodhi Harbhajan Singh.

#### REPRESENTATIVES OF THE HAI HAIBANSHI KINGS, CENTRAL PROVINCES.

371. **Mr. Pyari Lal Misra :** (a) Will Government be pleased to state where and in what condition the present representatives of the Hai Haibanshi Kings of Ratanpur (Bilaspur, Central Provinces) and Raipur (Central Provinces) are?

(b) Will Government be pleased to state if any of them is a Darbari or title-holder?

(c) Will Government be pleased to state the conditions of the grant by the Marathas to the Hai Haibanshi descendants and when and with what changes the grant was recognised by the British Government?

(d) Was any representation made to the Government of India by any representative of the family for recognition of their status? If so, what was the reply given?

(c) Will Government be pleased to grant pension or allowance to the representatives of the family suitable to their dignity in recognition of their forefathers' meritorious services and loyalty to the British Crown?

**The Honourable Sir William Vincent:** (a), (b) and (c). Information is not available to the Government of India to enable them to reply to these parts of the question. Perhaps the Honourable Member might be able to secure the information from the Government of the Central Provinces.

(d) No trace can be found of any such representation.

(e) The matter is one for the consideration of the Local Government in the first instance. The Government of India do not propose to take any action unless and until they are moved to do so by the Local Government.

**OPERATION OF THE GOVERNMENT OF INDIA ACT, 1919, IN CENTRAL PROVINCES.**

**372. Mr. Pyari Lal Misra:** (a) Will Government be pleased to state reasons for excluding the inhabitants of the Chandarpur and Padampur tracts of the Bilaspur District in the Central Provinces from the operation of the Government of India Act, 1919?

(b) Was any memorial submitted by the inhabitants of these tracts to the Honourable the Chief Commissioner of the Central Provinces, praying for their inclusion in the benefit of the Government of India Act, 1919?

(c) If so, what was the reply given by the Central Provinces Government, as well as by the Government of India?

(d) Will Government be pleased to confer upon the Chandarpur and Padampur tracts the rights of political franchise?

**The Honourable Sir William Vincent:** (a) It is not strictly correct to say that the tracts in question are excluded from the operation of the Government of India Act, 1919. These tracts, along with certain others, were not considered to be sufficiently developed to exercise the right of electing representatives to the Legislative Council, and provision was therefore made in Rule 3 (b) (c) (iv) of the Central Provinces Electoral Rules for their representation by nomination. But the idea of excluding these tracts formally from the operation of the Government of India Act was definitely rejected, and the present arrangement was settled as a temporary expedient until they should be sufficiently developed to be formed into constituencies or to be amalgamated with adjoining constituencies.

(b) and (c) I have not been able to trace the receipt of any such memorial.

(d) The Government of India are not prepared to take action in the direction suggested except on the recommendation of the Central Provinces Government from whom the first move should come. A copy of this question and answer will, however, be transmitted to the Local Government.

**WITHDRAWAL OF THE CASE *EMPEROR vs. KARNANI AND OTHERS*.**

**373. Mr. J. N. Mukherjee:** (a) In the criminal case of the King-Emperor *vs. Rai Bahadur Sukhlal Karnani and others*, in the Court of the Chief Presidency Magistrate of Calcutta, were the explanatory statements made by the Advocate-General, Honourable Mr. T. C. P. Gibbons, K.C., in Court



in connection with his application for the withdrawal of the charges for cheating, etc., against them on or about the 5th August, 1921, so made under instructions from the Government of India?

(b) Was the prosecution of the said accused persons R. B. Sukhlal Karnani and others instituted with the sanction and approval of the Government of India, after a thorough investigation of the evidence available against them in connection with the said charges, and after obtaining the opinion of the law officers of the Crown in that behalf?

(c) Were the Government in possession of the evidence as to the guilt of the said accused persons in the said case as stated by the said Advocate-General at the time the charges were withdrawn against them in the said Court?

(d) Is the Press report of the statements made in Court by the said Advocate-General in connection with the above matter, to the following effect, namely: 'There is no question of asking for a withdrawal because we cannot prove the case. We can prove it up to the hilt; and I give my undertaking that we can do so,'—a substantially correct report?

(e) Is the statement made by the said Advocate-General to the effect that he was speaking as the mouthpiece of the Government of India, correct?

(f) In view of the further statements made on the said occasion by the said Advocate-General to the effect 'that if the prosecution of Karnani and Banerjee were proceeded with, wide-spread commercial and industrial interests would be seriously affected by reason of the association of these persons with various business concerns, many of a *Swadeshi* character'; and again 'Government consider it preferable that these men (Karnani and Banerjee) though in their view guilty, should escape punishment rather than a large number of innocent persons should suffer loss,' will the Government be pleased to make a detailed statement as to the nature of the association of the said accused persons with the business concerns indicated above, and to name them, including those of a *Swadeshi* character, contemplated by the above statement?

(g) Will the Government be pleased to state if in any other Crown case or cases, a course similar to that adopted by them in the aforesaid case of King-Emperor *vs.* Rai Bahadur Sukhlal Karnani and others was adopted by them? If so, will they be pleased to specify it or them?

(h) Do the Government of India have any intention to adopt the policy evinced by them in connection with the withdrawal of the above case of King-Emperor *vs.* Rai Bahadur Sukhlal Karnani and others, for their guidance in connection with Crown cases in future wherever they may consider it expedient to do so?

(i) Will the Government be pleased to state how many Counsel and other lawyers were engaged in the above case for the prosecution, on their behalf and who they were? Also what the total cost (including unpaid liabilities) incurred by the Government for the conduct of the prosecution in the above case, was till the date of withdrawal thereof?

(j) Do the Government intend to recover the sum of Rs. 1,49,000 of which they believe to have been cheated from anybody? If so, from whom and by what means?

(k) Was the case against Stringer, who the Government believed had forged certain chalans in question, withdrawn simply because they considered it preferable to do so in respect of Karnani and Banerjee? Or was there any other reason for their doing so? If so, what?

(i) Are the Government aware of a rumour referred to in the newspaper Press of India as having been widely current in the country for sometime past, to the effect that the prosecution in the above case would be dropped because otherwise it would compromise some highly placed official or officials of Government ?

Is there any truth in, or foundation for, the above rumour ?

(m) In view of the above rumour which the Press in India has referred to as being the subject of private conversations amongst Indians, and to which currency has been given by the newspaper Press, will the Government be pleased to publish a detailed statement of facts in connection with the above case, in order to counteract any such rumour, as well as to remove any suspicion from the public mind in that connection, and vindicate the course which the Government have followed in spite of their conviction as to the guilt of the accused persons in the aforesaid case ?

(n) In view of the belief of Government that Rai Bahadur Sukhlal Karnani and his co-accused now discharged are guilty of a heinous offence or offences, will the Government be pleased to state what action they propose to take with regard to the former's honorific title, and generally to mark their displeasure in connection with the said discharged accused ?

(o) Will the Government be pleased to state how much public money belonging to the Indian Exchequer has been officially reported to them to have been altogether misappropriated by different persons in the Munitions Department ?

**The Honourable Mr. C. A. Innes :** I propose, with your permission, Sir, to reply in this answer to Questions Nos. 373, 385, 431, 433, 447, 477—480 and 482. All these questions have already been answered in essentials by the Press Communiqué issued on the 28th August last. The Government of India have little to add to that Press Communiqué and do not propose to place any correspondence on the table. They propose, however, to deal with certain specific requests for additional information.

With reference to paragraph (i) and (j) of Babu Jogendra Nath Mukherjee's Question, I am unable to say how many Counsel and other lawyers were employed in the case against Rai Bahadur Sukhlal Karnani and others. The total expenditure up to the 22nd August last in the Munitions Board cases was Rs. 3,26,394-4-6. Of this amount, Rs. 1,77,349-10-0 were on account of legal fees, but I am unable to allocate this sum between the Karnani case and other cases. Mr. Ross Alston received a fee of Rs. 1,000 a day, and, in accordance with the terms of his agreement, the Advocate-General was paid at a rate of 30 gold mohurs a day. As at present advised, the Government do not propose to file a suit for the recovery of the money which was the subject of the charge of cheating.

The rumour referred to in part (i) of the question that the case was withdrawn because it would compromise high officials is entirely without foundation.

With reference to part (n) of the question, the Government of India propose to take no action. Rai Bahadur Sukhlal Karnani has not been found guilty of any offence by any competent Court.

As regards part (o) of the question and part (c) of Dr. Gour's Question No. 447, the House will remember that I have only just taken over charge of

the Department of Industries and have not yet had time to study the papers connected with what are known as the Munitions Board cases. The term 'misappropriations' in these two questions is a misnomer. What is believed to have happened was that certain persons in the employ of the Indian Munitions Board colluded with certain private firms to defraud Government. I regret, however, that I can give no reliable estimate of the loss occasioned by such frauds, for it is not possible to distinguish in all cases between mere profiteering and deliberate fraud. It may be taken as certain, however, that the sum of nine crores mentioned is an absurd exaggeration.

I have only to add with reference to part (b) of Question 478 that no such telegram has been received by the Government of India.

**Mr. K. Ahmed :** Sir, I wish to ask a supplementary question. May I ask whether a letter passed between the Government of India and the Attorney of Rai Bahadur Sukhlal Karnani with regard to a threatened litigation contemplated against the Government of India?

**The Honourable Mr. C. A. Innes :** As I have already informed the Honourable Member, I have only just taken over the Department of Industries and have not had time to go into the cases. I regret, therefore, that I cannot answer the Honourable Member's question.

#### PAY OF TEMPORARY LIEUTENANT IN THE INDIAN MEDICAL SERVICE.

**374. Pandit Radha Kishen Dass :** (a) Will the Government be pleased to state what is the pay of :

- (i) a temporary Lieutenant in the Indian Medical Service recruited in India,
- (ii) a temporary Lieutenant in the Indian Medical Service recruited recently (after the war) in England for service in the East,
- (iii) a permanent Lieutenant in the Indian Medical Service?

(b) Will Government be pleased to state the proportion of Europeans as compared with Indians among the temporary officers of the Indian Medical Service?

**Sir Godfrey Fell :** (a) (i). A temporary Lieutenant in the Indian Medical Service if on the local service scale, received Rs. 450 a month, while if he elected the general service scale (that is agreed to serve anywhere) he received Rs. 550 a month. These were the rates of pay in force up to the 1st September 1921.

(ii) The temporary Indian Medical Service officers engaged as Lieutenants by the Secretary of State for India in England on a two years' contract draw pay at the rate of Rs. 700 a month.

(iii) The pay of a permanent Lieutenant in the Indian Medical Service is Rs. 650 a month; this is inclusive of an overseas allowance of Rs. 150.

(b) The proportion of Indians to Europeans among the temporary officers of the Indian Medical Service is 26 to 4.

#### PAY OF TEMPORARY INDIAN MEDICAL SERVICE OFFICERS.

**375. Pandit Radha Kishen Dass :** (a) Will Government be pleased to state if like the permanent I. M. S. officer the temporary I. M. S. officer gets any increase in pay :

- (i) on being promoted as Captain; or
- (ii) on completion of three years' service?

(b) Will the Government be pleased to state if it is a fact that according to the rules now in force, the temporary officer is debarred from drawing any allowances, such as command and second-in-command allowances?

(c) Will the Government be pleased to state if it is a fact that the permanent officer in addition to his increased rate of pay has been further allowed by rules to draw these allowances?

(d) Will the Government be pleased to state if it is a fact that when employed in administrative posts both the permanent and the temporary officers are called upon to do the same work, while one class of officers gets an allowance and the other does not?

**Sir Godfrey Fell :** (a) (i) and (ii). No increase of pay was admissible.

(b) Such a rule was in force.

(c) Yes.

(d) The attention of the Honourable Member is invited to the reply given to Question No. 44, asked by Professor Shahani on the 5th September.

#### PAY AND ALLOWANCES OF INDIAN MEDICAL SERVICE OFFICERS.

**376. Pandit Radha Kishen Dass :** (a) Will the Government be pleased to state if any distinction is made in pay and allowances between :

(i) permanent and temporary I.M.S. officers,

(ii) temporary officers recruited in India and those recruited in England, and, if so, why?

(b) Will the Government be pleased to state if it is a fact that the pay of temporary Indian Medical Service officers has not been revised since 1918 in spite of representations having been made by them?

(c) Will the Government be pleased to state if it is aware that dissatisfaction exists among the temporary officers of the Indian Medical Service on account of distinctions being made as regards pay and allowances between them and the permanent officers?

**Sir Godfrey Fell :** (a) I would refer the Honourable Member to the reply given on the 5th September to part (d) of the Question No. 42 asked by Professor Shahani.

(b) Here, again, I would refer the Honourable Member to the replies given on the 5th September to the Question asked by Professor Shahani and Rai Bahadur Bakshi Sohan Lal, Nos. 45 and 126.

(c) Government have read certain articles that have appeared in the various papers regarding the pay and allowances drawn by temporary officers of the Indian Medical Service.

#### EMOLUMENTS OF COMBATANT AND NON-MEDICAL OFFICERS.

**377. Pandit Radha Kishen Dass :** (a) Will the Government be pleased to state if it is a fact that almost all the junior combatant and non-medical officers are now-a-days drawing more emoluments than the temporary officers in the Indian Medical Service, even when they are junior to the latter both in service and in age?

(b) Has the attention of Government been drawn to a communication printed on page 7 of the *Leader* newspaper of Allahabad, dated December 11th, 1920, headed 'The fate of temporary officers of the Indian Medical Service'; and, if so, whether it contemplates taking any action in the matter?

**Sir Godfrey Fell:** (a) A Lieutenant of the Indian Army, who is promoted to that rank after  $2\frac{1}{4}$  years' service as a 2nd-Lieutenant receives pay at Rs. 475 a month. In the Indian Medical Service, a temporary officer is, on appointment, gazetted into the service as a Lieutenant and, up to the 1st September 1921, his monthly pay was Rs. 450 or Rs. 550 according as he was engaged for local or general service. The general service officer in the Indian Medical Service thus received, from the date of appointment, Rs. 75 per mensem, in excess of the pay admissible to a Lieutenant in the Indian Army; while the difference between the pay of the latter and a local service officer of the Indian Medical Service, *viz.*, Rs. 25 a month was more than counter-balanced by the longer period an officer of the Indian Army has to serve before promotion to the rank of Lieutenant and his liability to serve anywhere within the Empire. It was open to local service officers in the Indian Medical Service at any time to elect the more favourable terms granted to those engaged for general service.

(b) Government have seen the article referred to. Revised rates of pay for temporary officers of the Indian Medical Service have been sanctioned, and a Press Communiqué on the subject has been issued.

#### WIRE FENCING ON THE ROHILKUND AND KUMAON RAILWAY.

**378. Pandit Radha Kishen Dass:** (a) Will the Government be pleased to state if it is aware that there is no wire fencing on either side of the Rohilkund and Kumaon Railway line and that therefore accidents happen on the line?

(b) Would the Government be pleased to consider the advisability of requiring the authorities of the said Railway to construct wire fencing on both sides of the line?

**Colonel W. D. Waghorn:** (a) Government are aware that the Rohilkund and Kumaon Railway is mostly unfenced, and that accidents sometimes happen on the line.

(b) The question has been under the consideration of Government, and they do not consider it advisable to require the Railway Administration to take in hand the fencing of the entire line at once, as the expenditure required would be very heavy, and fencing would not afford the degree of security anticipated. During 1920-21 there were 21 accidents on about 15 miles of fenced line as against 86 on 556 miles of unfenced line. Government are also advised that the Railway Administration is taking steps to provide fencing on sections near all villages which are close to the line.

#### EMPLOYEES OF OUDH AND ROHILKHAND RAILWAY ON MORE THAN RS. 200.

**379. Pandit Radha Kishen Dass:** Would the Government be pleased to state (a) the number of employees on the Oudh and Rohilkhand Railway drawing a salary of over Rs. 200 a month, (b) how many of such employees are Indians?

**Colonel W. D. Waghorn:** (a) and (b). There are 193 employees on the Oudh and Rohilkhand Railway who draw a salary of over Rs. 200 per mensem. Of this number, 33 are Indians.

#### KISHAN DATT AND OTHERS POSTED TO MULE CORPS.

**380. Pandit Radha Kishen Dass:** Will the Government be pleased to state whether it is a fact that Kishan Datt, No. 77781-B, Company, No. 11,

Depôt, Amritsar, Alegaur party, Punjab and others numbering about, 500 Garhwalis, Kumaonis, and Nepalese have been put on the Mule Corps in spite of the fact that they had consented at Meerut to give their names only for the Lansdowne Regiment and the Motor Training School at Dehra Dun, and that they are very unhappy in consequence?

**Sir Godfrey Fell:** Kishan Datt was enrolled and sent to No. 2 Mule Depôt on the 20th October 1920. A number of Garhwalis were also recruited and sent to this depôt, but there is no record of Kumaonis or Nepalese having been sent there.

All recruiting officers have special instructions to explain to recruits the nature of the work for which they are enrolled, and no men are sent in units other than those in which they specifically agree to serve. There is no reason to suppose that the men in question were sent to No. 2 Mule Depôt against their will.

#### KATARPUR PRISONERS.

**381. Pandit Radha Kishen Dass:** In view of the coming visit of His Royal Highness the Prince of Wales, would the Government be pleased to reconsider the case of the prisoners in the Katarpur riot case and to grant them, or to such of them as Government may deem proper, pardon in commemoration of His Royal Highness' visit?

**The Honourable Sir William Vincent:** The cases of these prisoners have already been carefully considered by Government, and in each case in which any possible ground for clemency could be made out the sentence has been considerably reduced. The persons who are still in jail were found guilty of offences of the gravest character, thirty Muhammadans having been murdered and some of them burnt alive.

As I announced in another place, the Government of India had decided early this year, after consulting, and in full agreement with, the Local Government, that no further releases can be made, and they do not propose to reconsider the question.

#### CIVILIAN SUB-DIVISIONAL OFFICERS IN THE MILITARY WORKS SERVICES.

**382. Khan Sahib M. M. Ikramullah Khan:** (a) Will the Government be pleased to state whether it is a fact that in the Military Works Services the strength of Civilian Sub-Divisional Officers (which includes Europeans also) has been kept so low as 15 per cent of the total strength of the cadre (Civil and Military)? If so, why?

(b) Is it a fact that to complete the full strength of Military Sub-Divisional Officers, British Non-Commissioned Officers are being tried and trained as Sub-Divisional Officers; and, if so, will the Government be pleased to state whether they have proved capable for such duties? If not, why cannot the deficiency be made up by increasing the strength of the Civilian Sub-Divisional Officers?

(c) Is it a fact that the present system of recruitment for appointment of Civilian Sub-Divisional Officers is almost entirely from the Lower Subordinates (Sub-Overseers); and, if so, will the Government be pleased to consider the advisability of recruiting this service from regularly qualified and trained Upper Subordinates and Engineers?

**Sir Godfrey Fell:** (a) Yes. The proportion of civilian Sub-divisional officers is 15 per cent. The following are the reasons why in the Military

Works Services the proportion of civilians employed as Sub-divisional officers is comparatively small :

- (i) A Sub-divisional officer has often during his service to deal with defences, work in arsenals, etc., and this work is better understood by men with military training.
- (ii) The Military Works Services is a part of the Army in India and provides a reserve of military subordinates for War. The larger the civilian element in the Military Works Services the smaller this reserve becomes.

(b) The establishment of military upper subordinates (now called Sub-divisional officers) used always to be filled by British non-commissioned officers, who were trained either at Rurki or on the temporary establishment and have proved eminently satisfactory. The Thomason College, however, no longer affords facilities for the training of British non-commissioned officers, and, in order to complete the expanded cadre of non-commissioned officers, it has been necessary to obtain men from the War Office. Those first sent out were found to be suitable. Amongst those sent out more recently, however, some have proved unsuitable and are being sent back this year to the United Kingdom. As for the rest, it is hoped that after a period of practical training they will prove suitable for permanent employment. Endeavours are being made to arrange for their technical education at an Engineering College. The reasons for not making up the deficiency by increasing the strength of the civilian Sub-divisional officers are those given in reply to part (a) of the question.

(c) Vacancies among the civilian Sub-divisional officers have usually been filled by promoting deserving permanent sub-overseers, who have proved their worth in the charge of a sub-division. A few temporary overseers, some with recognised college qualifications, have been appointed. If these men prove suitable, Government are willing to consider the advisability of increasing their number.

#### THE PROVINCIAL ENGINEER SERVICE.

383. **Khan Sahib M. M. Ikramullah Khan:** (1) With reference to the Government of India, Public Works Department, Establishment, Resolution No. 192-E.A., dated 1st April 1920, is the new Provincial Engineer Service open to the Upper Subordinates for a period of five years only, and out of these five years have two years already passed, and with reference to the Director General of Military Works Circular No. 9-A. of 8th June, 1920, are two Upper Subordinates to be recommended every year for appointment to this Service?

- (2) If so, will the Government lay on the table a statement showing :
  - (a) the names and qualifications of the men recommended by the Military Works Services during the last two years, and
  - (b) how many were appointed?

If none were appointed, will the Government be pleased to state reasons for not appointing any?

(3) Is it a fact that the Deputy Director of Military Works, Northern Command, has issued instructions that no further applications for appointment to the new Provincial Engineer Establishment be sent? If so, has this been done under authority of the Government of India?

**Sir Godfrey Fell :** (1) At the date on which the Resolution referred to was issued (*i. e.* the 1st April 1920), the Government of India prescribed five years as the period for which the new Provincial Engineering Services should be kept open for Upper subordinates. Since the 1st April 1921, however, the Local Governments have had complete control over their provincial services and are at liberty to retain, reduce or extend this period of five years.

According to the circular issued by the Director General, Military Works, two upper subordinates were to be recommended for appointment each year from the Military Works Services.

(2) (a) and (b). A statement is laid on the table.

(3) To the first part of this Question, the Answer is in the affirmative. The reason for issuing the instructions was that information had been received that there were no vacancies in the Punjab Engineering Service (Buildings and Roads Branch). The instructions were not issued under the authority of the Government of India.

*Statement showing the names and qualifications of Military Works Services Sub-divisional Officers recommended by Military Works Services for appointment to the new Provincial Engineer Service of Public Works Department.*

Names and qualifications of Military Works Services Sub-divisional Officers recommended by Military Works Services for appointment to the new Provincial Engineer Service of Public Works Department.	Whether appointed or not.	Reasons for not appointing any.
<b>Mr. H. R. Hilton.</b> —Sub-Engineer, Thomason College. 20 years' permanent service in the Military Works Services. Has been employed as an officer in the Military Works Services during the war.	1920.	Not selected by the United Provinces, Public Works Department.
<b>Mr. J. Aspandiarjee.</b> —Member of the Royal Sanitary Institute (London). 18½ years' permanent service in the Military Works Services.	Not appointed.	Bombay Public Works Department replied : 'It is not possible to offer an appointment to the subordinate.....'
<b>Mr. Rahhi Kesh, B. A.,</b> of the Punjab University. Trained at Thomason College, Burki.	1921.	
9½ years' permanent service in the Military Works Services.	No reply yet received	
<b>Mr. J. Aspandiarjee, M.E.S.I. (London).</b> 18½ years' permanent service in the Military Works Services.	Not appointed ...	Bombay Public Works Department replied : 'It is not possible to offer an appointment to the subordinate.....'
<b>Mr. Nand Keshore,</b> passed Thomason College Final Examination with Higher Certificate. Diploma as a Civil Engineer from International Correspondence Schools, London. 14 years' permanent service in the Military Works Services.	No reply yet received ..	



## APPORTIONMENT OF THE REPARATION RECEIPTS.

384. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state :

- (a) Whether the Imperial Conference agreed that the reparation receipts should be apportioned as follows :—Britain 86·65, minor colonies 80, Canada and Australia 4·85, New Zealand 1·75, South Africa 60, Newfoundland 10, and India 1·20 per cent.
- (b) How the balance 4·45 per cent. is proposed to be dealt with?
- (c) What was the expenditure incurred respectively by the countries named above on account of war?
- (d) Whether the amount allotted to India is proportionate to the expenditure incurred by her?
- (e) Whether the Indian representatives were placed in full possession of information regarding the whole expenditure incurred by India?
- (f) Whether the Government of India propose to take any action to adjust the difference, if any?

**The Honourable Dr. T. B. Sarpu :** (a) and (b). The percentages named in the Honourable Member's question are correct, except that Britain's share should be 86·85 per cent and not 86·65 per cent; but the Honourable Member has apparently assumed that Canada and Australia are to receive together 4·35 per cent, whereas in reality each is to receive that share. There is, therefore, no balance. In suggesting a balance of 4·45 per cent, the Honourable Member has probably made a slight error of addition.

(c) and (d). Since the standard of apportionment adopted at the Imperial Conference was not based on expenditure incurred on account of the War, these parts of the question are not really relevant. In any case the information asked for is not available.

(e) As already stated the apportionment was not based on the whole expenditure incurred on the War; but Indian representatives had information as to the actual sums by which it was estimated that India would eventually be out of pocket under the headings for which Germany agreed to pay reparation in the Treaty of Versailles.

(f) The reply is in the negative.

## MUNITIONS CASE WITHDRAWAL.

385. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state :

- (a) Whether the attention of the Government has been drawn to the leader of the *Calcutta Statesman* dated the 9th August 1921, regarding the Munitions Case withdrawal?
- (b) Whether the Government instructed the Advocate-General to make the statement which he did, suggesting that the guilt can be brought home to Mr. Karnani and Mr. Banerjee, but that to save some poor innocents and *swadeshi* concerns the charge was withdrawn?

- (c) Whether any steps were proposed to be taken for realising Rs. 1,49,000 alleged to have been lost to the Government from the aforesaid persons by a civil suit if they are really liable ?
- (d) Whether this is a solitary instance or one of several suspected frauds that have not seen the light regarding munitions and war purchases ?
- (e) Whether the Government propose to publish a full statement of the whole transaction ?

(Vide Reply to Question No. 373.)

#### DIFFERENTIAL TREATMENT FOR POLITICAL PRISONERS.

**386. Mr. P. Venkatapatiraju :** Will the Government be pleased to state whether they propose to issue instructions to the Local Governments that political prisoners should be treated differently from the ordinary convicts on the lines adopted in England, *vide* Prisons Act, 1877 (40-41 Vict., Ch. 21), Sec. 40, Prisons Act, 1898 (61-62 Vict., Ch. 41), Sec. 6 (5) ?

**The Honourable Sir William Vincent :** The Honourable Member is referred to the reply given on the 19th September 1921 to Pandit Jawahar Lal Bhargava's Question on the same subject.

#### INCREASE OF PENSIONS.

**387. Rai Bahadur Bakshi Sohan Lal :** (a) Will Government be pleased to state whether it is correct or not :

- (i) that the increase in pension which has recently been sanctioned benefits those whose monthly pension does not exceed Rs. 40 per mensem ;
- (ii) that it benefits only gazetted officers whose monthly pension exceeds Rs. 416 per mensem ;
- (iii) that no increase is allowed to non-gazetted officers' pensions of any amount, nor to gazetted officers' pensions amounting to less than Rs. 416 per mensem ;
- (iv) that the proportion of Indians is much larger in category (iii) than in (ii), and that the proportion of Europeans is larger in (ii) than in (iii) ?

(b) Will Government be pleased to state the principle adopted in excluding gazetted officers drawing less than Rs. 416 per mensem as pension, and non-gazetted officers drawing any amount of pension from the benefit of the increase in pensions ?

(c) Will Government be pleased to state whether there is any representation of the persons covered by clause (a) (iii) for consideration before Government ?

**The Honourable Mr. W. M. Hailey :** I would refer the Honourable Member to the reply which I have given to a somewhat similar question put by Mr. Wali Mohamed Hussanally. In that reply I have stated the increases which have been given in existing scales of pensions and the reasons underlying such increases, - I have no information on the matter of proportion raised

in (a) (iv) of the Honourable Member's Question. Complete lists of pensioners could only be obtained by a detailed analysis of figures maintained in the various audit offices, and I need perhaps not add that no calculation of the proportion of pensioners of various classes affected formed any consideration when the decision was arrived at.

#### VACATION OF THE COURT OF THE JUDICIAL COMMISSIONER OF SIND.

**388. Mr. S. C. Shahani:** (a) In reply to a question put by Mr. Wadhmal Oodharan, M.L.C., in the last Session of the Bombay Legislative Council, did the Government reply that 'the vacation of the Court of the Judicial Commissioner of Sind was limited to one month under the orders of the Government of India'?

(b) If so, will the Government of India be pleased to consider the advisability of not limiting the vacation of the Court of the Judicial Commissioner of Sind to one month?

**The Honourable Sir William Vincent:** The restriction of the annual vacation of the Courts of the Judicial Commissioners in Oudh, Sindh and the Central Provinces to a period not exceeding one month was imposed when the concession allowing the officers of the Courts to take privilege leave under the ordinary rules was granted. The point is referred to in the first note under Article 278 of the Civil Service Regulations. By reason of the provisions of Section 98-B, sub-section (4), of the Government of India Act, this provision must be regarded as a rule made under that section. It will probably be possible for the question to be reconsidered by Local Governments when the provisions of the Civil Service Regulations in this respect are replaced by the proposed Fundamental Rules under that Section.

#### DIVISIONAL COMMISSIONERS; CENTRAL PROVINCES.

**389. Lala Girdharilal Agarwala:** (a) Have the Government noticed in the *Leader* of Allahabad, dated the 12th of August 1921, at page 5 in column 1, the report about the proceedings of the Central Provinces Legislative Council relating to the desirability of abolishing the posts of Commissioners of Divisions?

(b) Has the Central Provinces Legislative Council passed a Resolution recommending that it is desirable to abolish the posts of Commissioners of Divisions?

(c) Do the Government consider the advisability of the abolition of the posts of Commissioners of Divisions, transferring to the District Judge any judicial work hitherto performed by the Commissioners and removing the media of correspondence between the District Officers and the Government?

(d) Will the Government be pleased to lay on the table the correspondence, if any, which they have had on the subject with the Home Government or any Provincial Government?

(e) What is the annual cost of maintaining the Commissioners of Divisions with their staff, etc., throughout the whole of India?

**The Honourable Sir William Vincent:** (a) and (b) The Government of India have seen the report referred to, but they have received no official communication on the subject.

(c) Government have not considered the advisability of adopting the measures recommended.

(d) There is no such correspondence.

(e) The expenditure for the whole of India amounted to Rs. 31,53,628 for the year ended the 31st March 1920. No later statistics are available.

**MINISTERS AND THE PROVINCIAL EXECUTIVE COUNCIL MEMBERS.**

**390. Lala Girdharilal Agarwala :** Will the Government be pleased to state whether they have been consulted in the appointment of Ministers in the Provinces and Members of the Executive Councils in those provinces in which new Councils have been formed for the first time? If so, will the Government be pleased to lay the correspondence on the table?

**The Honourable Sir William Vincent :** The Government of India were not officially consulted.

**PERSONNEL OF STANDING COMMITTEE FOR REVISION OF STATUTES.**

**391. Lala Girdharilal Agarwala :** Will the Government be pleased to state the personnel of the Standing Committee for the revision of Statutes, and how many of them are lawyers, by whom were the members of the said Committee elected, selected or nominated and when, and what work has the Committee done so far?

**The Honourable Dr. T. B. Sapru :** The Committee on Statute Law Revision has not yet been constituted; but it is hoped that a Resolution of the Government appointing the Committee will shortly be issued.

**VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES.**

**392. Lala Girdharilal Agarwala :** (a) Has the programme of the visit of His Royal Highness the Prince of Wales been settled, if so, by whom, and will the Government be pleased to lay the same on the table?

(b) For how many days is His Royal Highness going to stay in India from the date of his landing to the date of his embarkation?

(c) For how many days are His Royal Highness and party going to stay at the capital of the United Provinces, *viz.*, Allahabad, and for how many days at Lucknow?

(d) Are the homages of the people of the United Provinces proposed to be received by His Royal Highness at Lucknow or at the capital of the United Provinces?

(e) Where are the various functions including the public reception of His Royal Highness in the United Provinces going to be performed?

(f) In case the visit of His Royal Highness and party to the capital of the United Provinces according to the present programme be extremely brief, do Government propose to alter the programme so that the principal functions connected with the visit of His Royal Highness to the United Provinces as such be celebrated at the capital of the provinces?

**The Honourable Sir William Vincent** (on behalf of the Honourable Sir John Wood) : (a) The programme of His Royal Highness the Prince of Wales' tour in India was framed in consultation with the Advisory Committee nominated by His Excellency the Viceroy, which is fully representative of

Indian opinion. It was approved by the Palace authorities and published in a Press Communiqué of the 27th July 1921.

A copy of the programme has been laid on the table.

(b) His Royal Highness will spend exactly four months in India. He will land in Bombay on the 17th November 1921, and will sail from Karachi on the 17th March 1922.

(c) His Royal Highness will stay three days at Lucknow and one day at Allahabad.

(d), (e) and (f). The detailed programme is under preparation by the Local Government to whom the Honourable Member's suggestion will be forwarded.

**Mr. W. M. Hussanally:** May I inquire, Sir, if any representation has been received from Karachi asking that the stay of His Royal Highness the Prince of Wales at Karachi be prolonged, and what action has been taken in regard to that matter?

**The Honourable Sir William Vincent:** I will make inquiries and give the Honourable Member the information he requires later. I have not got it here.

*Programme of His Royal Highness the Prince of Wales' tour.*

APPROXIMATE TIMINGS.

Date.	Day of week.	Place.	Arrive.	Depart.	REMARKS.
Nov.					
17th	Thursday	...	Bombay	...	Morning...
18th	Friday	...			
19th	Saturday	...			
20th	Sunday	...			
21st	Monday	...			
22nd	Tuesday	...	Bombay	...	23-30
23rd	Wednesday	...	Baroda	...	06-30
24th	Thursday	...	Baroda	...	14-15
25th	Friday	...	Udaipur	...	10-00
26th	Saturday	...	HALT.		
27th	Sunday	...	Udaipur	...	18-30
28th	Monday	...	Ajmer	...	06-30
29th	Tuesday	...	Jodhpur	...	06-30
30th	Wednesday	...	HALT.		
Dec.					
1st	Thursday	...	Jodhpur	...	23-00
2nd	Friday	...	Bikaner	...	10-00
3rd	Saturday	...			
4th	Sunday	...			
5th	Monday	...			
6th	Tuesday	...	Bikaner	...	15-00 (Hasanagarh) via Bhatinda and narrow gauge.
7th	Wednesday	...	Bharatpur	...	09-30
8th	Thursday	...	Bharatpur	...	23-00
9th	Friday	...	Lucknow	...	10-00
10th	Saturday	...	HALT.		
11th	Sunday	...	Lucknow	...	23-00
12th	Monday	...	Allahabad	...	09-30
13th	Tuesday	...	Benares	...	09-30
14th	Wednesday	...	Bhikna Thori (for Nepal).	...	06-30
15th	Thursday	...			
16th	Friday	...			
17th	Saturday	...			
18th	Sunday	...			
19th	Monday	...			
20th	Tuesday	...			

NEPAL SHOOT.

**APPROXIMATE TIMINGS.**

Date.	Day of week.	Place.	Arrive.	Depart.	REMARKS.
Dec.—contd.					
21st	Wednesday	Bhikna Thori	...	19-00	
22nd	Thursday	Patna	10-00	...	
23rd	Friday	Patna	...	22-00	
24th	Saturday	Calcutta	10-00	...	
25th	Sunday	}	HALT.		
26th	Monday				
27th	Tuesday				
28th	Wednesday				
29th	Thursday	}	Calcutta	...	10-00
30th	Friday				
31st	Saturday				
} VOYAGE.					
Jan.					
1st	Sunday	Bangoon	08-00	...	
2nd	Monday	HALT.	...	...	
3rd	Tuesday	Bangoon	...	23-30	
4th	Wednesday	Mandalay	16-30	...	
5th	Thursday	HALT.	...	...	
6th	Friday	Mandalay	...	22-30	
7th	Saturday	Bangoon	16-30	...	
8th	Sunday	HALT.	...	...	
9th	Monday	Bangoon	...	12-00	
10th	Tuesday	}	VOYAGE.		
11th	Wednesday				
12th	Thursday	Madras	08-30	...	
13th	Friday	}	HALT.		
14th	Saturday				
15th	Sunday				
16th	Monday	Madras	...	22-45	
17th	Tuesday	Bangalore	08-30	23-45	
18th	Wednesday	Mysore	08-30	...	
19th	Thursday	}	HALT.		
20th	Friday				
21st	Saturday	Mysore	...	22-00	
22nd	Sunday	IN TRAIN	...	...	
23rd	Monday	Hyderabad	08-30	...	
24th	Tuesday	HALT.	...	...	Change gauge at Guntakul, 16 Hours.
25th	Wednesday	Hyderabad	...	18-00	
26th	Thursday	IN TRAIN.	...	...	
27th	Friday	Nagpur	10-00	...	
28th	Saturday	Nagpur	...	08-30	
29th	Sunday	}	HALT.		
30th	Monday				
31st	Tuesday	...	...	...	Change gauge at Khandwa.
Feb.					
1st	Wednesday	Indore	08-30	...	
2nd	Thursday	HALT.	...	...	
3rd	Friday	Mhow	...	18-00	
4th	Saturday	Bhopal	08-30	...	
5th	Sunday	}	HALT.		
6th	Monday				
7th	Tuesday	Bhopal	...	22-00	
8th	Wednesday	Gwalior	08-30	...	
9th	Thursday	}	HALT.		
10th	Friday				
11th	Saturday				
12th	Sunday	Gwalior	...	22-00	
13th	Monday	Agra	08-30	23-00	
14th	Tuesday	Aligarh	09-30	18-00	
		Delhi	16-00	...	
15th	Wednesday	}	HALT.		
16th	Thursday				
17th	Friday				
18th	Saturday				
19th	Sunday	}	HALT.		
20th	Monday				
21st	Tuesday	Delhi	...	22-00	
22nd	Wednesday	Patna	08-30	...	
23rd	Thursday	HALT.	...	...	

APPROXIMATE TIMINGS.					
Date.	Day of week.	Place.	Arrive.	Depart.	REMARKS.
Feb.—contd.					
24th	Friday	Patiala	...	23-00	
25th	Saturday	Jullunder	09-30	12-00	
		Lahore	15-30	...	
26th	Sunday	HALT.	...	...	Visit Amritsar.
27th	Monday		...	...	
28th	Tuesday		...	...	
Mar.					
1st	Wednesday	Lahore	...	23-00	
2nd	Thursday	Sialkot	08-00	09-30	
		Jammu	11-00	...	
3rd	Friday	Jammu	...	13-00	
		Jhelum	17-00	19-00	
4th	Saturday	Peshawar	08-30	...	
5th	Sunday	HALT.	...	...	
6th	Monday		...	...	
7th	Tuesday	Peshawar	...	23-00	
8th	Wednesday	Rawalpindi	08-30	...	
9th	Thursday	HALT.	...	...	
10th	Friday		...	...	
11th	Saturday	Campbellpur	...	23-30	
12th	Sunday	Kapurthala	13-00	23-00	
13th	Monday	Dehra Dun	08-30	13-00	
		Gajraula (for Kadir Cup).	19-00	...	
14th	Tuesday	HALT.	...	...	
15th	Wednesday	Gajraula	...	19-00	
16th	Thursday	IN TRAIN.	...	...	
17th	Friday	Karachi	08-30	Afternoon.	

#### INDIAN OFFICERS IN THE ROYAL AIR FORCE, ETC.

393. Lala Girdharilal Agarwala : (a) How many Indians are employed as officers or to fill other ranks in—

- (i) Royal Air Force,
- (ii) Fighting units with machine guns,
- (iii) Army Headquarters,
- (iv) Headquarters of commands,
- (v) Brigades,
- (vi) Military Transport Department,
- (vii) Veterinary Department,
- (viii) Ordnance and Clothing Department ?

(b) Are Anglo-Indians, and Indian Christians treated in the category of Europeans or Indians in cases where there happen to be only two divisions, viz., Europeans and Indians ?

Sir Godfrey Fell : (a) It is extremely difficult to answer this question owing to the vague and unusual classification of the units of the Indian Army that the Honourable Member has adopted. I could give him the number of Indian officers employed in the various units of the Indian Army classified in the usual way, but this apparently is not the information that the Honourable Member requires. As to the number of Indians employed 'to fill other ranks'—in order to answer this question under sub-head (ii) alone, I should have to give the total strength of the Indian Army. I do not think the Honourable Member requires this information.

(b) This part of the question is not understood.

#### MANUFACTURE OF AEROPLANES AND OTHER MACHINES IN INDIA.

394. Lala Girdharilal Agarwala : (a) Have the Government made any move in the matter of manufacturing machines, including aeroplanes, steamships and railway engines in India ? If so, what ?

(b) What help, if any, do the Government propose to give for encouraging private enterprise in that direction ?

**Mr. A. C. Chatterjee :** (a) The Honourable Member's attention is invited to the answer given on the 28th of March, 1921, to a similar question asked by him. The question whether action will be taken definitely to encourage the manufacture of railway engines in India is now under the consideration of Government, and an announcement on the subject may be expected shortly. It is hoped that India will be in a position to manufacture locomotives satisfactorily in quality and price in the course of a few years.

(b) As the Honourable Member is doubtless aware the development of industries is a Provincial transferred subject. Apart from the manufacture of railway locomotives, to which I have already referred, the Central Government have at present no specific scheme for assisting private enterprise in the directions indicated.

#### INCREASE TO GOVERNMENT PENSIONERS.

**395. Lala Girdharilal Agarwala :** (a) Has any, and if so, what, increase been given to Government pensioners in India, and has any class of pensioners been overlooked ?

(b) Have the Government received any memorial by the Bangalore Pensioners' Association on the subject of increase ; and, if so, what orders, if any, have been passed by Government thereon ?

**The Honourable Mr. W. M. Hailey :** I would refer the Honourable Member to the answer which I have given to Question No. 282 by Mr. Wali Mahomed Hussanally.

#### RIGHT HONOURABLE SRINIVASA SASTRI'S MISSION.

**396. Lala Girdharilal Agarwala :** (a) Will the Government be pleased to lay on the table the papers showing the object of sending the Right Honourable Srinivasa Sastri, P.C., Member of the Council of State, to Europe and the work done by him in fulfilment of his mission ?

(b) Will the Government be pleased to lay on the table papers showing what other persons were similarly sent to Europe and also the work done by each ?

**The Honourable Sir William Vincent :** The Right Honourable Srinivasa Sastri went to Europe as a Member of the Railway Committee and also as a representative of the Government of India to attend the Imperial Cabinet Meeting held in London in June last. His Highness the Maharao of Cutch also went to Europe as a representative of the Government of India to attend the same meeting.

That their valuable services have been highly appreciated by His Majesty's Government is apparent from the reports transmitted to this country, which have been a source of the greatest gratification to the Government of India. The Government have, however, at present no papers to lay on the table regarding the work done by them.



## WORKING OF CONSTITUTIONAL REFORMS.

**397. Lala Girdharilal Agarwala :** Will the Government be pleased to lay on the table correspondence (if any) which they have had with the Home Government in England about the working and adequacy of the constitutional reforms ?

**The Honourable Sir William Vincent :** The wording of the question is so general that I cannot tell what correspondence is meant. If the Honourable Member will give me some more particular indication of the correspondence to which he refers, I shall be glad to consider whether I can meet his wishes. I may mention to the Honourable Member that the correspondence on this subject fills several volumes.

## SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

**398. Lala Girdharilal Agarwala :** (a) What steps, if any, have the Government taken, or do they propose to take, for the separation of judicial and executive functions ; and, if so, when ?

(b) Has the attention of the Government been invited to the Resolution and discussion on the subject in the United Provinces Council printed at pages 789-803 of the official report of the proceedings of the United Provinces Legislative Council, Volume II ; and, if so, what is the policy of the Government in the matter ?

**The Honourable Sir William Vincent :** I made a full statement as to the policy of Government as regards this question in another place on the 9th March 1921. I said then that the matter is a Provincial one, and if any Local Government decides to take it up, the Government of India will raise no objection, and will proceed to make such legislative changes as may be necessary to give effect to the proposal of the Local Government. I have nothing to add to that statement.

## UNINTERRUPTED FLOW OF THE GANGES AND JUMNA RIVERS.

**399. Lala Girdharilal Agarwala :** What steps have the Government taken and what further steps do they propose to take to secure constant and uninterrupted flow of water in the Ganges and the Jumna throughout the year ?

**Colonel Sir S. D'A. Crookshank :** The Honourable Member is referred to the Reply given at the meeting of the Legislative Assembly held on the 15th February, 1921 to the Question No. 28 by Rai Jadu Nath Majumdar Bahadur, C.I.E., M.L.A., regarding the uninterrupted flow of the Ganges River. The views of the Local Government on the representation there referred to are still awaited. The question of the uninterrupted flow of the Jumna River has not been brought to the notice of the Government of India.

## APPOINTMENT OF INDIANS TO HIGHER SALARIED POSTS.

**400. Lala Girdharilal Agarwala :** (a) Will the Government be pleased to state how many more Indians have been employed by the Government during the régime of His Excellency the present Viceroy and Governor General of India on posts carrying salaries of Rs. 500 and upwards and how

many of them have been so appointed on posts carrying salaries of Rs. 1,000, or upwards?

(b) In what departments and on what posts no Indian has yet been employed on salaries of Rs. 1,000, or above.

(c) In what departments and on what posts the number of Indians drawing Rs. 1,000, or above, is less than half? If so, what is the percentage of the Indian element in each?

(d) Do the Government propose to introduce Indian element in those departments or posts where no Indian has yet been employed and gradually increase the percentage of Indian element by filling all future vacancies by Indians till the proportion of at least 50 per cent Indian officers and Heads of the departments is reached in every department and on every high post?

**The Honourable Mr. W. M. Hailey:** The information asked for is being collected, and will be laid on the table in due course.

#### HIGHER PAID OFFICIALS UNDER THE GOVERNMENT OF INDIA.

401. **Lala Girdharilal Agarwala:** (a) What is the total number of persons employed by the Government of India on monthly salaries (i) between Rs. 500 and Rs. 1,000, and (ii) above Rs. 1,000, and how many of those respectively are Indians?

(b) What is the total amount of such salaries and allowances paid to Indians and Europeans, respectively?

**The Honourable Mr. W. M. Hailey:** (a) The total number of persons employed under the Government of India and paid for from Central revenues on salaries (i) between Rs. 500 and Rs. 1,000, and (ii) above Rs. 1,000 is 1,454 and 1,030, respectively, out of which, 431 and 69, respectively, are Indians. The figures relate to the entire staff employed under the Central Government whether at the headquarters or at outstations, except that in the case of the Army Department only, the headquarters establishments have been taken into account as the collection of data as to the Army as a whole would have involved an immense amount of trouble and correspondence. The figures refer to present salaries and as most posts are now on time-scale, many officers now counted as under Rs. 1,000 will eventually draw pay in excess of that amount.

(b) The total amount of such salaries paid to Indians and Europeans respectively, is Rs. 3,82,300 and Rs. 23,03,849 per mensem.

#### PASSENGER SUPERINTENDENTS ON RAILWAYS.

402. **Lala Girdharilal Agarwala:** (a) Will the Government be pleased to lay on the table a statement showing the names, caste, race, qualification and experience, pay and headquarters of passenger superintendents on railways with their circle of duties?

(b) With the object of enabling the public to seek the help of the passenger superintendents when needed, do the Government propose to order that the information sought for in part (a) of this question be published in railway time tables?

(c) Do the Government further propose to order that passenger superintendents should bear a badge with the words "passenger superintendent"?

printed or engraved in local vernacular so that 3rd class passengers may be able to read it and thereby recognise the passenger superintendents to enable them to seek their help when needed?

(d) Is it the duty of every railway employee to assist passengers travelling on railways?

**Colonel W. D. Waghorn:** (a) A statement giving the information so far as it is available and concerns the more important railways is placed on the table.

(b) Government do not propose to order the publication of the information in Railway Time-tables and Guides.

(c) Passenger Superintendents are given a distinctive uniform and it is not therefore considered necessary to order the wearing of badges in the manner suggested.

(d) The reply is in the affirmative.

*Statement showing information regarding Passenger Superintendents employed on the more important railways in India:*

Number.	Name.	Race.	Caste.	Qualifications and experience.	Present Pay	Date of appointment as Passenger Superintendent.	Head-quarters.	Remarks.
	<b>GRAND INDIA PENINSULA RAILWAY.</b>				<b>Rs.</b>			
1	Resident Sec. Mohamud.	Mohamedan	...	...	170	9th Oct. 1911	Bombay.	
2	Jemadar Mari Laxman.	Hindu	...	...	140	6th Feb. 1920	Do.	
3	Mohamud St. G. Murtiza.	Mohamedan	...	...	140	16th Oct. 1919	Poona.	
4	Subedar Chatter Singh.	Hindu	...	...	170	13th Apl. 1911	Do.	
5	Subedar St. Jaffer.	Mohamedan	...	...	140	20th Nov. 1919	Bhusawal.	
6	Subedar Ganga Singh.	Hindu	...	...	150	20th Dec. 1919	Do.	
7	Jemadar Kadur Khan.	Mohamedan	...	...	140	24th Mar. 1920	Nagpur.	
8	Jemadar Tulsi Das.	Hindu	...	...	140	21st Nov. 1919	Do.	
9	Jemadar Bache Singh	Mohamedan	...	...	...	...	Jhansi	
10	Singh Fawan Singh	Hindu	...	...	140	21st Nov. 1919	Do.	Volunt.
	<b>HARIDWAR DELHAL RAILWAY.</b>							
1	Subedar Niranjan Singh, Sardar Sahib.	Sikh	...	72nd Punjab	150	6th July 1916		
2	Resident Sec. Nawa Singh.	Do.	...	6th (K. E. O.) Cavalry.	140	1st Aug. 1910		
3	Jemadar Imamudin	Mohamedan	...	27th Punjab	150	16th Sep. 1910		
4	Subedar Bishan Singh.	Sikh	...	Do.	150	Do.		
5	Jemadar Meerasam Khan.	Mohamedan	...	72nd Punjab	150	1st Oct. 1910		
6	Jemadar Saifulla Khan.	Do.	...	31st Lancers	140	16th Oct. 1910		
7	Jemadar Azimullah Khan.	Do.	Pathan	27th Punjab	150	Do.		
8	Jemadar Syed Abdul Fattah.	Do.	Do.	89th Carnatic Infantry.	150	22nd Oct. 1910		
9	Subedar Burham Din.	Do.	...	68th Punjab	150	27th Feb. 1911		
10	Subedar Abdul Majid.	Do.	...	72nd Punjab	150	11th Apl. 1912		
11	Jemadar Bhog Singh.	Sikh	...	36th Sikhs	150	25th Mar. 1912		

Sl. No.	Name.	Race.	Caste.	Qualifications and experience.	Present Post.	Date of appointment as Passenger Superintendent.	Headquarters.	REMARKS.
<b>EASTERN RAILWAY.—contd.</b>								
13	Jemadar Dilwar Khan.	Mohamedan.	Pathan ..	10th Punjabis ...	150	6th Jan. 1913	...	
13	Subedar Khan. Jammun Khan.	Do.	Do. ...	107th Pioneers ...	160	1st Apl 1913	...	
14	Subedar Mirza Abbas Beg.	Do.	...	117th Mahattas ...	150	14th Nov. 1913	...	
15	Jemadar Sirdar Khan.	Do.	...	30th C. I. Horse ..	150	24th Nov. 1913	...	
16	Jemadar Narayan Singh.	Sikh ...	...	Sindarim Battn. (Burma Regt.)	150	23rd Dec. 1913	...	
17	Jemadar Mohan Singh Rana.	Gurkha	...	1-6th Gurkha Rifles	145	17th Sept. 1919	...	
18	Jemadar Rup Singh Khatri.	Do. ..	...	2nd Gurkha Rifles	140	6th Aug. 1920	...	
19	Subedar Narotham Joshi.	Do. ...	...	1-6th Gurkhas, 114th Labour Corps.	140	11th Aug. 1920	...	
20	Subedar Shamsud-din.	Mohamedan.	...	2-312th Infantry ...	140	6th Sept. 1920	...	
<b>EAST INDIAN RAILWAY.</b>								
1	Jemadar Mohesh Singh.	Hindu ...	...	...	150	11th Nov. 1914	Howrah.	
2	Jemadar Arjun Singh.	Do.	...	...	130	6th Feb. 1920	Do.	
3	Jemadar Fais Hussain.	Mohamedan.	...	...	150	10th Nov. 1913	Delhi.	
4	Jemadar Jowan Singh.	Hindu ...	...	...	150	28th July 1914	Do.	
5	Jemadar Zaman.	Mohamedan.	...	...	130	2nd April 1920	Do.	
<b>BHARAT-NAGPUR RAILWAY.</b>								
1	Sardar Sahab Rindardar Harnam Singh.	22th ...	Muniah ...	13th Bengal Lancers. <i>War Services.</i> — Afghan War, 1878-79-80; Egyptian Expeditionary Force, 1881; North-Western Frontier, 1897-98. <i>Services before joining railway.</i> — Adjutant, Imperial Service Troops, 1903-05; Military Grass Farms, 1905-11. <i>Service on railway.</i> — Appointed Travelling Ticket Inspector, 1913; Passenger Guide, 1915; Market Superintendent, 1919; Passenger Guide, 1920.	220	Dec. 1915	Khargpur.	
2	Subedar Gohan Singh.	Sikh ...	Jat ...	Guides Infantry. Appointed Bazar Master, Khargpur, 1908; Passenger Guide, 1914.	160	May 1914	Gondia.	
3	Jemadar Gainsa Singh.	Do. ...	...	60th Punjabis. Appointed Travelling Ticket Inspector, 1916; Passenger Guide, 1918.	140	November 1918	Khargpur.	
<b>GUWAHATI AND ROHIL-KHAND RAILWAY.</b>								
1	Subedar Badan Singh.	Hindu ...	Kshatriya	...	120	23rd May 1910	...	
2	Jemadar Luchman Singh.	Do. ...	Gurkha ...	...	130	27th Aug. 1910	...	
3	Subedar Bhagwant Tewari.	Do. ...	Brahman...	...	120	19th Oct. 1917	...	
4	Subedar Shah Alam Khan.	Mohamedan.	...	...	130	21st Nov. 1917	...	

Number.	Name.	Race.	Caste.	Qualifications and experience.	Present pay.	Date of appointment as Passenger Superintendent.	Head-quarters.	Remarks.
<b>ODDH AND BENGAL RAILWAY—contd.</b>								
5	Jemadar Bhubai Singh.	Hindu	Rajput	...	125	8th Oct. 1918	...	
6	Jemadar Mohammed Yusuf.	Mohamedan.	...	...	100	10th Apl. 1921	...	
7	Subedar Sati Din Shukla.	Hindu	Brahman	...	100	15th Apl. 1921	...	
8	Subedar Baboo Singh.	Do.	Rajput	...	100	3rd May 1921	...	
9	Sawar Gulab Singh	Do.	Thakur	...	50	17th Oct. 1918	...	Asst. Passenger Superintendent.
<b>NORTH WESTERN RAILWAY.</b>								
1	Subedar Kamnang Thapa, L.O.M.	Gurkha	...	...	140	7th Nov. 1918	T. M.'s Office.	
2	Subedar Abdul Rahman Khan.	Mohamedan.	...	...	120	12th Mar. 1919	Bhatinda.	
3	Subedar Mowar Khan.	Do.	...	...	120	3rd Apl. 1921	Ludhiana.	
4	Subedar Basim Ullah Khan.	Do.	...	...	120	1st Apl. 1917	Umbala.	
5	Jemadar Harak Singh.	Gurkha	...	...	120	1st Apl. 1917	Saharanpur.	
6	Jemadar Maha Singh.	Sikh	...	...	120	1st Apl. 1917	Jullundur.	
7	Jemadar Prem Singh.	Do.	...	...	120	1st Apl. 1917	Amritsar.	
8	Jemadar Mir Hyder.	Mohamedan.	Pathan	...	120	25th May 1917	Ludhiana.	
9	Jemadar Ujagar Singh.	Sikh	...	...	120	16th Aug. 1919	Wazirabad.	
10	Jemadar Shah Wali Khan.	Mohamedan.	...	...	120	15th Oct. 1919	Ferozepore.	
11	Jemadar Abdul Aziz Khan.	Do.	...	...	120	27th Nov. 1919	Bhatinda.	
12	Jemadar Shera Dan.	Mohamedan.	Pathan	...	120	1st Jan. 1920	Lahore.	
13	Jemadar Bostan Khan.	Do.	...	...	120	1st Jan. 1920	Ludhiana.	
14	Jemadar Hari Singh.	Gurkha	...	...	120	1st Jan. 1920	Shakurpur.	
15	Jemadar Ranjit Singh.	Sikh	Jat	...	120	1st Jan. 1920	Umbala.	
16	Jemadar Harnam Singh.	Do.	...	...	120	1st Jan. 1920	Wazirabad.	
17	Subedar Nahn Singh.	Gurkha	...	...	120	12th Mar. 1920	Lahore.	
18	Subedar Narsin Singh.	Hindu	Rajput	...	120	1st Apl. 1920	Ferozepore.	
19	Subedar Natha Singh.	Sikh	...	...	120	6th Apl. 1920	Rawalpindi.	
20	Subedar Jaman Singh.	Gurkha	...	...	120	16th Aug. 1920	Saharanpur.	
21	Subedar Gokal	Hindu	Dogra	...	120	6th Mar. 1921	Umbala.	
22	Subedar Demedar Singh.	Do.	Do.	...	120	16th May 1921	Lahore.	
23	Subedar Gopal Singh.	Do.	Do.	...	40	19th July 1920	Amritsar.	
24	Harildar Kishan Singh.	Sikh	...	...	40	1st Aug. 1919	Do.	
25	Harildar Mohammod.	Mohamedan.	Pathan	...	40	1st Aug. 1919	Jullundur.	
26	Harildar Sewan Khan.	Do.	...	...	40	18th Oct. 1919	Ferozepore.	
27	Harildar Uttam Singh.	Gurkha	...	...	40	27th Nov. 1919	Bhatinda.	
28	Harildar Mala Singh.	Sikh	...	...	40	1st Jan. 1920	Jullundur.	
29	Harildar Ishar Singh.	Do.	...	...	40	1st Jan. 1920	Wazirabad.	
30	Harildar Mir Nawaz.	Mohamedan.	Pathan	...	40	1st Jan. 1920	Lahore.	
31	Harildar Dhan Singh.	Gurkha	...	...	40	23rd July 1920	Rawalpindi.	
32	Harildar Hira Singh.	Do.	...	...	40	6th Sept. 1920	Lahore.	
33	Harildar Biri	Do.	...	...	40	22nd Jan. 1920	Saharanpur.	Assistant Passenger Superintendent.

Number.	Name.	Race.	Caste.	Qualifications and experience.	Present pay.	Date of appointment as Passenger Superintendent.	Head-quarters.	Remarks.
<b>MADRAS AND SOUTHERN MARATHTA RAILWAY.</b>					Rs.			
1	Mr. Krishna Singh	Hindu	...	...	40	1st Feb. 1919	...	
2	Mr. G. Ramchandra Iyer.	Do.	...	...	80	24th Aug. 1920	...	
3	Mr. Banda Anant	Do.	...	...	60	30th June 1921	...	
4	Mr. N. A. Ramabrahma Naidu.	Do.	...	...	60	23rd May 1921	...	
5	Mr. K. Ramaswami Naidu.	Do.	...	...	60	30th June 1921	...	
<b>ASSAM RAILWAY.</b>								
1	Mr. Tyab Khan	Mohamedan	...	...	80	7nd Dec. 1913	Chittagong.	
2	Mr. Aitah Mohamed	Do.	...	...	80	7th Sept. 1913	Akhanra.	
3	Mr. Amar Singh	Sikhs	...	...	70	16th Nov. 1914	Bhatrab Nagar.	
4	Mr. Bakor Khan	Mohamedan	...	...	60	16th Apl. 1913	Mymensingh.	
5	Mr. Bhawalain	Do.	...	...	65	7th Mar. 1912	Nadarpur.	
6	Mr. Inayat Ullah	Do.	...	...	76	7th Apl. 1913	Do.	
7	Mr. Mathura Dass	Hindu	Brahman	...	40	6th Apl. 1917	Lauding.	
<b>SOUTH INDIAN RAILWAY.</b>								
1	Mr. S. Narayanasamy Pillai.	Hindu	...	...	75	1st Aug. 1921	Madras	
2	Mr. H. H. Matcher	Anglo-Indian	...	...	75	1st Aug. 1921	Do.	
3	Mr. P. C. Rajaratnam.	Hindu	...	...	75	1st Aug. 1921	Villupuram	
4	Mr. K. M. Venkataraman.	Do.	...	...	75	1st Aug. 1921	Do.	
5	Mr. T. J. Pandiam Pillay.	Do.	...	...	75	1st Aug. 1921	Tanjore.	
6	Mr. J. B. Rama Rao.	Do.	...	...	75	1st Aug. 1921	Do.	
7	Mr. T. M. Govindasamy Naidu.	Do.	...	...	62	1st Aug. 1921	Trichinopoly.	
8	Mr. C. T. Sundarasajan.	Do.	...	...	54	1st Aug. 1921	Trichinopoly.	
9	Mr. J. Singaravelu Pillai.	Do.	...	...	61	1st Aug. 1921	Madura.	
10	Mr. M. Muthusamy Nayagar.	Do.	...	...	71	1st Aug. 1921	Do.	

# HINDU WATERMEN AT RAILWAY STATIONS.

408. **Lala Girdharilal Agarwala:** (a) Have the Government inquired whether or not Hindu watermen at railway stations are in practice actually employed occasionally during train times on loading, unloading, shunting work or are engaged on private service by the railway staff?

(b) If so, what steps do the Government propose to put a stop to the practice wherever found?

(c) Will the Government be pleased to direct that in railway time tables an asterisk mark be made against those stations where no railway watermen have been employed, so as to enable the passengers to check the absence of railway waterman from the station?

(d) How many stations are there at which no railway waterman is employed, and if the number of such stations be very small, will the Government be pleased to lay a list of such stations on the table?

(e) What is the maximum and the minimum pay of railway watermen known to the Government?

(f) Will the Government be pleased to lay on the table copies of all previous instructions and circulars, if any, issued to station masters and guards to watch the work of the Hindu watermen on railway stations which appear to have been issued as suggested in the answer given to my Question No. 648 (c)\* on the 28th March 1921?

(g) Is any exemplary punishment prescribed in case any station master or any other member of the railway staff employs a railway waterman at train times on any other work except supplying water to passengers, if so, what?

(h) And have the station masters and other railway employees been apprised of the same. If not, do the Government propose now to issue fresh instructions on the subject, and to print a copy of the same in railway time tables to inform the public?

(i) Has the attention of the agents of railways been invited to the suggestion that watermen should wear badges in which 'Hindu waterman' and 'Muhammadan waterman' be engraved as the case may be in local vernacular and the same words may be printed on their buckets and jugs?

(j) If so, will the Government be pleased to inquire from the Agents how far the suggestion has been carried out and what further steps are the Agents taking to carry it out?

Colonel W. D. Waghorn : (a) and (b) Government have no information to the effect that Hindu watermen at railway stations are employed otherwise than on their duties as watermen, but the matter will be referred to Railway Administrations.

(c) As the ordinary Indian passenger is generally illiterate and seldom sees a time-table, it is not considered that any useful purpose would be served by giving effect to this suggestion.

(d) To obtain the information would involve considerable correspondence and labour. At the larger stations elaborate arrangements are made for the supply of water to passengers at hydrants and by watermen, and, in the hot weather especially there is a waterman practically at every station.

(e) As I stated in my reply to the similar question put by the Honourable Member in this Assembly at Delhi on the 28th March last, the pay of watermen is fixed according to the prevailing local rates and varies on the different railways. The maximum pay may be taken at Rs. 14 and the minimum Rs. 10 per mensem.

(f) Copies of Railway Board's letters to Railway Administrations dated 23rd January 1918, 23rd August 1918 and 19th April 1920, which deal *inter alia* with the subject of the supply of water to passengers, are laid on the table.

(g) and (h) I would invite the Honourable Member to refer to my answers to (a) and (b).

(i) and (j) The question was brought to the notice of railway administrations in the Railway Board's letter No. 507-E., dated 1st April 1921. It is not proposed to press this matter further.

No. 552-T-17.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

To

The Agents, Assam-Bengal, Barsi Light, Bengal and North-Western, Bengal-Nagpur, Bombay, Baroda and Central India, Burma, Eastern Bengal, East Indian, Great Indian Peninsula, Madras and Southern Mahratta, North Western, Oudh and Rohilkhand, Rohilkhand and Kumaon and South Indian Railways.

The Agent and the Chief Engineer, His Highness the Nizam's Guaranteed State Railway.

The Manager, Jodhpur-Bikaner Railway.

*Simla, the 23rd January 1918.*

DEAR SIR,

I am directed to inform you that the Railway Board have recently received representations regarding the discomforts 3rd class passengers are subjected to, and have also noticed many complaints on the subject in the press.

2. The Board recognise that most railways have in recent years done much to improve matters in this direction, also that the present time, when everything possible is being done to discourage passenger traffic, and it is impossible either to obtain new, or improve existing stock, is not altogether a suitable time to take this matter up. They are, however, of opinion that in many cases more might be done in the direction of improvements which depend mainly on supervision and the provision of adequate staff, and in this connection I am to draw attention to the following points in connection with which it is considered there is frequently room for improvement and which call for the exercise of constant supervision on the part of both railway officers and subordinates :

- (a) Issue of tickets and weighing of luggage in ample time before departure of trains.
- (b) Admission of passengers on platforms earlier, in order to avoid the great crush and rush for seats which so frequently occurs.
- (c) Drawing up of trains at large stations as far as possible on the platforms which best meet the convenience of passengers.
- (d) Provision of sufficient and suitable waiting accommodation, with benches or seats for passengers.
- (e) The provision of sufficient and suitable refreshments, with accommodation for the vendors.
- (f) The provision at all large stations of an ample supply of good water with facilities for supplying the same to passengers.
- (g) The provision of sufficient latrine accommodation of approved type and the proper cleaning of the same.
- (A) The maintenance of all coaching stock and station premises in a clean and sanitary condition.

3. As examples of what has already been done in this direction, on certain railways Passenger Superintendents whose sole duty is to look after the comfort and convenience of passengers are employed. On the Bengal-Nagpur Railway, Railway Train Conductors are provided, and on the Great Indian Peninsula Railway there are standing instructions for Guards on the subject. On the East Indian Railway a special Indian staff is employed for the supervision of the catering arrangements. The Railway Board consider that all these are steps in the right direction which might with advantage be extended. The general point they wish to bring to notice at the present time is that though equipment cannot be improved, additional staff can be obtained, and the fact of the shortage of accommodation calls for increased attention by the railway staff, with constant and efficient supervision.



4. I am also to say that a suggestion has been made that bye-laws should be framed and notices pasted on the walls of carriages and at stations in order to secure cleanliness on the part of passengers. I am to ask for your opinion on this suggestion.

Yours faithfully,

B. STANLEY,

*Assistant Secretary, Railway Board.*

*Documents accompanying :*

Nil.

No. 552-T.-17, dated Simla, the 23rd January 1918.

The Government of Bengal, Public Works Department,  
Railway Branch.

The Governments of the United Provinces and Bihar and  
Orissa, Public Works Department.

The Honourable the Chief Commissioner of Assam.

The Honourable the Resident in Mysore

The Agents, Amba-H-Ternaga Light and Gujarat Railways.

The Managers and Engineers-in-Chief, Bengal Doon, Cutch  
State, Gondal-Forbunder State, Jambagar State and Junagad  
State Railways.

The Manager and Executive Engineer, Morvi Railway.

The Managers, Bhavnagar State, Dholpur-Bari, and Udaipur  
Obturgarh Railways.

The Managing Agents, Ahmedpur-Katwa, Bankur-Dumoodar  
Riyas, Barodwan-Katwa, Jamore-Jhesaidah and Kalighat-Falta  
Railways.

The Managing Agents, Fatwah-Islampur Railway.

The Finance Member, Government of Gwalior.

A copy of the above is forwarded to the

Local Governments and Administrations

and to the officers noted on the margin, for

information and favour of necessary

action, and to the Government of Bombay,

for information.

By order,

B. STANLEY,

*Assistant Secretary, Railway Board.*

No. 552-T.-17.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

To

The Agents, Assam-Bengal, Barai Light, Bengal and North-Western, Bengal-Nagpur,  
Bombay, Baroda and Central India, Burma, Eastern Bengal, East Indian,  
Great Indian Peninsula, Madras and Southern Mahratta, North-Western,  
Oudh and Rohilkhand, Rohilkhand and Kumaon and South Indian Railways.

The Agent and Chief Engineer, His Exalted Highness the Nizam's Guaranteed  
State Railway.

The Manager, Jodhpur-Bikaner Railway.

*Simla, the 28rd August 1918.*

DEAR SIR,

In reference to the replies received from Railway Administrations to Railway Board's circular No. 552-T.-17, dated the 23rd January 1918, I am directed to forward, herewith, a Note by the Railway Board and to say that though the Board recognise that many railways have already done and are doing much in the directions required, they think it desirable to impress on them generally the need for giving constant attention to the points in the note and especially for ensuring efficient supervision, to see that instructions are at all times properly carried out.

2. As regards the framing of a bye-law and the pasting of notices on walls of carriages and at stations in order to secure cleanliness. I am to say that while the Railway Board believe that under present conditions such a bye-law and notices cannot do much good, they are inclined to think, as a matter of policy and since railways do not seem to have any great objection, that it would be better to introduce them if it were only to show that everything possible is being done by railways by taking up the question.

Yours faithfully,

N. C. HALDAR,

*Assistant Secretary, Railway Board.*

*Document accompanying :-  
Note referred to.*

No. 552-T-17, dated Simla, the 26rd August 1918.

Copy, with copy of enclosure, forwarded to the Senior Government Inspectors of Railways, Circles Nos. 1, 2, 3-A, 3, 4, 5, 6 and 7, for information and guidance, with reference to Railway Board's letter No. 552-T-17, dated the 23rd January 1918. It is requested that in addition to any special reports they may find necessary to make at any time, their reports on annual inspections of railways should contain remarks on the points dealt with in the Railway Board's Note.

By order,  
N. C. HALDJE,  
Assistant Secretary, Railway Board.

No. 552-T-17, dated Simla, the 23rd August 1918.

The Government of Bengal, Public Works Department, Railway Branch.

The Governments of the United Provinces and Bihar and Orissa, Public Works Department.

The Hon'ble the Chief Commissioner of Assam.

The Hon'ble the Resident in Mysore.

The Agents, Ambaji-Taranga Light and Guesarat Railways.

The Managers and Engineers-in-Chief, Bengal Doon, Cutch State, Gondal-Portbandar State, Jamnagar State and Junagad State Railways.

The Manager and Executive Engineer, Marri Railway.

The Managers, Bhavnagar State, Dholpur-Barl, and Udaipur-Chitorgarh Railways.

The Managing Agents, Ahmedpur-Katwa, Bantura-Damesodar River, Burdwan-Katwa, Jamsore-Jhenidah and Kalighat-Falta Railways.

The Managing Agents, Futwah-Islampur Railway.

The Member for Trade, Customs and Excise, Gwalior Durbar.

A copy of the above (with enclosure) is forwarded to the Local Governments and Administrations and to the Officers noted on the margin, for information and favour of necessary action, and to the Government of Bombay, for information.

By order,  
N. C. HALDAR,  
Assistant Secretary, Railway Board.

*Note by the Railway Board.*

Where continuous booking has been arranged, it is not always the case that passengers get tickets at all hours. To ensure that the good intentions of the Railway are carried into effect it is essential that frequent inspections are made to see that the staff required to be on duty are actually present and that they do not put off intending passengers.

2. A study at all times of the fluctuating requirements of traffic is necessary to avoid the inconvenience that passengers sometimes have to undergo at the time of buying tickets. An exodus from business centres at week-ends, or a rush on account of large and local fairs, festivals, and the like, sudden applications for renewals of season tickets, all require careful watching by an officer, and such emergencies should be foreseen and met by providing more booking clerks and a larger number of ticket windows than usual. It may be necessary for an officer to be present at the station and see that the measures ordered are in full operation and are adequate.

3. The class of men employed generally as booking clerks and their education and training, do not, as a rule, go to make for efficiency. The question of their pay requires consideration. They run the constant risk of debits and on the other hand they are always open to temptations. It is essential therefore that they be sufficiently well-paid. To expect booking clerks to commence work after passing their examination and without any practical training appears to be to court trouble. Their training should be much more practical than is generally the case and by familiarity with dummy tickets and counters they should be made thoroughly efficient in their duties before being put on duty to sell tickets to passengers. While under training their general education, particularly with reference to the Railway geography of India, should be improved upon.

4. Long hours of duty for booking clerks make the service unattractive and lead to careless methods of working. The provision of a sufficient number of well-paid booking clerks of a class above the average of other station clerks, well-trained and of fair education, performing not too long hours of duty should be the ideal.

5. There is much to be said for the practice of keeping passengers off platforms till trains have arrived and inward passengers cleared the platform. But in the majority of instances, there is no necessity for the practice which undoubtedly causes trouble to the outgoing passengers. Except at stations where due to the narrow width of platforms or for particular trains by which there is generally a great rush of inward passengers, and under the usual circumstances, passengers should be allowed to gain admittance to their proper platform as soon as possible after they have purchased tickets. This would necessitate entrance gates being manned for considerably longer

periods than is generally done at present and staff will also be required to see that the passengers distribute themselves along the length of the platform in the most convenient manner.

6. At terminal stations rakes should be placed along platforms well before the advertised time of departure and the little saving in gas or electricity at night should not be made a reason for keeping trains in the yard till the last moment.

7. The question of refreshments for Indian passengers has been kept prominently in view by railway administrations and much improvement has resulted in recent years, but the matter requires further consideration by railways generally. The points to remember are that, first, railways are required to cater for the needs of different religious sects; secondly, for the middle classes and the masses and, thirdly, for men and women. These various requirements require very careful study. The aim should be to provide a morning and an evening meal for the better class of passengers on long journeys, careful attention being given to the religious susceptibilities and customs of the people, and for the masses an abundant supply of food of the description they are used to in the locality. There is no reason why railways should suffer pecuniary loss in securing this aim. Catering on railways is a profitable undertaking and whether done departmentally or through contractors, loss can and should be guarded against. It is suggested that in this matter the co-operation might be obtained, if possible, of Indian gentlemen of standing in various centres. They are in a position to suggest how the wants of their countrymen can be best met, and the experience gained from a beginning made on these lines at a few towns will be found of use in framing the general policy for the line.

8. In the matter of supply of drinking water for passengers, it is not enough to have the number of hydrants on a platform increased, for during the hot months the water from the overhead iron tanks coming out of the hydrants is often quite unfit for drinking. Nor is it sufficient to appoint additional watermen at all stations during the hot weather; it is essential also to secure the men's attendance. A liberal supply of *cold* drinking water should be provided at all main stations and receptacles ready filled should be on the platform before arrival of trains and watermen present to supply the water to passengers in carriages. It again becomes a question of efficient supervision and constant inspection to see that the arrangements sanctioned are in proper working order. At small wayside stations and at stations where there is difficulty in procuring water, no arrangements other than increasing the staff of watermen seem possible but it may be noted that in this matter also improvement is possible by proper supervision. It is possible to lay too much stress on the provision of a filtered water-supply, at least when a proper filtered supply is impracticable or difficult, till better arrangements can be made, a plentiful supply of the water available in the locality should be made accessible to the passengers, the majority of whom are not used to drinking sterilised water. A plentiful supply of water at all principal stations at all hours of the day and night and providing the water cold, would go a long way towards avoiding complaints.

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No. 552-T.-17.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

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To

The Agents, Assam-Bengal, Barai Light, Bengal and North-Western, Bengal-Nagpur, Bombay, Baroda and Central India, Burma, East Indian, Eastern Bengal, Great Indian Peninsula, Madras and Southern Mahratta, North-Western, Oudh and Rohilkhand, Rohilkund and Kumaon, and South Indian Railways.

The Agent and Chief Engineer, His Exalted Highness the Nizam's Guaranteed State Railways.

The Managers and Engineers-in-Chief, Bengal-Dooars, Gondal, Jamnagar, and Junagad State Railways.

The Managers, Bhavnagar State, Jodhpur-Bikaner and Udaipur-Chitorgarh Railways.

The Manager and Executive Engineer, Morvi Railway.

*Simla, the 19th April 1920.*

DEAR SIR,

In inviting a reference to paragraphs 7 and 8 of the enclosure to Railway Board's circular No. 552-T.-17, dated the 23rd August 1918, regarding refreshments and water-supply for passengers, I am directed to say that the need for the provision of an ample supply of cool drinking water for passengers and of refreshment rooms for upper class Hindu and Musamman passengers has again been brought to the notice of the Railway Board,

2. The Board are aware that Railway Administrations have been giving these matters their attention, but they think that further improvement might still be effected, and they will be glad if you will give them special consideration.

Yours faithfully,

S. D. MANSON,

*Assistant Secretary, Railway Board.*

Documents accompanying.

*Nil.*

No. 552-T.-17, dated the 19th April 1920.

Copy forwarded to the Senior Government Inspectors of Railways, Circles Nos. 1, 2, 2-A, 3, 4, 5, 6 and 7 for information and guidance in continuation of this office memo. No. 552-T.-17, dated the 23rd August 1918, with the request that in addition to any special reports they may find necessary to make at any time, their reports on annual inspections of railways should contain remarks on these points.

By order,

S. D. MANSON,

*Assistant Secretary, Railway Board.*

#### WASHING ARRANGEMENTS ON RAILWAYS.

404. **Lala Girdhari Lal Agarwala :** (a) Do the Government propose to order that at all junction stations special arrangements be made for wash and bath particularly for 3rd class passengers ?

(b) Do the Government propose to direct that all passenger trains except mails should stop in the morning for one hour at a convenient station affording facilities for wash and bath especially to 3rd class passengers ?

(c) In case the reply be that the suggestions are impracticable, will the Government be pleased to state the grounds of the impracticability of the suggestions and the difficulties which are felt by the railway companies ?

**Colonel W. D. Waghorn :** (a) There are waiting rooms for 1st and 2nd class passengers suitably equipped for washing and bathing purposes at most junction stations.

Facilities in the shape of water taps, and in some cases bathing platforms, are provided for the convenience of 3rd class passengers, and Railway Administrations are always prepared to consider reasonable and practicable suggestions for improvements in this matter. It must, however, be remembered that resources both physical and financial are limited, and Government do not propose to issue a general order on the lines suggested.

(b) The running of passenger trains is timed so as to suit the convenience of the majority of the travelling public, and it would be impossible to work to a rule such as that proposed without seriously interfering with this principle. It may be mentioned that the average distance travelled by a 3rd class passenger in India is about 40·73 miles.

(c) It is hoped that in view of what has been stated above, the Honourable Member will recognise that these proposals are impracticable.

#### CIVIL MARRIAGE BILL.

405. **Lala Girdhari Lal Agarwala :** Will Dr. Gour be pleased to answer the following questions in connection with his Civil Marriage Bill :

(a) What percentage of the entire population of Indians demand the proposed legislation ?

(b) Would the proposed legislation not be in conflict with the Hindu law which enjoins a Hindu to take a second wife in the life-time of the first, if the first wife does not bring forth male issue ?

- (c) Would not the proposed legislation be opposed to the Holy Koran and the Muhammadan law under which it is legal or *jais* for a Muhammadan to have four wives at one and the same time?
- (d) Under the proposed legislation would a Hindu or Muhammadan be entitled, as of right, to have more than one wife if he pleases?
- (e) Can a Hindu wife married according to the Hindu law be divorced?
- (f) Would the wife of a Hindu married according to the proposed legislation, when passed into law, be subject to the law of divorce?
- (g) Is it intended by the proposed law to introduce the system of divorce amongst Hindus and Muhammadans contrary to their personal laws under which they are governed, who choose to marry under the proposed law?
- (h) What would be the law of property applicable to the issues of marriage under the proposed law?
- (i) Will the issues of a marriage under the proposed law be able to inherit the property of a Hindu maternal grandfather?
- (j) In the case of a union between a Hindu male and a Muhammadan female under the proposed law, would the issue of such a marriage be able to inherit property from her mother's relations under the Muhammadan law to which he would have been entitled if the marriage of his mother had been performed with a Muhammadan male under the Muhammadan law?

**Dr. H. S. Gour :** I have given a reply to the Secretary of the Legislative Department to all these questions.

If he will pass it on to the Honourable Member...

**The Honourable Dr. T. B. Sapru :** I have certain supplementary questions to ask, Sir.

**The Honourable Mr. W. M. Hailey :** Is not the Honourable Member prepared to reply these questions?

**Dr. H. S. Gour :** I sent the reply on to...

**Mr. President :** It is no part of the Secretary's duties either to frame or to give the reply for the Honourable Member.

**Dr. H. S. Gour :** (a) A considerable proportion of the educated population of India. The Hindu States of Baroda, Indore and Kolhapur have long since enacted identical measures and these have aroused no opposition. The Madras Legislative Council has recently by the substantial majority of 54 to 23 (official and seven other members remaining neutral) approved of the measure and all Reform Associations throughout the country are understood to have similarly approved of it. The Bombay Reform Conference held under the auspices of the Bombay National Home Rule League have accorded their hearty support to the Bill as a measure of wholesome social reform which derives its strength not upon any expressed will of the proletariat, but upon its own inherent merit as conducive to the strength and solidarity of the nation.

(b) and (c). The measure is an enabling one and those who wish to marry under their personal law remain unaffected by it.

- (d) No: see section 15 of the principal Act.
- (e) Yes, when permitted by custom.
- (f) Yes, see section 17 of the principal Act.
- (g) No such change is contemplated.
- (h) The personal law of the father.
- (i) Yes.

(j) Yes. Muhammadan law expressly recognises intermarriages with non-Muhammadan monotheists and offers no legal impediment to succession.

**The Honourable Dr. T. B. Sapru :** May I know, Sir, whether I can put Supplementary Questions to Dr. Gour or to Mr. Agarwala?

**Mr. President :** A Supplementary Question must be addressed to the answerer and not to the questioner.

**The Honourable Dr. T. B. Sapru :** Will Dr. Gour be pleased to state what percentage of the entire population of India do not demand the proposed legislation?

**Dr. H. S. Gour :** I have no means, Sir, of answering that question.

**The Honourable Dr. T. B. Sapru :** May I ask another Supplementary Question, Sir? Will Dr. Gour be pleased to state whether the Hindu Law as represented in clause (b) of the question is correctly stated—whether it is a fact that the Hindu Law enjoins upon every Hindu to marry more than one wife, or whether it is a fact that it only permits it?

**Dr. H. S. Gour :** The answer to question (b) is that the Honourable Member has not correctly represented the Hindu Law. Hindu Law allows polygamy and not subject to the rules laid down in clause (b).

**The Honourable Dr. T. B. Sapru :** Another Supplementary Question, Sir. Will Dr. Gour be pleased to state whether it is true that Hindu Law allows divorce among the higher classes of Hindus?

**Dr. H. S. Gour :** The answer is that wherever it is permissible by custom, Hindu Law does not stand in the way of divorce.

**The Honourable Dr. T. B. Sapru :** Is there such a custom among the higher classes of Hindus?

**Mr. President :** Order, order. The Honourable the Law Member must put Supplementary Questions only for the purpose of seeking information and not for the interpretation of points of Hindu Law.

**Mr. J. Chaudhuri :** May I ask, Sir, if Dr. Gour is not aware of the fact that under the law in India as settled by British Courts of justice there is no bar with regard to intermarriages between the sub-castes of the same caste and there is only a bar with regard to intermarriages between the four primary castes?

**Dr. H. S. Gour :** It is so.

**Mr. J. Chaudhuri :** Is he aware that only lately doubt was thrown on this proposition by a decision of Mr. Justice Greaves in the High Court of Calcutta, and does he not think that it is desirable...

**Mr. President :** Order, order. The Honourable Member is not entitled to ask for an opinion.

**Mr. J. Chaudhuri :** May I know if the Honourable Member thinks it correct ...

**Mr. President :** That is out of order.

**Mr. Jayanti Ramayya Pantalu Garu :** May I ask, Sir, whether the Honourable Member thinks it right that such a delicate question affecting the personal law of one community should be brought forward for discussion and decision in a mixed Assembly like this consisting of Members belonging to several communities.

**Mr. President :** Order, order. The question of the admissibility of questions for this Assembly lies entirely with the Chair. The question of the admissibility of Resolutions lies with the Governor General. The question of caste depends upon the judgment of the House.

**Mr. J. Chaudhuri :** Is it a fact that Mr. Justice Greaves' decision has been set aside by an Appellate Bench of the Calcutta High Court?

**Dr. H. S. Gour :** Just so, and the case is reported in the Calcutta Weekly Notes edited by my Honourable friend.

**Mr. W. M. Hussanally :** May I inquire from Dr. Gour what authority he has to say that the Muhammadan law affords no impediment to a Muhammadan marrying a non-Muhammadan who is not a monotheist?

**Dr. H. S. Gour :** If my Honourable friend will read Ameer Ali, Vol. II, he will find my statement well justified.

#### FINE INFLICTED ON MAJOR YOUNG SIALKOT.

406. **Munshi Iswar Saran :** (a) Has the attention of Government been drawn to the case of Major Young of the 14th Jat Lancers, Sialkot, who has been fined Rs. 30 for an offence under section 120 of the Railways Act by Mr. Fyson, the District Magistrate of Sialkot?

(b) Will Government be pleased to state what departmental action has been taken against this officer?

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

(b) The attention of the Honourable Member is invited to the reply given to part (ii) of the question asked by Mr. Muhammad Faiyaz Khan on the 5th September, No. 58.

#### INDIANS IN THE FOREIGN AND POLITICAL DEPARTMENT.

407. **Munshi Iswar Saran :** (a) Will Government be pleased to state how many Indians are expected to be appointed by the end of the current year in the Foreign and Political Departments?

(b) What is the total number of Indians in this department up to the end of August 1921?

**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.

#### EUROPEANS AND INDIANS ON THE BENGAL AND NORTH-WESTERN RAILWAY.

408. **Munshi Iswar Saran :** (a) Will Government be pleased to state the total number of Europeans and the total number of Indians receiving a monthly salary of rupees four hundred and upwards in the employment of the Bengal and North-Western Railway Company?

(b) Will Government be pleased to move the Railway Company to employ more Indians?

**Colonel W. D. Waghorn :** (a) The total number of Europeans is fifty-six and of Indians is one.

(b) The matter has already been brought to the notice of the Company.

#### COMFORTS FOR INDIAN TROOPS.

**409. Munshi Iswar Saran :** Will Government be pleased to state whether some time ago a sum of rupees one and half lacs was sanctioned for the improvement of hospital accommodation and comforts for Indian troops under the Northern Command, and whether the authorities at Rawalpindi have decided to advance that sum to an Electrical Company going to be floated there and to put up electric fittings to some of the bungalows occupied by European officers?

**Sir Godfrey Fell :** A sum of Rs. 1,30,000 has been provided in the current year's Military Budget for the improvement of Indian Troops Hospitals in the Northern Command. This amount has not been re-appropriated for the purpose suggested, or for any other purpose.

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

**410. Munshi Iswar Saran :** (a) Will Government be pleased to state the total number of temporary commissions granted during the war in the Indian Medical Service?

(b) Will Government be pleased to state how many of these temporary commissioned officers were Europeans or Anglo-Indians, and among Indians how many had English qualifications and how many had Indian qualifications?

(c) Will Government be pleased to state separately the total number of Civil Assistant Surgeons and private practitioners who were given temporary commissions?

**Sir Godfrey Fell :** (a) The total number of temporary commissions granted during the war in the Indian Medical Service was 1,138.

(b) Amongst these temporary commissioned Indian Medical Service officers there were 134 Europeans and Anglo-Indians (including 3 Military Assistant Surgeons). Of the Indians, 120 possessed English qualifications, and 884 Indian qualifications.

(c) Civil Assistant Surgeons	...	...	347
Private practitioners—			
Europeans	...	...	134
Indians	...	...	657

#### INDIAN MEDICAL SERVICE OFFICERS RECRUITED DURING THE WAR.

**411. Munshi Iswar Saran :** (a) Is it a fact that some temporary Indian Medical Service Officers who volunteered in the years 1919 and 1920 when the war was practically over, have been granted permanent commissions, whilst those who volunteered when the war was on have been overlooked?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the special reasons for such treatment?



**Sir Godfrey Fell :** (a) Four temporary Indian Medical Service officers who volunteered in 1919 and one who volunteered in 1920 have been granted permanent commissions. All five had been on active service—three in Mesopotamia and two on the North-West Frontier. It is not a fact that the claims of those who volunteered before 1919, during the Great War, were overlooked.

(b) In view of this explanation this part of the question does not arise.

#### NATIONAL FLAG FOR INDIA.

**412. Munshi Iswar Saran :** Will Government be pleased to state if it contemplates having a national flag for India?

**The Honourable Sir William Vincent :** The reply is in the negative.

#### RACIAL DISTINCTION IN JAMALPUR WORKSHOPS.

**413. Munshi Iswar Saran :** (a) Has the attention of Government been drawn to a letter under the heading 'Racial distinction in Jamalpur Workshop of the East Indian Railway' in the issue of 7th August 1921 of the *Amrita Bazar Patrika* of Calcutta?

(b) Will Government be pleased to state which, if any, of the allegations contained in the letter referred to are correct?

(c) Is it a fact that there is a difference between the allowances, educational qualifications and facilities and general treatment of the Indian and European or Anglo-Indian apprentices in the Jamalpur, Kanohrajara and other workshops?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to take immediate steps for removal of the differences?

**Colonel W. D. Waghorn :** (a) (c) and (d). I would refer the Honourable Member to my reply to a similar question asked by Mr. K. C. Neogy.

(b) The subterranean passage referred to in the article is where the exit is crossed by the railway, and if the apprentices have had to wade through water, it has only been during exceptionally heavy rain. It is intended to roof over the exit and this, it is hoped, will overcome the difficulty.

As regards the apprentices' hostels no case of plague has appeared, as far as Government are aware; either in or near the quarter during the occupancy by the apprentices.

#### ESHER COMMITTEE'S REPORT.

**414. Munshi Iswar Saran :** (a) With reference to the acceptance in this Assembly on the 28th March 1921 by His Excellency the Commander-in-Chief of clauses (i) and (ii) of Resolution No. 10 regarding the Esher Committee's Report :

Will Government be pleased to state what serious efforts have been made to give effect to the acceptance by His Excellency?

(b) When does Government expect the territorial force and the system of short-colour service to actually come into existence?

(c) Will Government be pleased to expedite the formation of the territorial force and the introduction of the system of short-colour service?

**Sir Godfrey Fell:** (a) (i) The attention of the Honourable Member is invited to the reply given to the question asked by Lala Girdharilal Agarwala on the 5th September.

(ii) The existing system of enlistment in the Indian Army is tantamount to a short-colour service, as the Indian soldier attests for a period of four years with the colours from the date of his enrolment and, on the expiration of that period, he may take his discharge if he wishes to do so, after giving due notice to his Commanding Officer.

The question of introducing a system of short-colour service, followed by a period of service in the reserve, into the Indian Army is still under consideration. The present however is not considered opportune for making what is a very radical change in the conditions of service of the Indian soldier. As soon as the Indian Army has settled down to its post-war organisation, this question will be taken up.

(iii) This is a subject on which no pronouncement can be made at present. The question of the ratio of British to Indian troops in the Army in India was one of the chief matters laid before the Military Requirements Committee for their consideration. Their recommendations have now been forwarded to the Secretary of State for submission to the Committee of Imperial Defence, and, until the Sub-Committee of that body has given its opinion on the report, no statement can be made.

(b) and (c) Enrolment in the University Training Corps is in progress, and recruitment for the provincial battalions will be started without delay. I have already explained the position as regards short-colour service in the Indian Army.

#### MOTION FOR ADJOURNMENT.

**Mr. President:** I have received notice under rule 11 from Mr. Kabir-ud-din Ahmed, a Member of this Assembly, asking for leave to move the adjournment of the business of this Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the arrest of certain leaders of the non-cooperation movement, for the purpose of prosecution.

**The Honourable Sir William Vincent:** Sir, may I raise a point of order; at the same time I am very anxious that the intentions of Government in this matter should not be misunderstood. I want to make it quite clear that the Government would welcome a debate on this question. They have no reason to fear that they would not secure the approval of this Assembly. But there are certain points which may make the discussion of the subject under reference at the present juncture out of order and I wish to place them before you, if I may.

Mr. Muhammad Ali, Mr. Shaukat Ali, Dr. Kitchlew and others are being prosecuted by the Bombay Government with the full concurrence of the Governor General in Council under Sections 120-B, 131 and 505 of the Indian Penal Code. With the concurrence of the Governor General in Council the Governor of Bombay in Council has also authorised the prosecution of Mr. Muhammad Ali under Section 124-A and Mr. Shaukat Ali under Sections 124-A and 153-A. Five of these accused are, we know, now under arrest. They were arrested in different parts of India and have been forwarded for trial by the

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Magistrate of Karachi by whom warrants for their arrest have been issued. The case will be tried there in the immediate future. It is for you, Sir, under these circumstances to decide whether this matter is one which is under adjudication by a Court of Justice.

**Mr. President:** Rule No. 23 lays down that no Resolution shall be moved in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions. Rule No. 12 lays down that a motion for adjournment which is the procedure proposed to be adopted by Mr. Kabir-ud-din Ahmed is governed by the same conditions and prohibitions as Resolutions. From the statement which has been made by the Honourable the Home Member, I understand that the cases which Mr. K. Ahmed wishes to discuss are under adjudication by a Court, or about to be placed in that position. If the Honourable Member has any representation to make upon that subject I am prepared to hear him.

**Mr. K. Ahmed:** Sir, I beg leave to move for an adjournment of the business of this Assembly to discuss a definite matter of urgent public importance.

**Mr. President:** Order, order. I asked the Honourable Member whether he had any considerations to place before the Chair solely on the matter of whether the cases that he proposes to raise are or are not under the adjudication of a Court or are about to be placed under that adjudication.

**Mr. K. Ahmed:** I have nothing to do with the legality or otherwise of the matter, but my idea in giving notice was this, (1) that the Government may have an opportunity of declaring its policy and at the same time . . . .

**Mr. President:** Order, order. The Honourable Member has heard the declaration made by the Honourable the Home Member, and though it may be the unanimous desire of the Assembly to discuss this matter, it is the duty of the Chair to forbid it.

#### BILLS PASSED BY THE COUNCIL OF STATE.

**Secretary of the Assembly:** In accordance with rule 25 of the Indian Legislative Rules I lay on the table the following Bills which were passed in the Council of State on the 19th September 1921:

1. A Bill further to amend the Cattle Trespass Act, 1871, and
2. A Bill to provide, that when firearms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given.

#### THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

**Rao Bahadur T. Rangachariar:** Sir, I beg to move:

'That the Bill further to amend the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Honourable Dr. Sapru, the Honourable Sir William Vincent, Mr. C. Krishnaswamy Rao, Mr. Percival, Mr. J. N. Mukherjee, Dr. H. S. Gour, Rai Bahadur Bakshi Sohan Lal, Lala Girdharilal Agarwala, Mr. Samarth and myself.'

When I introduced this Bill on the 21st March last I gave the Assembly the main points which induced me to bring forward this motion. I pointed out the distinction that exists between sale and exchanges on the one hand and mortgages and gifts on the other. The law indeed requires that in the

case of mortgages and gifts the deeds be attested by at least two witnesses. The interpretation of the word 'attested' as finally adopted by the Privy Council has given rise to considerable difficulty in the administration of the law inasmuch as the validity of the deeds is affected by the absence of regular attestation. No such requirement is made in the case of sales of valuable property or in the case of exchanges, and in practice it has been felt that this works great hardship, tends to encourage perjury and therefore it was thought necessary to amend the Section. It will be remembered that my Honourable friend, Dr. Gour, when the motion was made for introduction, admitted that this was a growing evil. At the same time he pointed out that the remedy chosen by me was not the right remedy. Since the introduction of this motion, the Home Department of the Government of India have circulated the Bill for the opinion of the various Governments and they have received the opinions. Opinions vary on the matter and I have therefore taken care to include on the Select Committee persons who are pledged to opposite views, so that they may consider all the opinions now received and recommend to the Assembly what proper amendments may be made. I have included in this Committee judges, especially mofussil judges who have administered the law and practising lawyers. I do not think I need say anything more on this occasion and I therefore move, Sir, that the Bill be referred to a Select Committee.

**The Honourable Sir William Vincent:** Sir, this Bill deals with what is really a very important question of civil law in that it seeks to do away with one of the safeguards now prescribed for the execution of mortgages over Rs. 100 in value and of deeds of gifts. It is quite true that even if the attestation is done away with, there will still remain the protection of registration, but those of this Council who are familiar with business in the mofussil know that sometimes even in registration offices frauds of a serious character occur, and the question really is therefore whether there is any reason to take away anything which provides an additional safeguard for the interests of ignorant persons and particularly of ladies in this matter. The law, as it is, has been in force for many years. It is well known and understood, by every one, and I put it to this Assembly that if it is proposed to modify or alter the law which has been established for over 40 years, very cogent reasons should be given for doing so, and that it should be shown that there is a general demand for change on the part of those best qualified to judge whether such an amendment is necessary. It was in this view that the Government, when this Bill was introduced, did not oppose it but sought public opinion; and I will stop here to indicate what those opinions are; because in our judgment they are so divided and so many of them are adverse to what is advocated by the Honourable Mover that it will make Members of this Council pause before they accept the motion before the Assembly. I want the Assembly to be clear on one point. If the practice of this Assembly remains the same, as it was before the Reforms, once a Bill is referred to a Select Committee this Assembly is committed to an acceptance of the principle of the measure. It therefore behoves Honourable Members to be very careful at this stage about their votes. I myself have no prejudice against this Bill. I do not want Honourable Members to think so for one moment. Indeed at one period I was much in favour of the principle advocated, but I must admit that I have been shaken very much by the opinions now received. It is quite true that the Madras Government approve the change and also some of the judges of the Madras High

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Court but Members will see there is a great division of opinion among them. The High Court Vakils' Association, which is a very important body, entirely disapprove the Bill. Further, both the Bombay Government and the Bombay High Court consider that the law requires no amendment. They are important authorities whose opinions cannot be neglected. In fact, if I may say so, the opinion of the Bombay High Court is probably more valuable than any individual opinion in this Assembly. The Judicial Commissioner in Sind opposes the Bill, so also the Commissioner of the Southern Division and various other authorities. In Bengal, again, though many Associations including the Bengal Chamber of Commerce are in favour of this change, on the other hand, I find that the High Court Bar Library, the Mahajana Sabha and the High Court itself are opposed to the Bill on the ground that the change should only be made when a general revision of the Act is undertaken. The Bengal Government, while frankly admitting that in some cases the present law may cause hardship, says at the same time that it protects young heirs and *parlanashis* women from injustice and fraud. The United Provinces Government again oppose the Bill on the ground that it will in all probability result in encouraging forgery and fabrication of documents. The Judicial Commissioner, Oudh, states that all the authorities consulted by him are opposed to the Bill. The Punjab Government say that there is no necessity for amendment and that there is a great deal in what the Financial Commissioner says, namely, that the law cannot be too stringent in the precautions which are taken to secure that execution of such deeds is adequately proved. There is a great deal in that statement and I think it is an important point. The Burma Government come out with an exceptionally strong criticism of this measure and they give reasons for the views which I think will appeal to Members of this House. The Honourable Member said that as attestation is not required in the case of sales and leases there is no reason for attestation in the case of mortgages. But, is there not a great difference between a sale or a lease and a mortgage? Does not the difference lie in this, that shortly after a sale or lease possession of the property is transferred to the lessee or vendee, whereas under a mortgage,—let us take the case of a mortgage without possession,—what is the position? The alleged execution of the deed may be kept a secret for years. There is no change in possession to give effect to it. Take the case of a lady executing or supposed to have executed a mortgage with no attesting witnesses and none of her friends there. Suppose there is fraud at the registration office and the document is registered. After that, it may be hidden for 20 years and at the end of that period a claim put in for principal *plus* interest double the amount of the sum alleged to have been advanced. That is the kind of thing you have to guard against in a mortgage. In the one case there is transfer of possession and in the other the party affected by the document may remain for years in absolute ignorance of the fact that it has been forged. I want to put it to the Members of this Assembly as practical men that this is a very serious matter.

That is the tenor of one of the main arguments adduced by the Government of Burma against this Bill. The Government of Bihar and Orissa say that there is no general feeling in favour of the Bill. The Central Provinces Government say, 'we approve, but we must admit that it is attended by grave risks.' There are, of course, opinions in favour of this change in the law. I do not want to deny for a moment that. But it is enough, from my point of view, to quote the opinions which are against it. I think Members of this

Assembly will see that the opinions represent a great weight of authority. They are opinions of High Courts, Bar Associations, Local Governments. On the last occasion when the Bill was before Council, Dr. Gour proposed an amendment by which he sought to vary the manner in which attestation should be made—I think I am correctly interpreting his amendment. I want to put a point to this Assembly on this amendment. It is not a matter that can be dealt with, in my judgment, by a reference to Select Committee. It is a point of principle to be decided at once. The Assembly has now to consider whether, or not, the documents are to be attested at all. It is on that main principle,—after an acceptance of that principle alone, that this Bill can legitimately be referred to Select Committee; and I ask this Council, in view of the authoritative opinions which I have quoted against it, to pause before accepting the principle of the Bill. It is not a matter in which Government is directly interested in any way. I simply speak, as I believe, in the public interest.

There is another thing, one other point, and that is that Honourable Members are aware that the law regarding the attestation of documents was altered, I think, in 1917 by an enactment which was promoted by the Honourable Mr. Malaviya, who was then in Council. Now, if the present Bill is passed, there will be different valid forms of execution of mortgages and gifts before 1915, after 1915 to 1921 and after 1921; and the law will become one mass of confusion on this point. But the main point I want to emphasise is that it is not desirable that safeguards which protect the interests of ignorant men and women should be omitted from the law, that no adequate reason has been given to this Assembly for any change in a law which has worked well, I believe for 40 years, if not longer, and that the change is not demanded by public opinion.

**Mr. T. V. Seshagiri Ayyar :** Sir, when I came to this room, I was prepared to vote for referring this Bill to the Select Committee. Now that the Honourable the Home Member has said that by accepting that Resolution, we will be accepting the principle of the Bill, I wish to say a few words from personal experience, both in the bar and as a judge, regarding the undesirability of the motion now before the House. Sir, as the Honourable the Home Member has pointed out, what we want is an extension of safeguards, and not a curtailment of them. So far as the Section dealt with in the Bill is concerned, some change in the law is absolutely necessary, but if there is to be any change in the law, it should be in favour of making sales and leases attestable, and not in the direction of taking away safeguards with regard to mortgages by deleting the attestation clause. Undoubtedly there is necessity for a change in the law. That change must be with regard to the definition of 'attestation.' Difficulty has been felt by the Bench and by the Bar in regard to this matter, namely, that the attester should see the executant sign a document has been considered a great hardship, and to make attestation practically impossible. Therefore, if any attempt is made to define attestation properly, and to bring it into conformity with the attestation clause as regards wills, I believe this Assembly will very gladly accept such a proposition. But to ask that attestation in regard to mortgages should be done away with is to deprive persons who execute documents of one of the greatest safeguards which the law has provided. I understand that the judges of Surat advocate attestation in regard to leases and that this Section should not be allowed to be interfered with in the way the Honourable Member suggests. Under these circumstances, Sir, if, by accepting the motion, we are supposed to accept the principle of the Bill, I am totally opposed to it,

**Dr. H. S. Gour :** Sir, on the last occasion I pointed out why this Bill, if pushed on with, would lead to a destruction of most salutary safeguards which are necessary for the purpose of safeguarding the interests of parties to transfers. I pointed out on the last occasion that the witnesses to the execution are witnesses whose presence cannot be dispensed with, and that registration is no substitute for attestation. I then stated that cases of fraud, undue influence, coercion, mistake, misrepresentation and all other attendant circumstances which invalidate a document can only be known to persons who are present at the time of the execution of a document, and that after the execution is completed, when the document goes before the Registrar for the purpose of registration, it is not within the competency of the Registrar to inquire into the validity of the document. If he is satisfied about its execution, he is bound under the law to admit it to registration. I then said, Sir, that the Honourable Mr. Rangachariar's Bill, which does away with attestation of execution altogether, is a retrograde measure, and should not receive the support of this House. At the same time I pointed out that since the decision of the Privy Council placing a narrow and restricted construction upon the manner of attestation as it occurs in Section 59 of the Transfer of Property Act, which requires that the attesting witnesses shall be present at the time that the executant affixes his signature has opened the door to widespread perjury and fraud, it is the duty of this Honourable House to protect the public against this growing nuisance. I then therefore said, Sir, that the justice of the case would be met by defining the word 'attestation' in the Transfer of Property Act, and I drew up a short Bill which I sent up to the Legislative Department as an amendment to the Honourable Mr. Rangachariar's motion. I am gratified to find that the majority of the Governments and Judges of the High Courts have approved of my amendment and disapprove of the Honourable Mr. Rangachariar's original Bill.

The Honourable the Home Member stated that there is a great difference between a sale, a lease and a mortgage and he pointed out, that while in the case of a mortgage attestation was necessary, in the case of a sale or lease attestation was not necessary, because these two transactions were immediately followed up by possession. I am perfectly certain that the Honourable the Home Member could not have adverted to one aspect of the case which completely destroys his argument. What about possessory mortgages? In the case of possessory mortgages, immediately after the execution of the mortgage the mortgagee is put in possession, and, therefore, to justify the existence of Section 54 or Section 107 of the Transfer of Property Act and to say that Section 59 must be distinguished from these two Sections is based upon an argument which certainly does not appeal to me. I feel, Sir, that the grievance which the public has got, and justly got, can be redressed, as is suggested by the Honourable Mr. Seshagiri Ayyar, by inserting in the preliminary Sections of the Transfer of Property Act a definition of the word 'attested,' including therein not only the attestation of the execution but also the attestation of the admission of execution made immediately after execution but before the transaction is closed, and I have suggested in my amending Bill that the words not only 'a sale' but a sale, a lease and all transfers comprised in the Transfer of Property Act should be equally attested. If this change is made, I am perfectly certain, Sir, that it would mitigate the evil which is growing in the country and it will at the same time improve the Transfer of Property Act.

**Mr. Harchandrai Vishindas :** Sir, I rise not to take up unnecessarily the time of the Assembly but to give an instance which very strongly typifies the situation that has been created by this Bill. Only about a week before I left for Simla, in Karachi there was decided a case which illustrated the necessity of following the suggestion that has been made by Mr. Seshagiri Ayyar and supported by Dr. Gour, namely, there was a case which fell through because the attesting witnesses would not go to the length of saying that the execution of the document took place in their presence, but that it was admitted by the executant that he had executed the document.

Now, Sir, it was felt that a great deal of injustice was done by virtue of this strict interpretation of attestation by the Privy Council, and I should not be surprised if the Judge also thought that he was deciding the case against natural justice but in obedience to the law as it is laid down. Therefore, while agreeing entirely with the remarks that have fallen from the Honourable the Home Member in his speech and the opinions which he has cited which are entitled to great weight and respect, there can be no two opinions in the Assembly that attestation is necessary. It is much better to have a safeguard and a great deal will be lost by having the safeguard removed. Therefore, I say, there can be no two opinions that attestation of the document as laid down by the law is necessary. But at the same time I think what actuated the Honourable Mover of this Bill to bring this legislation before this Assembly was the abuses that arose after that interpretation by the Privy Council of attestation. So, Sir, my position is that I am entirely at one with Mr. Seshagiri Ayyar and Dr. Gour that amendment in the direction of defining attestation so as to include admission of execution is the proper legislation that should be adopted in the present Bill.

**The Honourable Dr. T. B. Sapru :** Sir, with your leave there are just a few observations that I would like to make with regard to this very important question which is engaging the attention of the House at present. In the first place, I would invite you, Sir, if you would so please, to give a definite ruling as to the question of practice which has been raised by my Honourable Colleague, Sir William Vincent. I myself was for several years a non-official Member of the old Council and I understood also at that time, that if a Bill was committed to a Select Committee, the House stood committed to the principle of that Bill. If we are to proceed on the assumption that by committing this Bill to the Select Committee we stand committed to the principle of this Bill, I must say that I regret to have entirely and wholeheartedly to differ from the principle of the Bill. So far as legal and judicial opinion is concerned, reference has been made to it in great detail by my Honourable Colleague, Sir William Vincent. I myself have gone through those opinions with the utmost possible care and the impression that has been left on my mind, after careful scrutiny, is that the highest judicial authorities and some of the most eminent lawyers in this country, who are entitled to speak on a matter like this, are entirely opposed to the principle of this Bill. I may say that I come from a province where, if I am not mistaken, the bulk of the civil litigation turns upon mortgages, and during the 25 years of my practice I may say that I had to deal far more with the Transfer of Property Act than with any other Act in Allahabad. I find that the Allahabad High Court and the lawyers there are wholly opposed to the principle of this Bill. More or less, the same is the position in Calcutta. But quite apart from the general opposition of the judicial officers and the lawyers to this Bill, there is one important matter with regard to this Act



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which I think I ought to lay before this House, as I consider that it is possible that that may affect the decision of this House with regard to this particular issue. The revision of the Transfer of Property Act has been under the consideration of the Government of India for several years. Some years ago, when my Honourable Colleague, Sir William Vincent, was Secretary in the Legislative Department, he wrote a very valuable note on this subject. I have also in my possession a very valuable note written by an officer of the Legislative Department, no longer in the Department, but now occupying a high judicial position in Calcutta. I mean Dr. Sarat Chandra Banerjee. I have also had the advantage of reading certain notes left for me by my distinguished predecessor, Sir George Lowndes. Ever since I came to my present office, I have been interested in this question and I may inform the House that I have got the services of a special officer of considerable experience in the administration of this Act. He had during the last three months been doing this work and he has already prepared a note which is under my consideration. I may say that I propose to invite informally the opinion of certain lawyers, who are Members of this House or of the other House so as to gather the general trend of their opinion, and I would only urge and ask the House to consider whether, in dealing with an Act of this character which affects litigation to such a large extent, it is not desirable that the whole Act should be taken together at one and the same time. As my Honourable Colleague, Sir William Vincent, reminds me, that is precisely the view which has been put forward by the Calcutta High Court, and the opinion of the Calcutta High Court on a matter like this is entitled to considerable weight.

There is only one remark more which I would like to make and I will resume my seat. As my Honourable friend, Mr Seshagiri Ayyar has said, there is every need for us to extend the safeguards and he has given a good and sound warning against the tendency to reduce those safeguards. Every business man knows that when he gets a transfer of shares he always takes care to get two persons to attest the transfer.

Now, in cases of mortgages, surely you cannot require any safeguards of a different character. It is perfectly true that there is registration, but registration, I will beg the House to remember, is not the same thing as attestation. Therefore, although I am prepared to admit that there is a body of opinion which will favour Mr. Rangachariar's Bill, there is a much larger and much more influential body of expert opinion which is entirely against it, and before the House rushes into the acceptance of his motion, I will beg the House to consider all the circumstances which have been laid by my Honourable Colleague, Sir William Vincent, and myself before it.

**Mr. President:** Before the Debate proceeds further, I must respond to the request made first by the Honourable the Home Member and secondly by the Honourable the Law Member for a ruling from the Chair regarding the point whether the Assembly, having referred a Bill to Select Committee, is held to be committed to the principle of that Bill. I think there is no doubt that that is so. After a Bill has been introduced, it may be made the subject of any one of three motions: either that it be taken into consideration, or that it be referred to a Select Committee, or that it be circulated for the purpose of eliciting opinion thereon. The next provision which applies here is Standing

Order 89 which says that on the day on which any such motion—that is to say, any one of the three motions which I have just mentioned—is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

The operation of these two Standing Orders taken together restricts the discussion on any one of those three motions to the principle of the Bill; and I think it must certainly be taken that their combined application must mean that once any one of these three motions has been passed, the House stands committed to the principle of the Bill. It does not, however, follow that if the Assembly refuses to send the Bill to a Select Committee, that by that act it repudiates the principle of the Bill. That repudiation must take some other form.

**Mr. J. Chaudhuri:** Sir, may I ask whether I can oppose this motion at this stage? I take it, Sir, that I am entitled to oppose my Honourable friend, Mr. Rangachariar's motion, that this Bill be referred to a Select Committee, and I rise to oppose it and for the following reasons. The Honourable the Home Member has said, that the Members of the Calcutta Bar, of which I am a Member, have given their consideration to this Bill and they are of opinion that it will be disastrous to introduce the proposed change in the attestation of mortgages and gifts. I may say that I have also had talks with many Solicitors on the subject and they are of opinion that it will be very dangerous to introduce this innovation in the law. As a matter of fact, I may inform this House that in Calcutta the people always are anxious to include a little bit of Calcutta land when they are mortgaging property situated outside Calcutta. The reason is simply this, that in Calcutta mortgages are drawn up regularly, attested regularly and registered regularly. There is a set of conveyancers and Solicitors who do the work in the proper way, and when suits are brought in the Calcutta High Court on mortgages, it does not take more than five minutes to dispose of them. It is very different in the mofussil. The opinion of the conveyancers ought therefore to carry great weight, because they have practical experience of the matter; they are of opinion—and so far as I know all the eminent lawyers and judges we have consulted are of a like opinion that to do away with the existing safeguard will lead to fraud and will be to the prejudice of women, immature youths and ignorant people. It is a fact that for the last 40 years the law has been found particularly beneficial to *Zenana* ladies and other people who need the protection of the law. I therefore strongly protest against this innovation being introduced—especially when the High Courts and lawyers of eminence, as well as Solicitors, are all opposed to it. I would therefore appeal to this House to support my motion that this Bill may not be referred to a Select Committee.

**Mr. Harchandrai Vishindas:** I rise to a point of order. Your ruling yesterday, Mr. President, was that a man who proposes a Committee should be prepared to give the names of the Committee, and there is also a rule that the Mover of a Committee who gives such names shall have made sure that those gentlemen assent to their inclusion on the Committee. Now I find the names of the Honourable the Home Member and the Honourable the Law Member included on this Committee, though from the speeches which they have just made they seem to be opposed to it. Before the Assembly can be asked to vote on this motion, therefore, we should like to know the position.

**The Honourable Sir William Vincent :** The Home Member has to be a Member *ex-officio* and if the Bill is going to Select Committee then I should be quite willing to serve on the Committee.

**Mr. President :** The line taken by the Honourable the Home Member is correct. Mr. Rangachariar has no course open to him under the rules but to include these two gentlemen, and they have no course but to accept.

**Mr. N. M. Joshi :** I move that the question be now put.

**Rao Bahadur T. Rangachariar :** By this Bill I intended to bring to the notice of this Assembly a growing evil, in the words of Dr. Gour, still growing worse. Dr. Sapru comes from a province which I find has had the good fortune of having the Act amended by Pandit Malaviya. Now, in Madras, where I come from, this is a very real evil and that evil requires an adequate remedy. I carefully considered whether the remedy I was proposing was the proper remedy or not, and whether I should not adopt the remedy adopted by the United Provinces. I came to the conclusion, and deliberately came to the conclusion that that was not an adequate remedy for the evil in my province. A great deal of importance is attached to this question of the law providing that a document should be attested. Now there is no provision that a sale deed should be attested, but has any one of you ever come across a sale deed without attestation? By doing away with this condition, it does not follow that mortgage deeds and gift deeds would not be attested. I am not asking the Assembly to say that they need not be so attested. All that I am saying is that these legal requisites to make a deed a valid mortgage or to make it a valid gift need not exist there. Wills are executed, pro-notes are executed, sale deeds are executed, exchange deeds are executed, all over India.

**The Honourable Sir William Vincent :** May I draw the Honourable Member's attention to the fact that a will has in many cases to be attested?

**Rao Bahadur T. Rangachariar :** I beg your pardon. A mofussil will need not be attested. It is only in the presidency towns that a will is attested, but as regards wills all over the country there is no law requiring them to be attested. I believe I am quite right in saying that only wills made in presidency towns require to be attested; and therefore all that I seek to do by this enactment is to do away with this legal requisite to make a deed a valid mortgage or a valid gift. Now, what happens at present? You know how attestation takes place. Documents are executed, attestations are taken at random, and really to insist upon people being present and actually seeing the hand of the executant moving on the paper—that is what the Privy Council requires—that is asking too much of human nature. And really it offers a premium, as lawyers have pointed out and as judges have pointed out already, to perjury; the mortgagor or mortgagee goes to court; he says to a witness, 'I will pay you so much if you say that you did not see the actual hand moving on the document; no doubt you may say that it is your signature and that you are an attesting witness, but simply say that you did not see the hand of the mortgagor moving.' Then, if he says that—although the document may be admitted to have been executed by the executant—still the law renders the document, as the attester did not actually see the hand moving, invalid. Is it right to keep such a provision in the statute? Then it was said that registration was not a sufficient safeguard. As you know, under the Registration Act and the rules under the Act, the executant has to appear in person before a highly paid officer, most of them are graduates, the sub-registrars; no doubt, there may be false personation in some cases; but still he has to appear and admit

execution before the document can be registered ; the rules under the Act and the Sections of the Act itself provide adequate safeguards in order to provide for those cases. If there is fraud before the Registrar, there can be fraud also in the case of attested executions. Attesting witnesses can be easily secured to say that they saw the attestation. If a man is so fraudulent, if a man is so bent upon committing a crime, he will be able to get witnesses to come forward and say that they saw the execution, and such witnesses can be had. Altogether I think too much importance has been attached to this attestation. Therefore, I first of all wish to remove the misapprehension in the minds of the Assembly that by my motion it does not follow that there will be no attestation at all. Even if this Bill is passed, people will have attestors to their documents. I only do not make it a condition, a legal condition, in order to make it a valid mortgage or a valid gift.

Possession follows gift as has been already pointed out by Dr. Gour in the case of sales of valuable property worth lakhs and lakhs ; the law does not require that there should be attestation in the document ; although they are attested as a matter of fact. It is not necessary to make it a valid sale that the sale-deed should be attested. In the case of gifts also possession follows the gift ; and even there the law requires that the document should be attested. Why ? If possession is to be the guiding factor, the law does not recognize it in the case of gifts, so it is no argument at all to justify this anomaly in the law of transfer. How that anomaly is to be removed is the point.

Now, Sir, you have given a ruling that by referring this to the Select Committee, it will not be open to the Select Committee to accept the other suggestion, *viz.*, to define the word 'attest' as including attesting merely on acknowledgment or admission of the executant ; then I must ask the vote of this House on this principle, whether this House requires that this clause should exist in the case of mortgages and gifts, and, therefore, Sir, I press the motion to a division.

The motion was negatived.

## THE ADOPTION (REGISTRATION) BILL.

**Dr. H. S. Gour :** Sir, I move :

'That the Bill to prescribe a registered instrument as necessary for a valid adoption be circulated for the purpose of eliciting opinion thereon.'

Honourable Members will remember that when I moved for leave to introduce my Bill, I stated that it was the considered opinion of the Privy Council enunciated in a case from which I cited on the last occasion that some safeguard by way of registration or acknowledgment before a Magistrate was necessary to a valid adoption under Hindu Law, and that a case of the Privy Council decided as far back as 1834 had been recently followed by the same high tribunal in a case reported in 44 Calcutta. Honourable Members will also remember that I then pointed out that the necessity of registration will serve a double purpose. It will facilitate the proof of a true adoption and prevent the setting up of a faked one. It is a notorious fact, Sir, that immediately after a man dies issueless, leaving a valuable estate, claimants come forward setting up some sort of a death-bed or previous adoption ; and cases have come to my notice where two or more rival adoptions have been set up in a court of law ; protracted litigation is the result, costs are incurred.....

**The Honourable Dr. T. B. Sapru :** I rise to a point of order. Is it open to the Mover of a Bill on a motion like this before the House to make a speech on the merits of the Bill ?

**Mr. President :** I am not quite sure what the Honourable the Law Member means by merits ; but I should be inclined to interpret the word as meaning the same as principle in the standing order.

**Dr. H. S. Gour :** I thank you, Sir. Resuming my speech after that interruption, I wish to point out to the House that what I wanted to bring out was that the result of this costly litigation is sometimes uncertain. It leads, as I have said, to tremendous costs in many cases, and the safeguard that I have suggested would do away with a great deal of unnecessary and, I may add, false litigation. As a matter of practice, the Privy Council have in several cases laid down that they require some sort of document in proof of an adoption. In cases after cases, their Lordships have laid down that it is the habit of the people of India to record the minutest details in their daily lives in regularly kept documents and they therefore would seek some note made, some contemporaneous record of this solemn act of adoption ; and no amount of oral evidence will go down with their Lordships in the absence of some documentary evidence. This, then, is the established rule of practice, but the public are not aware of it. I know that in some cases it happens that unconsciously they have a hurried adoption, pressed perhaps by the necessities of the case or not knowing that their adoption would be challenged later, and the result is that some good adoptions fail to be proved, and as I have pointed out, in some cases adoptions which never took place at all come into the court for adjudication by a volume of verbal evidence. Now in Local Acts I have just been able to find—I mean in the Oudh Estates Act, that an adoption by a Muhammadan talukdar is under the statute required to be registered, and if I mistake not, in some Act of the Bombay Presidency,—I think it is the Mamlatdars and Watans Act—I have not been able to verify my citation, there is a provision made for compulsory registration of an adoption. Honourable Members will remember that under the present law, the authority to adopt requires to be registered, and all that I am asking this House to-day is that an adoption itself shall be registered. I have no doubt that my Hindu friends view this reform as a very necessary one, as they asked me last time that in the case of adoptions which take place, some little time should be given for the presentation of the documents before the Registrar. I then stated that under the normal law a document for registration could be presented within four months, and in exceptional cases within eight months from the date of its execution. I submit, Sir, that I have made out a strong *prima facie* case for my Bill to go before the public. Let the opinion of the public be elicited upon the subject, and then it will be time for this House to consider whether we should not go on with it. I now move, Sir, that the Bill be referred to the public for their opinion.

**Sir P. S. Sivaswamy Aiyer :** Sir, when I came to the House this morning, I had no intention of intervening with reference to the motion of Dr. Gour, but in view of your ruling, that a motion to circulate the Bill for opinion commits the House to the question of principle .....

**Dr. H. S. Gour :** I rise to a point of order, Sir. I never understood you, Sir, to rule that a motion to circulate a Bill for the purpose of eliciting opinion thereon commits the House to the principle of it.

**Mr. President :** It certainly commits to the principle.

**Sir P. S. Sivaswamy Aiyer :** Sir, in view of the ruling which you have just given, I feel bound to oppose the motion which has now been made by Dr. Gour. There are two grounds on which he has sought to support the Bill. One is that adoptions may affect property of considerable value, and the second ground is that the oral evidence which is often adduced to support these adoptions is not free from suspicion or doubt. Neither of those grounds seems to me to justify the measure he has sought to introduce. As regards the first ground that adoptions may affect property, I would point out that the primary intention of an adoption is not to affect property. An adoption is under the Hindu Law essentially a religious transaction. It is because people desire spiritual benefits after their death that they make adoptions. If it is true that adoptions affect property, it is a necessary incident of the religious transaction and not the sole, or perhaps even the primary, object of adoption. The first ground, therefore, upon which Dr. Gour has sought to support his Bill altogether fails. As regards the second ground, that the oral evidence is not free from suspicion or doubt, I would like to ask whether adoptions are the only transactions with regard to which oral evidence is not free from suspicion or doubt? Do not merchants every day enter into large transactions affecting movable property and with regard to which oral evidence is all that is available; and I would like to ask whether people in England do not enter into transactions of very serious importance in life without written instruments. Do they not make a promise of marriage without executing a registered document? Does not a promise of marriage affect a man quite as seriously as an adoption? There are numerous transactions in this world which must depend in some cases only upon oral evidence, and it would be absurd and impracticable to require that all these transactions should at the time they are made be entered into if at all only by means of registered instruments. I do not think it is necessary to adduce any further reasons in opposition to this Bill. I would only add this one consideration that adoption being essentially a religious transaction, it is not wise to interfere with an institution to which so much importance is attached by Hindu society, an institution which will continue to appeal to Hindus, for a long time to come, and I would therefore ask the House to reject this motion.

**The Honourable Dr. T. B. Sapru :** Sir, in view of your ruling I consider it necessary that I must clearly indicate the attitude of the Government with regard to this Bill at this moment, otherwise silence on the part of Government might be construed into acquiescence in the principles of this Bill. We should have had absolutely no objection to public opinion being elicited so far as this Bill is concerned, but I think it necessary that at the outset I must declare, that so far as the Government are concerned, they do not stand committed to the principle of this Bill. There are just two dangers lurking in this Bill, to which I would invite the attention of all my Hindu friends particularly, and they will at once appreciate them. I suppose it will be admitted even by such an enthusiastic legislator as my friend, Dr. Gour, that the Hindu Law does not allow any other person than a son to be adopted. The Muhammadan Law undoubtedly allows acknowledgment of various kinds of relations, but as a very eminent Muhammadan Judge pointed out in a well known ruling which will be present to the mind of Dr. Gour, adoption under the Hindu law is entirely different in its essence from acknowledgment under the Muhammadan Law. Now, if my Honourable Colleagues will only look at the definition of 'adoption', they will find that Dr. Gour will permit a Hindu not only to adopt sons, but possibly grandsons, not only to adopt sons and grandsons, but

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daughters and also sisters, and, if I may say so without being impertinent to Dr. Gour, he may adopt relations of a very delicate character. Adoption, according to his definition, means the adoption of a son or any other relative. I cannot, as a Hindu lawyer reconcile myself to this innovation.'

Then, again, there is another danger to which I would invite the attention of the House. So far as I know Hindu Law, in the matter of adoption, there is no place for the doctrine of agency except in the case of wife, and the Calcutta High Court had to consider that question some years ago in the case of a Brahmo adoption. According to Dr. Gour, a deed of adoption may be executed by the person making the adoption or by a duly authorised agent. To that extent, I think the Bill makes a serious departure from all accepted notions of Hindu Law in regard to adoption. There, I will leave the matter in the hands of the Assembly. So far as I am concerned, I do believe in the efficacy of registration, but I do not believe in registration at the expense of Hindu Law.

**Mr. J. N. Mukherjee :** Sir, I am in the same position as my Honourable friend, Sir Sivaswamy Aiyer, because when I first came into the Assembly I thought that there would be no harm done if the Bill was circulated for collecting opinion thereon. But the position I take up now in regard to my Honourable friend, Dr. Gour's Bill, is one to point out an inaccuracy of his in regard to what he has said as to the opinion expressed by the Judicial Committee of the Privy Council on the question of the desirability of a registered document in cases of adoption. I have gone through the ruling to which he has referred, but I fail to find anything in it which suggests that the Privy Council would like to have a registered document in order that an adoption may be validated or established in a Court of Justice. Their Lordships of the Privy Council said nothing of the kind in the judgment referred to. The case to which Dr. Gour referred was a complicated one, turning entirely upon facts, and their Lordships stated that in view of the facts before them and in view of the evidence adduced and the circumstances surrounding it, they could not believe the case for the plaintiff. They casually observed that there was nothing in writing to support the plaintiff's allegation, especially in the absence of proof of the observances which are ordinarily expected to be followed in cases of adoption in high families. In these circumstances, they came to the conclusion that they should support the judgment of the Judicial Commissioners.

I stand in order to remove the misapprehension which must have been created in the minds of Members of this Assembly by what has been said by my Honourable friend, Dr. Gour, as to the expressions of an opinion on the part of the Judicial Committee on the point, which must have some weight with Members of this Assembly. I simply supplement the arguments that have fallen from my Honourable friend, Sir Sivaswamy Aiyer, and the Honourable the Law Member, against the Bill. What I point out is an additional reason why the House should not be committed to the principle of the Bill.

**Bai J. N. Majumdar Bahadar :** Sir, having heard your ruling that when this Bill is circulated for opinions, the House stands committed to the principle of the Bill, I thought it my bounden duty to raise my voice in protest against the Bill which has been moved by my Honourable Colleague, Dr. Gour.

Dr. Gour must have known when he moved his Bill that according to Hindu Law a son is considered essential for the salvation of his father in every

Hindu family and that the word *putra* means a son one who saves his father by doing the unfinished duties of his father after his death ; *Pituh chhidram puratva trayete iti putrah* who saves his father by performing *shraddh*. Therefore if this law is enacted and adoption must be registered, it will interfere with the religious customs of the Hindu.

My Honourable friend, Dr. Gour, may to-morrow bring another Bill and say that marriages must be registered. If he does, then I say he is interfering with the personal law of the Hindu which every Hindu would resent. If you do register adoption, how does it make it more valid than adoption under the law as it stands at present ? I do not see it.

I therefore oppose the motion and agree with my Honourable friend who have spoken before me that the Bill should be rejected.

**Phai Man Singh :** Sir, I should like to ask whether, when a Bill is introduced, the House is committed to the principle of the Bill or when it is up for discussion before the Select Committee or published for opinions. We had an example just now in regard to Mr. Rangachariar's Bill which was circulated for opinion. We do not want to stand committed to the principle of the Bill at this stage, and we may find, after eliciting public opinion that the principle of the Bill is wrong. What is the position of the Assembly ? Would it be in order for us to throw the Bill out or shall we still be committed to the principle, because on this point hangs the fate of this motion ?

**Mr. President :** The different stages provided for Bills under Chapter VIII of our Manual of Procedure are provided in order that the Assembly may have not one, but several opportunities of considering its attitude towards the Bill, first in principle, then in detail and then, when the motion that the Bill be passed, in respect of any changes that may have been made in detail and the reflection of them upon the principle.

I interpret Standing Order 36 to mean that when any one of the three motions is passed, it is taken to be the endorsement of the Assembly of the principle of the Bill. If the Assembly wishes to adopt a different practice and I am prepared to acknowledge that a different practice may be desirable, the matter must be raised when a Committee for the amendment of the Standing Orders is set up.

**The Honourable Sir William Vincent :** I should like to know whether there was any motion for circulation in the case of Mr. Rangachariar's Bill. My recollection is that there was no such motion at all.

**Mr. President :** I think the House was informed that circulation had been made but not by the will of the Assembly.

**Rao Bahadur T. Rangachariar :** The Home Department circulated it.

**Mr. Muhammad Yamin Khan :** I move that the motion be put, Sir.

**Mr. J. Chaudhuri :** Sir, with regard to the points raised by my Honourable friend, Bhai Man Singh, I would like to say that before the Bill is circulated for opinion to all and sundry outside this House, we are surely entitled to express our opinion on it. For myself, I object to the principle of the Bill, not on any spiritual ground but on a temporal ground. My friends who are learned in Hindu Law have objected to it from the point of view of a Hindu lawyer, but I shall object to it from a common sense point of view. When a Hindu adopts a son during his life-time, he performs the ceremony and no deed is executed or required. Deeds are required when power is given to



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somebody else to adopt. The right of adoption is given very often to the wife as one's last act.

So deeds of adoption executed or powers of adoption given at the last moment stand on the same footing as wills. A man on his death-bed would often ask somebody to take a piece of paper dictate to him his last wishes in the presence of his friends and embody in it a power to his wife to adopt. So a deed which empowers one's wife to adopt on behalf of the person who is dying may be an *anumatipatra* (deed empowering adoption) or a will. If it is a pure and simple *anumatipatra*, the law requires it to be registered. If a will, not. It is often difficult to distinguish one from the other. So I say that so long as a will is not made compulsorily registrable, deeds authorising adoption cannot be required by law to be compulsorily registrable. It is for this reason that I oppose Dr. Gour's Motion.

**Mr. P. P. Ginwala :** Sir, the question of adoption in Burma is of peculiar interest. Adoption, as has been pointed by my learned friend opposite, in the case of Hindu, is more or less for the purposes of ancestral worship and not necessarily for the purpose of the devolution of property. In Burma, however, the case is entirely different. Adoption there is often for the express purpose of preserving and determining the devolution of family property and very common not only when there are no children but even when there are children. And if a child is adopted and the adoption is proved, that child, whether it is a male or a female, shares equally with the other children. In the case of a parent having no child adopting a child, that child excludes all other relations. The position, therefore, is that in Burma very often difficult questions arise and many fraudulent claims are set up in the hope of getting hold of all the property or for the purpose of sharing the property with the other children. And, so far as my province is concerned, I have no hesitation in saying, that if this Bill is circulated for opinion, it will meet with a favourable reception, because times out of number cases arise in which three or four different claimants come forward as adopted children and if any one of them is proved to have been solely adopted or if others are proved to have been adopted with him, he takes the property solely or they share equally the whole of the property as the case may be. Cases have been taken to the Privy Council and the Privy Council have also in the case of Burma expressed the opinion that it would be as well if some documentary evidence was available to prove these claims of adoption. However, Sir, different provinces are differently constituted, and they will have an opportunity of expressing their views from their particular points of view if the Bill is circulated, even if this House is to commit itself to the principle. Now, supposing, Sir, that the Bill is circulated for opinion and this House is committed to the principle, I doubt, Sir, whether it will not be permitted to the House to reject the Bill when it comes to be placed before the House for the passing of the Bill.

**Mr. President :** I do not think there can be any doubt in the matter that the stage, at which a Bill is passed, deliberately provides an opportunity to reject a Bill the principle of which has previously been accepted. Otherwise there would be no meaning in the third stage.

**Mr. P. P. Ginwala :** In that case, Sir, the House after committing itself now to the principle of the Bill will still have another opportunity of throwing out the Bill, if it is then so advised when the last motion is before the House to pass the Bill; I submit, therefore, that it would be expedient for

the House in any case to obtain public opinion, so that it may know whether the country desires this legislation or not. With these remarks I support the motion before the House.

**Chaudhri Shahab-ud-Din :** Sir, after hearing so many learned speeches from Sir Sivaswamy Aiyer and others who have followed him, I feel very diffident to express my own opinion. I for one fail to understand how a provision which simply requires registration of the factum of adoption can possibly touch its validity. Validity of adoption will be determined, as at present, by the personal law of the person who makes the adoption, and not by the registration of the deed of adoption. Registration will be nothing but a proof of the fact that adoption has taken place. Whether it is a valid or invalid adoption is an independent question and should be always determined by the law governing the adopter. In Burma, the law of adoption is that just now stated before the Assembly by my Honourable friend, Mr. Ginwala. In the Punjab, adoption has no religious aspect. It is nothing but the appointment of an heir and it is a notorious fact that false adoptions are being put up in courts every day and not by dozens and scores but by hundreds of witnesses who are being produced to support them. At present I have actually got a case in which about 300 witnesses have been examined and yet the case is continuing. (*A voice :* 'So much the better for you'.) No, I beg your pardon, Sir. We must not ruin our countrymen. We must make things certain where we can and so far as we can. The language of Dr. Gour's Bill may not be so very happy, I shall admit that, but, that is a matter which, I think, can be gone into at a later stage. The rules of business as interpreted by our Honourable President land us in a very serious difficulty. I venture to submit, that if by referring a Bill for circulation we are committed to the principle of the Bill, it means that whatever might be the opinion of the whole of India about the provisions of a Bill, once we agree to its circulation, we are committed to its principle, and, therefore, must pass it whether the country wants it or not.

If that is the meaning of the business bye-law as it stands at present, it should be modified as soon as possible so that we may not be embarrassed in future. As regards the principle of the Bill now before the House it is this, that an adoption should be proved by certain evidence of registration. Registration is nothing but evidence of execution. Beyond that the provisions of Dr. Gour's Bill will not take us. Therefore I very respectfully differ from my Colleagues who have argued to the contrary. I think the Bill ought to be circulated and in the meantime the business bye-laws should be altered. Let us ascertain what is the Indian opinion on the Bill. Let us know how many people want to have certain, definite, positive and cogent, evidence of the factum of adoption, not of the validity of the adoption. These two questions should not be confused. I strongly support the motion that the Bill be circulated to Local Governments and others for opinion; public opinion must be solicited and considered by this Assembly. That is a very important measure and will, if made law, save expensive litigation to many an Indian.

**Mr. N. M. Joshi :** Sir, I propose that the question be now put.

**Dr. H. S. Gour :** Sir, I am somewhat surprised that my short innocuous measure should have to face such a fierce fire of furious criticism. I cannot only feel that Honourable Members have not carefully read the main provisions of my Bill and I must point out in particular that the Honourable Law Member, who made cheap fun at my expense by saying that my adoption clause would lead to the adoption of all kinds of relations, must surely have

[Dr. H. S. Gour.]

missed the real point of that definition. What is that definition, Sir? Adoption means the adoption of a son or any other relative permissible by any law for the time being in force in British India.

All that it lays down is that if your personal law permits you to adopt any other relation, then it comes within the purview of adoption within the meaning of this Act. Surely my friend could not have been unaware of the well-known adoption called *illatom* adoption or the adoption of a son-in-law, in Madras. I refer to any other relation adopted if it is permissible under the personal law. Surely my friend must have seen that I was referring to the well-known customary adoption which is prevalent in Malabar and the adjoining tracts of the Madras Presidency, and I am further told by my Honourable friend, Chaudhri Shahab-ud-Din, that it is also customary in the Punjab. After that, to say that I have given a definition of 'adoption' and legalised adoption of grandsons and other relations of a delicate character, is a strange travesty of the definition which I have here framed and which I confidently leave to the judgment of this House. I submit that my definition will stand any fair criticism and that there is nothing whatever to cavil at the language of my definition. But that is after all a matter of detail. The Select Committee is entitled to recast the whole Bill commensurately and consistently with its main principle, and what we are discussing here to-day is not the language of this clause or of that clause but the fundamental underlying principle, which, I submit, should be, and is, the sole object of this discussion. It is this. What shall be the evidence of adoption? Shall a registered instrument be provided by law as a necessary evidence of adoption? That is all that my Bill strives to provide for. In view of this fact I am somewhat astonished and not a little amused at the criticism which my friend, Sir Sivaswamy Aiyer, levelled at my measure. He told me what I knew already that a Hindu adoption is a sacrament. I say it is so. But what has that got to do with my Bill? So far as the personal law of adoption is concerned, I leave it in fact and wholly unaltered and unaffected by my measure. I merely provide, let me repeat to the Honourable Members once more, the means of proving that adoption, and I provide that if you wish to prove that adoption, you must provide yourself with a registered instrument. That is all that I have provided. All criticism of my Honourable friend, Sir Sivaswamy Aiyer, directed against the statement of elementary truths of Hindu Law have nothing whatever to do with the main principle which underlies my Bill. Then he launched into a criticism still more fallacious and still more irrelevant. He said: 'You are providing here for a registered instrument. In England most valuable transactions take place without the necessity of a registered instrument.' And he further allowed himself to say that the mere fact that you provide for a registered instrument to prove an adoption will not do away with the numerous examples of fraud which exist in this world. I have not provided myself with that one universal broom to sweep fraud, undue influence, and all those things from this world. I am not here to cleanse the Augean Stables of fraud from the land. I stand here to defend a limited measure intended to provide for and facilitate the proof of one particular transaction in Hindu Law. Surely, Sir Sivaswamy Aiyer could not have been unaware of it. Then he went on to say that we cannot allow a measure of this kind to go before the country with the imprimature of this Honourable House. Frequent references have been made, Sir, to the ruling which you have given this morning on the question of the committal of this

House to the main principle. I must respectfully submit, Sir, that though we may be committed for the time being to the principle of this measure, it must be upon what a judge may say upon *ex parte* evidence, and if this measure goes out into the country and we have the opinion of those who are competent to pronounce upon its validity and necessity, it will be perfectly open to this House to revise its judgment and to throw out this measure if it is not backed by the public. But shall the measure, I submit, be beheaded at this stage? Shall it be strangled without being given a chance of defending itself? Shall it be quartered without going to the public, to the tribunal of public opinion, for its justification and for its vindication? I submit, Sir, it will be unfair for this House, the Honourable Members and those who are responsible for the destiny of this country, if they were to stand sword in hand at the main gate and chop off the heads of all benevolent and beneficent measures which are introduced into this House for discussion and for argument.

Then, Sir, my learned friend, Mr. Majumdar, deteriorated into a Sanskrit quotation, and he said with a certain amount of doubt whether I knew the meaning of the word 'son'. Well, Sir, if I had not known the true meaning of the word 'son', I would not provide the unquestionable evidence which I intend to furnish to see that the son really becomes the son of his father and to prevent those fictitious sons from ushering themselves into the house and calling themselves the sons of the father whose sons in reality they are not. I regard, Sir, that this is a measure of great public utility, a measure justified and sanctified by the very cardinal principles of Hindu Law, and I feel, Sir, that if I were at liberty to follow the wake of my learned friend, I would cite you a passage from *Manu* in which he clearly enunciates that there shall be no adoption which is not evidenced by all the relations, kinsmen and neighbours.

And what is the underlying principle of that dictum of the greatest of Hindu Law givers? The principle I say, Sir, is, let there be no adoption in secret, let your adoption be evidenced and published to the world so that there may be no dispute about it. I submit that this necessity for registration which I provide for is a modern rendering of an old Sanskrit aphorism, and I justify my measure not on the ground of reason alone, but on the highest ground that it is sanctified by the most sacred Shastric law. The Honourable Mr. Chaudhuri got up and ventilated his deep-rooted prejudice against this salutary reform, but he gave no reason for it. He said, I do not like this measure and therefore I oppose it; it reminds me, Sir, of the old jingle (At this stage Mr. Chaudhuri rose to a point of order while Dr. Gour continued making his speech).

Mr. J. Chaudhuri : Sir, I gave my reasons.....

Mr. President : Order, order.

Dr. H. S. Gour : If my Honourable friend has got any reasons to give I hope he will treasure them up when this Bill comes up before the Select Committee. For the present I have a very humble and modest request to address to this House, and it is this. Here is a measure which I have justified on the ground that it is supported by the repeated dicta of their Lordships of the Privy Council. Here is a measure which is necessary in the best interests of Hindu society. Here is a measure which is intended to strengthen the fundamental canon of Hindu Law. Here is a measure which will facilitate the proof of adoptions. Here is a measure which will prevent the proof or attempted proof of false adoptions, and I therefore submit that both on the ground of Shastric law as well as of reason and equity I am entitled to ask for the unanimous vote in respect of my Resolution.

[Dr. H. S. Gour.]

The Assembly divided as follows :

AYES—50.

Abdul Qadir, Maulvi.  
Abdul Rahman, Munahi.  
Abdulla, Mr. Saiyed Muhammad.  
Abul Kaseem, Maulvi.  
Agnihotri, Mr. K. B. L.  
Ahmed, Mr. K.  
Ahsan Khan, Mr. M.  
Amjad Ali, Maulvi.  
Barodawalla, Mr. S. K.  
Barna, Mr. D. C.  
Bishambhar Nath, Mr.  
Chandhuri, Mr. N. N.  
Clarke, Mr. G. R.  
Clayton, Mr. H.  
Dalal, Sardar B. A.  
Das, Babu B. S.  
Dentith, Mr. A. W.  
Faiyaz Khan, Mr. M.  
Faridoonji, Mr. R.  
Gajjan Singh, Sardar Bahadur.  
Ghulam Sarwar Khan, Chaudhari.  
Gidney, Lieutenant-Colonel H. A. J.  
Ginwala, Mr. P. P.  
Gour, Dr. H. S.  
Gulab Singh, Sardar.

Ibrahim Ali Khan, Lieutenant Nawab.  
Jatkar, Mr. B. H. R.  
Joishi, Mr. N. M.  
Lyle, Mr. D. R.  
Man Singh, Bhai.  
McCarthy, Mr. F.  
Misra, Mr. P. L.  
Mitter, Mr. D. K.  
Mukherjee, Mr. T. P.  
Nabi Hadi, Mr. Syed.  
Nag, Mr. G. C.  
Price, Mr. E. L.  
Rajan Baksh Shah, Mukhdum S.  
Sarfaraz Hussain Khan, Mr.  
Shahab-ud-Din, Chaudhri.  
Sinha, Babu L. P.  
Sinha, Beohar Raghurib.  
Sohan Lal, Bakshi.  
Spence, Mr. R. A.  
Subzposh, Mr. S. M. Z. A.  
Townsend, Mr.  
Ujagar Singh, Baba Bedi.  
Visbindas, Mr. H.  
Yamin Khan, Mr. M.  
Zahiruddin Ahmed, Mr.

NOES—57.

Agarwala, Lala G. L.  
Aiyer, Sir P. S. Sivaswamy.  
Akram Hussain, Prince A. M. M.  
Asad Ali, Mir.  
Asjad-ul-lah, Maulvi Miyan.  
Ayyangar, Mr. M. G. M.  
Ayyar, Mr. T. V. Seahagiri.  
Bagde, Mr. K. G.  
Bhargava, Pandit J. L.  
Bradley-Birt, Mr. F. B.  
Bryant, Mr. J. F.  
Chaudhuri, Mr. J.  
Cotelingam, Mr. J. P.  
Fell, Sir Godfrey.  
Girdhardas, Mr. N.  
Habibullah, Mr. Muhammad.  
Hailey, the Honourable Mr. W. M.  
Hajeebhoy, Mr. Mahomed.  
Hussanally, Mr. W. M.  
Innes, Mr. C. A.  
Iswar Saran, Munahi.  
Jamnadas Dwarkadas, Mr.  
Jejeebhoy, Sir Jamsetjee.  
Kabraji, Mr. J. K. N.  
Kamat, Mr. B. S.  
Lakshmi Narayan Lal, Mr.  
Latthe, Mr. A. B.  
Mahomed Hussain, Mr. A. R.  
Najumdar, Mr. J. N.

Manmohandas Ramji, Mr.  
Mudaliar, Mr. S.  
Muhammad Hussain, Mr. T.  
Muhammad Ismail, Mr. S.  
Mukherjee, Mr. J. N.  
Nand Lal, Dr.  
Neogy, Mr. K. C.  
Percival, Mr. P. E.  
Pyari Lal, Mr.  
Ramayya Pantulu, Mr. J.  
Rangachariar, Mr. T.  
Rao, Mr. C. Krishnaswami.  
Reddi, Mr. K.  
Rhodes, Mr. C. W.  
Sapru, the Honourable Dr. T. B.  
Shahani, Mr. S. C.  
Sharp, Mr. H.  
Sim, Mr. G. G.  
Singh, Babu Ambika Prasad.  
Singh, Babu B. P.  
Sinha, Babu Adit Prasad.  
Sircar, Mr. N. C.  
Srinivasa Rao, Mr. P. V.  
Subrahmanayam, Mr. C. S.  
Thakersey, Sir Vithaldas D.  
Venkatapatiraju, Mr. B.  
Vincent, the Honourable Sir William.  
Waghorn, Colonel W. D.

The motion was negatived.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock. The Honourable the President was in the Chair.

## RESOLUTION *re* THE PURITY OF ADMINISTRATION IN THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

**Mr. E. Venkatapatiraju :** Sir, the Resolution which stands against my name runs as follows :

'This Assembly recommends to the Governor General in Council that a Joint Committee of officials and non-officials be appointed to inquire and report upon the best means of preserving the purity of administration in the various departments of the Government by putting down corruption if any.'

Sir, I have worded this Resolution so as to give as little offence as possible, because I do not want to excite passion on the one side or prejudice on the other side. I want to place this matter before the Assembly in a dispassionate manner so that it may appeal to reason and justice, and that Members may take the course proposed if they come to understand that such a course is necessary in the interests of good administration.

I do not think that either officials or others would have different views on the matter of preserving the purity of the administration. The purity of the administration is the basis of all good government and I have no hesitation in assuming that all the Members are of one accord and that everybody wants that the administration should be pure. The only question is, if it is impure, or if there is corruption here and there, if Members conceive that there is corruption, what steps should be taken to remedy the evil. There may be divergence of views on that matter, but I can assure the House that not only Members of this House but the public have for some time past been complaining at all places that there is corruption to some extent in some of the departments. There is no use of hiding the fact and saying that there is no corruption, but it is for you to consider how to meet that evil, how to eradicate it and what steps you should take for that purpose.

I need not go into the old history of the 18th Century when Government servants were freely allowed to increase their income by perquisites by presents and by taking part in trade, etc. It must be said to the credit of Lord Cornwallis that he introduced a new system whereby such a thing was not permitted. Not only were Government servants prohibited from engaging in trade or taking presents, but he did one thing ; in order to compensate them for the loss which in those days they suffered from deprivation of illegitimate sources of income, he increased their salaries. Now, I say that the same conduct rules which were then inaugurated have, with slight changes, still been continued under the present Government Servants Conduct Rules also, and it must be admitted that, even if pay is less, there is no justification for any Government servant to increase his income by illegitimate means. If they have not got a living wage, that may be an extenuating circumstance, but we have seen throughout this year that there has been a revision, re-revision and increase of allowances in various directions, and therefore, there can be no loophole for any Government servant, high or low, to plead that his income is insufficient and that he must supplement it by illegitimate means. Such being the case, is it not our duty to take measures to prevent corruption, if any ? I may say, that in speaking about these departments, we are not concerned with the provincial departments. We need not at all trouble ourselves about provincial departments or with provincial matters. What we need only concern ourselves with, and confine our attention to, is with reference to the Central Government

[Mr. B. Venkatapatiraju.]

departments. What are those departments which require the immediate attention of the Government. I need not say that every one of you will agree that the case of the Railway Department needs first and foremost to be discussed. Only the other day we had the Railway Committee's Report published in the papers and in that report they themselves state that corruption has taken the shape of systematic blackmail in the matter of wagon supplies. They go further and state that this is due to the inefficiency of corrupt subordinates and lack of proper supervision, and they also state that they take every precaution to afford convenience to thieves but not at all to look after the public interests. They go further and say, they will never care so long as the company escapes its responsibility by taking risk notes. It is a matter known to several who have had anything to do with railways throughout the period of war crisis and during the control days that wagons were sold to the highest bidder and that the usual rate of Rs. 2 per wagon had been given up long ago and that we have now gone from Rs. 50 to Rs. 1,000. That was what was experienced by those who wanted a wagon in those days. Even now you cannot get a wagon unless you pay somebody, and, so far as packages entrusted to these companies are concerned, they will insist upon taking a risk note. After they have taken a risk note there is no responsibility for the company, if anybody complains of it they will not give open delivery upon request; they say, the company is not responsible. There have been many people who have complained before the Railway Committee, who have endorsed that view, that even 90 per cent. of the articles entrusted to railway companies were sometimes lost. Is that a state of things we should allow to continue? If Government is aware of these misdeeds, will they keep quiet even for one single moment without taking proper steps and putting an end to that? Therefore, I do not think I need appeal in vain when I ask the Government without imposing any limitations and leaving them free, to do something to find out corruption, bring the authors of it to book and remedy this evil. I need not go further than that. So far as the railway case is concerned, if we read the reports which are published in the newspapers, we will find everything in several columns about the misdeeds of these officials in the Railway Department.

Next, I will appeal to you to divert your attention for a moment to the Public Works Department which is generally known as the Department of Public Waste. I must at the outset say that we must be grateful to the Public Works Department which has rendered immense service for a long time and has been a civilising influence. As one great man has said, they have done wonders in bringing about out of arid regions fertile soil, where milk and honey flow. As regards major works of irrigation, one great man has said they are greater than the works of Pharaoh in magnificence and in utility. For the works in the matter of roads and communications and railway lines which they have done at immense cost of life and energy, we are indeed grateful; but for that department there would not have been such progress in this country or in any other country. That, however, should not blind us to the way in which the public money is wasted. We find corruption in other departments as well, in all these cases the people suffer, the people's money is taken by these officials or by these servants. But this is the only department which always wastes Government money by allowing bad material to be used or by showing favouritism to contractors, and in a hundred and one ways in which everybody knows and everybody feels that there is so much waste in this department.

And for this also we have another Public Works Committee. They do not concern themselves about corruption, which as a side attack this Railway Committee has done in the case of railways ; but even there you will find there was a lack of supervision, and they also complained, with reference to tenders, that they should not be made to approved contractors—that is, to contractors who give more commissions, but to all without distinction : the tenders must be made public and no favour shown to one over another. And various other matters they have done. But my respectful submission is that there is waste in the Public Works Department, and the danger is that we leave it entirely in the hands of experts. If an expert says, black is white, we must accept it. Supposing instead of having a good plank, you have got rotten wood used, unseasoned wood is used, if an expert says, ' It is an' excellent bit of wood,' we must bow our heads. We must judge for ourselves in a matter of this kind where common sense can be utilised. I do not think we should give our judgment because an expert says black is white. If you go to places where large amounts are being spent, you find wastage in various directions and I think it is possible to put down unnecessary waste in these directions and in the matter of purchasing these different materials. If you purchase it from any one source, of course perhaps trade discount will be brought into the books, and I do not know whether commission also will be shown in the books. That is also a thing to be considered. More attention must be given by Government, because more people suffer and the misery extends to the public when public money is being wasted like this. A building which would cost, say Rs. 50,000, costs a lakh of rupees, and for want of proper supervision Rs. 50,000 is loss to the Government, which means loss to the general tax-payer. Therefore every possible attention should be directed to that Department also. I must say here that it is because there are so many honest people that we complain of corruption. If on the other hand, the majority of people were dishonest, we should not complain here. Because we know that honesty is the rule and that dishonesty is the exception that we want to put an end to it. If the whole body is diseased, we need not give any medicine. Because there are wounds we want to heal them.

As to other departments, I do not wish to name any particular one, but I might tell you that generally in order to secure his continuance in an office a 'scheming manager' will do anything. There are various instances to show that this disease of corruption is contagious. If a dishonest man, without knowing that he is dishonest, is given higher pay and promoted, his neighbour who finds that his coffers are empty whereas his neighbour is prosperous, will be thinking to himself, ' I am neither benefiting myself nor the Government by being honest : let us follow the good example set by the other fellow who gets such easy promotion,' and so the disease spreads.

These are the various circumstances in which this question can be looked into. I see from the various amendments, suggested to my Resolution, that one gentleman wants to confine it to the Railway Department. I do not positively refer to this department or to that department. I say wherever you find this corruption you must remove it. Why should you confine it to the Railway Department alone ? Why should we confine it alone to the Railway Department ? Is it because that is the only department which commits sin, as though the others are free from sin ? Another gentleman suggests that appointments should only be made according to merit ; that is certainly one means of checking this evil ; because unjust promotion of undeserving people is



[Mr. B. Venkatapatiraju.]

not at all conducive to purity of administration. That also might be taken into account. But why should we confine it in one particular direction?

Now, Sir, as I am anxious that the third Resolution on the agenda should come on early for discussion, I will not take up much more time, and shall content myself with quoting—in answer to the charge of general indefiniteness that may be brought against my Resolution—what the Punjab Government has done since that would help us to know in what manner that Government proposes to tackle this evil in official quarters. The Punjab Government have appointed a Committee with Mr. King, Financial Commissioner, as Chairman and four other members to begin inquiries immediately on corruption in Government departments—they do not confine the inquiries to one particular department of Government—and to report upon the methods by which illegal gratifications are solicited and giving the conditions which facilitate or rather furnish occasion for corruption, the conditions which make successful detection and punishment of corruption difficult, and the remedies to be applied. They have also added another clause, which this Assembly may accept or reject; they say the information obtained by the Committee will be confidential and will not be used for the prosecution of the offenders or for their punishment departmentally. This was evidently intended to secure proper evidence and not to punish these people for their past misdeeds, but only to prevent them from committing them in future. I agree with that view which is embodied in the order of the Punjab Government, and therefore in my Resolution I have left the matter completely in the hands of the Government; the Government must appoint proper persons to inquire into this matter; and they may act on the information obtained so that it may not reflect on the persons giving evidence, or result in any way in their being punished for their past conduct, but only with a view to prevent future misbehaviour.

Taking all these things into consideration, I earnestly appeal to the Members of this Assembly, though most of us feel perhaps that when we have to speak of corruption we must speak with bated breath. Therefore when we have occasion to express our sentiments in this matter I hope that all Members who have come across corruption in one department or another will strengthen my hands by supporting my Resolution that corruption wherever found should be put down.

**Mr. J. F. Bryant :** Sir, I take exception to the remarks of my Honourable friend who has just spoken, on the ground that what he has said is far too general; it covers every department of Government. Sir, were a Committee appointed on the lines which he has suggested and did it perform its duty properly and go into corruption in all its branches and place at our disposal the blue books which might be evolved as a result of its labours, we Members of the Assembly with our short official life of three years' could hardly assimilate the conclusions which might be arrived at.

There is another point, Sir, on which I take exception to the remarks of my Honourable friend, and that is that the Committee would often trench upon the domain of the Provincial Governments. You are all aware that the Government of India possesses a power of general supervision and control over the Provincial Governments and that many of the departments overlap, for instance, income-tax. The Commissioner will, in future, be appointed

by the Government of India, whereas as regards subordinate officers, the Local Governments will have a predominant voice. There are numerous other instances in which there is overlapping of authority and that in itself leads to a great deal of confusion. Now, Sir, what my proposal amounts to is to reduce the whole matter to manageable proportions; to deal with one thing at a time instead of making a mess of the whole lot. That is, why, Sir, I take one department instead of traversing multifarious grounds which it will be impossible for an Assembly of this sort to cover within the time at its disposal. Now, Sir, I have selected the Railway Department because it is a department peculiarly within the cognisance of the Government of India. It is a department in which there is less overlapping of authority than in any other. Secondly, Sir, I would like to point out that the Railway Department is a department in which there is a great deal of proof that corruption on a very large scale exists. I would like to draw the attention of the Members of this House to the general debate that took place on Demand No. 51 in this very House when Dr. Nand Lal said corruption was rampant both in the Traffic and Engineering Departments, and that some Railway servants were thieves. I am not quoting his exact words, but that is the substance of what he said. The Honourable Sir George Barnes said:

'I quite agree; I deplore that corruption does exist on Railways.'

Mr. Pickford who handed up an instance of corruption said:

'I handed up that case. I was subjected by the Railway to an amount of oppression that was perfectly monstrous.'

I would also draw the attention of this Assembly to a paragraph in the Report of the Railway Committee issued in 1921 in which they say:

'The case represented to us is that pilferage and thefts of goods in transit are on the increase, that they have attained a magnitude which reflects seriously to the police and the Railway administrations, and that much of the thieving is done by the Railway staff. In ten years the amount paid as compensation by seven of the principal Railways has risen from 11·95 lakhs to 70·27 lakhs. An increase of 52 per cent in the goods earnings was accompanied by a rise of 488 per cent in compensation.'

The context showed that the compensation paid was largely compensation for thefts and loss in transit.

Then, again, Sir, I have also selected the Railway Department because there has been more than one Commission appointed to inquire into the matter of Railway administration. Those Committees have collected a vast amount of material, and hence the work which a Committee would have to deal with if it were now appointed by this House would be very much facilitated. Under these circumstances, Sir, I have great pleasure in moving the amendment which stands against my name, namely that the words 'in the Railway Department' be substituted for the words 'in the various Departments of the Government.'

**Mr. E. L. Price:** Sir, while I listened with great sympathy to all that Mr. Venkatapatiraju said, I could not but help thinking of a classic of my youth:

'The walrus and the carpenter were walking on the strand,  
They wept like anything to see such quantities of sand,  
If seven maids with seven mops swept it for half a year,  
'Do you suppose' the walrus said, 'that they could sweep it clear?'  
'I doubt it,' said the carpenter, and shed a bitter tear.

[Mr. E. L. Price.]

I feel, Sir, that Mr. Venkatapatiraju is rather in the position of the walrus, and, if I may be allowed to do so, I will take the part of the carpenter, though, if I may also be allowed, I will shed my bitter tear on a more private occasion. But he does, in fact, propose that seven maids with seven mops should sweep it for half a year, and I, as the carpenter, have to regret that I do not think that even then he will get it clear, and the reason, I take it, and there is no doubt about it, is that there is a feeling all over the country that too low a standard of conduct does maintain itself, somehow or other, in the lower branches of the administration, in almost all directions. I know, and various people have brought to me most abominable cases where a man, for instance, in a suit—a perfectly simple suit, has not been able to get his subpoenas served on the necessary witnesses unless he bribes. Well, I will not mention any names although they were mentioned to me, but it appeared to me a very shocking thing that even such an ordinary thing as the service of subpoenas could not be effected without giving a present, as *they* call it, or as I call it, a bribe. And, Sir, I think this debate, whatever the upshot of it is, must really reflect the feeling that exists all over the country that there is corruption all over the place in the lower branches of administration.

Now, I have felt that for some time, in fact when I was consulted about the formation of a party, I put that point forward as the first plank in the platform of any party that I joined, namely, that we must purify the public services in their lower branches. I was told by a Member of this House whom I consider, both from his reputation, his experience and his character, to be a distinct authority, and he assured me—and I was very glad to accept that assurance—that whatever the corruption may be now, it is nothing like as bad as it was a quarter of a century ago. He so assured me, and he is here now and I accept his assurance, of that fact. And surely it follows that if in the last 25 years corruption, as far as it still exists, has sunk from very high places in the administration to comparatively low ones, then the *morale* of the country, the conscience of the country, the character of the country is steadily improving, and my opinion is that there is nothing but the improvement of the country's *morale* that can really extirpate corruption. That I cannot support either Mr. Venkatapatiraju, with whom I have great sympathy, or Mr. Bryant, with whom also I have great sympathy, is simply because I do not believe that a Committee can work any improvement. I despair of that. But what I do not despair of is this, that the improvement that most certainly has taken place in the last 25 years will go on, and perhaps in another quarter of a century or happily sooner it may even reach that happy state when the lowest paid employee of the Government will nevertheless feel pride in his employment, and scorn to touch dirty money.

And to this end much more than Committees is wanted—education, education, education. The education, intellectual and moral, that has improved the upper ranks must finally permeate the lower, and then alone the problem will be solved.

The Honourable Sir William Vincent: Sir, I will deal as shortly as I can with this Resolution because, .....

Mr. President: I think the House must dispose of this on the assumption that if a Committee is appointed it shall deal solely with the Railway Department

or with all other departments. Once an amendment was moved on my left, the scope of the debate was limited to these two points.

**The Honourable Sir William Vincent :** Very well, Sir, I will leave it to Colonel Waghorn to deal with the Railway Department.

**Colonel W. D. Waghorn :** Members of this Assembly will be aware that we have only recently received the Railway Police Committee's Report dealing with the question of loss and pilferage of goods on Railways. The question of corruption on Railways has been specifically taken up and very thoroughly gone into by the Indian Railway Committee; we have not yet received their full Report so that we are not yet aware what their recommendations may be, but from the summary which was published in the papers on the 16th instant, it is evident that they have made certain recommendations on this subject for it is stated therein that 'Delays in settling claims are to be reduced to the utmost possible extent. Efforts to be made to stamp out serious and wide-spread abuses connected with allocation of wagons,' etc., etc. Then again we have only recently had another Committee to which the Honourable Mover of the motion referred, appointed by the Punjab Government, of which the Agent, North-Western Railway, was a member, to inquire into the same question.

I feel sure that Members will agree with me that it would be useless to go on appointing Committee after Committee to inquire into the same subject, and I think it is most desirable that we should await and consider the recommendations which the Indian Railway Committee will no doubt have made.

What is required is to get something done with a view to obtaining some improvement in regard to this undoubted evil.

I am in no way attempting to defend the Railways from a charge of corruption at this stage, but I do maintain that we shall very soon find ourselves over-burdened with suggestions made by the various Committees which in some cases will overlap, in other cases will possibly vary considerably. I can see this subject being again submitted for consideration by a Select Committee of this House to decide which of the various recommendations are to be carried out. It must, I think, be recognised that the root of this evil is somewhat more deeply seated than is indicated in the idea of localising any further inquiry, and I may say that it is in no way peculiar either to this country or to the Railways in this country, though it is true that the operating of commercial enterprises such as Railways affords special opportunities and temptations to this line of moral weakness.

So far as Railways are concerned, I feel sure that the real cure will be found in improving and raising the moral training and status of the staff and in obtaining the whole-hearted co-operation of the public themselves, for without their assistance the Railway Authorities are practically helpless in obtaining the evidence necessary to deal with cases.

I fully recognise the desirability of purity of administration in every branch of the service, Railways included, but I think that a subject of this nature, if it is to be a matter for a Committee as proposed in the original Resolution, should be dealt with on broader lines than is indicated in this amendment.

If I may offer my own opinion I think that if Members of this Assembly on returning to their constituencies will use their utmost influence and advise their friends to do the same to put down this evil and to bring to the

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notice of the Authorities any cases in which any corruption may exist, I feel sure that more good will be done than by the appointment of more Committees.

On the above grounds I would ask Members therefore to reject this amendment.

**Mr. S. C. Shahani :** Sir, I have given notice of an amendment with regard to the motion that has been brought forward by my friend, Mr. Raju. I will read my amendment and then ..

**Mr. President :** The Honourable Member cannot move his amendment at this stage. The debate must be restricted to the point I put to the Honourable Member.

**Mr. S. C. Shahani :** Then I confine myself to the point at issue. I am really surprised to see that anybody here in this House does believe that corruption is confined to the Railway Department. Large works are undertaken in the Railway Department and there is on that account more room for corruption there. But I suppose it is admitted that corruption prevails to an equally great extent in the Public Works Department and the Army Department; and, to some extent, in all other departments of administration.

Human nature is human nature, and, as Mr. Price has rightly pointed out, it will be very difficult to thoroughly cleanse the Augean Stables. Just as in every man, I suppose, there would be some duplicity, so in every Government there would be some corruption, and we should not be surprised if we are not able to extirpate it. Nevertheless means must be devised to reduce it. In a House such as this, many intelligent and experienced people, who have been engaged in different avocations of life, have come together; and I think a very useful purpose will be served if they come forward to suggest the means that may be adopted by Government in order to reduce corruption. That will be a valuable work indeed. I have been engaged not only in education but agriculture for the last 22 or 23 years, and my idea is that the law with regard to abatement of the offence of bribery should be changed. Until you change Section 9 of the Indian Penal Code, I can assure you that you would find it very difficult to reduce corruption in the country. People will always be afraid of coming forward with information that will be essential for the conviction of those that are guilty of bribery and corruption. I therefore urge upon the attention of this House the advisability of adopting the suggestion I make. I have also known a pretty intimate contact with the Revenue Department in Sind. I want to inform the House, that to my knowledge about 7 years ago corruption in the Revenue Department in Sind was a great deal reduced. But today I can honestly state that corruption in the Revenue Department is at its maximum height. And what is the reason? I say clearly, and without hesitation that the chief reason is the proportions that have been fixed for the different communities with regard to appointments in the Revenue Department. I strongly urge that Government should seriously consider the advisability of ordering in the most explicit terms possible that appointments should be made hereafter strictly in accordance with merit.

**Mr. President :** Order, order. If the Honourable Member continue his remarks on that point I shall not be able to allow him to move his amendment.

**Mr. S. C. Shabani :** I have served my purpose Sir, and with the remarks I have made I will resume my seat.

**Dr. Nand Lal :** Sir, the pernicious evil, the term 'corruption' does not only include illegal gratification such as is embodied in Sections 161, 162 and 163 of the Indian Penal Code, but it also includes bias, impartiality and dishonesty. I may submit at once that it is not only the Railway Department which is corrupt. But various Departments of Government are also corrupt.

Of course, the Government has got only one plea to raise, and that is this, that it is not only India where corruption is rampant but there are other countries also where you find corruption. In reply to that my submission to the House is this, that it is not a good plea. If the business of my neighbour is defective, should I put forward the plea that since that business is defective, therefore, I should tolerate the defect in my own business. This plea on the part of the Government will not hold good at all. Those who are not prepared to concede that there is corruption in the various departments, I may tell once for all that there are numerous instances which can be brought home to them that there is corruption and that it is rampant. For instance, take the Jail Department. If an inquiry be made from any jailor he will certainly deny corruption, but any convict prisoner who had the misfortune of staying there will bear testimony to the fact that he cannot live in the jail properly till the palms of the jailors and his subordinates are greased. If you go to the Railway you will find corruption everywhere. If a man goes to a station master and says, 'I want two wagons for my goods to be taken to a certain place,' the reply would be, there is no wagon available. But if a couple of rupees or a note worth five rupees is given to the station master, the required vehicles will spring up at once. (Cries of 'Not enough.')

May be thousands in some cases, and tens in other cases, but I am putting my case in a modest way. If you go to the Judicial Department you will find some of the magistrates are dishonest, and some of the subordinate judges are also corrupt. (Cries of 'No, no.')

I beg your pardon. I do not mean the Judges of the High Court. That would be contempt of court. Though, fortunately, some of the presiding officers in the subordinate courts are honest, they know that their subordinates are dishonest and they connive at their dishonesty. Is it not then right to say that dishonesty and corruption are rampant in this country? - I may say that this is a blot on the name of our good Government, and I may say at once that the Government is comprised of two wings, officials and non-officials. When I say that there is a stain on the Government I share that myself. That stain comes to me and it comes to all Members of this Assembly. (Cries of 'No, no.')

We are part and parcel of this Government. I beg your pardon.

**Mr. President :** The Honourable Member may raise that issue with his fellow Members at a later stage in the debate. The issue at present is between a Committee on the Railway Department and a Committee to inquire into all other departments.

**Dr. Nand Lal :** As I have submitted at the very outset, there is corruption rampant. Now, the point before the House is this, whether some measures, which may be effective, should be adopted to eradicate this pernicious evil. There are a number of suggestions which may be placed before the Committee when one is constituted, but a few may be set forth for the information of those who are to take part in it. I suggest that the following

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measures may be adopted, as for instance, a Board comprising honest and upright men should be constituted so that all complaints may be submitted to that body, and those gentlemen, who constitute that body may investigate them.

**Mr. President :** I have told the Honourable Member that the discussion of remedies is out of order.

**Dr. Nand Lal :** I bow to the ruling of the Chair. I may submit that both, some of the Indians and some of the Europeans, are guilty in this respect.....

**Mr. President :** Order, order. We are only discussing the issue between a Committee on the Railway Department and a Committee on other departments. What the Honourable Member is saying has nothing to do with this question.

**Dr. Nand Lal :** I will confine my remarks to that issue, and I will say at once that it is advisable that a Committee should be constituted and inquiries should be made so that we may be able to stamp out this evil from this country. It is simply shameful that we should tolerate this conduct on the part of some of the public servants in the various departments of Government.

**Mr. C. W. Rhodes :** Sir, I had not intended to participate in this debate, but I wish to draw attention to one aspect of the question. While I heartily agree with all that the President of the Railway Board said, I wish he had gone a little further and said something in defence or at least in extenuation of the subordinate staff of the Railway Department. A country gets the Government it deserves. Who taught these subordinates in time of economic distress to go wrong? I think while we are so busy pulling out the mote from the eye of the Government, we might do something to remove the beam in our own eye. I have been a quarter of a century in this country and I have never been asked to pay a penny by way of illegal gratification for any purpose whatever. If a man is asked to pay gratification, it is because somebody else before him of his own community has been willing to pay that money and has paid it very often for long periods. It is said that a man cannot get a railway wagon without paying a large sum of money for it and that statement is absolutely true, but that is because so many of the trading classes who want wagons in preference to those who are entitled to them in order of precedence have been willing to go to the station master and offer him money in the first instance. I think myself that the corruption that exists amongst the subordinate staff of the railways and perhaps of other departments too is really caused by the attitude of the public and if we ourselves, traders and merchants would adopt a higher tone of morals I think we should have a higher code of morals amongst the Government officials. I do not like to see all this condemnation of these men who as I say are under the pressure very often of economic necessity, when the fault really lies on ourselves. There is one community, I know, in Calcutta, (I need not particularise) who cannot buy a ticket without paying a gratuity to the booking clerk. They are a big trading class, but they have been accustomed all their lives to dole out money.

**Mr. Jamnadas Dwarkadas :** May I rise to a point of order, Sir. You have just ruled, when Dr. Nand Lal was speaking, that the issue is not a racial

one and that the remarks are to be strictly confined to the appointment of a Committee or to the Railway Department. I think the Honourable Member (Mr. Rhodes) is raising a racial issue.

**Mr. C. W. Rhodes :** The point I wish to make is this. It is not a racial question, because I was not saying that one community is at fault while other communities have absolutely clean hands. All I wish to say is that the public generally have the remedy in their own hands. To my mind, it would be useless to appoint a Committee to go into a question which, as Mr. Price has told us, can only be settled by raising the general standard of morality not only of the Government officials but of the whole country.

**Mr. B. S. Kamat :** Sir, Mr. Rhodes has gone into one or two points in his own way, points which, I think, deserve a word of criticism from me. In the opinion of Mr. Rhodes the cause of the trouble, that is the corruption, is due to the attitude of the public.

Now let me tell Mr. Rhodes that corruption is not confined to this country. I know a little bit of England, and from my own experience ....

**Mr. President :** Order, order. I did not interrupt the Honourable Member from Calcutta because his remarks were addressed to the Railway Department. The Honourable Member cannot bring in comparisons between one country and another.

**Mr. B. S. Kamat :** If, therefore, in the opinion of Mr. Rhodes the prevalence of corruption is due to the public, the only question is whether this sort of corruption is only confined to the public only. I really believe that the public are in effect the sufferers, and are blackmailed, and they have to submit to these things : and if Mr. Rhodes himself has not been affected and victimised, I believe that is because he belongs not to the ordinary public of tradesmen and those business men who belong to the country who have every now and then to deal with railway officers, but, fortunately for himself, he belongs to a higher type of the public, so that the railway servants are afraid to blackmail him. (Hear, hear.) Therefore, the conclusion which he has drawn that the public are to blame is, I believe, a very wrong conclusion indeed, and casts a reflection on the general community in this country which is totally undeserved. So far as the Government is concerned, the question is what is their attitude? Mr. Rhodes did not allude to that aspect of the question. If the Government attitude is one of very light supervision, I do think that corruption will not be put down entirely, at any rate for a long time to come. If, however, Government take the trouble to make a few examples, corruption will lessen. If every year on the railways some flagrant examples are brought to book in sufficient numbers, if those who suffer, the general public, are shown that if they take a firm stand and do not succumb to the threat and give bribes, then in that case the public will be able to understand the Government attitude. At the present moment it is because the public fears that they will have to suffer if they come before the Government and say that they have been participants in this corruption that corruption continues.

**The Honourable Mr. C. A. Innes :** Sir, my official connection with the Railway Department has lasted exactly for one week, so I feel rather shy in intervening in this debate. But there is one remark which has just fallen from Mr. Kamat to which I feel I must reply, namely his suggestion that



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Government does not take notice of instances of corruption brought to their notice, especially Government in the Railway Department. I am in a position to contradict that statement from first-hand knowledge. When two years ago I occupied the position of Foodstuffs Commissioner, in that capacity many instances of selling wagons came directly to my notice and to the notice of the officers who were working with me, namely the Directors of Civil Supplies. And I am in a position to say that one railway which I have in my mind on our representations dismissed so many station masters that they had to write to us and say that they were really very sorry they could not dismiss any more because they were being seriously handicapped by lack of expert assistance.

I hope, Sir, that this House will not accept the amendment which has been proposed by Mr. Bryant. I oppose the amendment for two reasons. In the first place, if this inquiry is to be held at all—and about that I say nothing—I think it would be a mistake to confine it to one particular narrow aspect of the question. It may be that the manifestations of corruption are more pronounced in the Railway Department than in any other department—I do not express an opinion on that question at all—but if an inquiry is held, and if that inquiry is to do any good, it must go deeper than that. It must lay bare the roots of the evil and, as Mr. Price, Mr. Rhodes and others have pointed out, the roots of the evil lie very deep. In the second place, I said, that in so far as the Railway Department is concerned, an inquiry at this time would be inopportune. I do not mean to deny that corruption does exist in the Railway Department. I am afraid that there is no doubt about it, and, if I can do anything in the matter, if I can wield one of the mops to which Mr. Price has referred, I shall certainly do so. But I say an inquiry would be a mistake at the present time, because we are just about to consider the report of the Railway Committee. That report will let light into the administration generally of the Railway Department, it will come in due course before this House, and, until we have had time to consider that report, I think it would be unfair for this House to ask the Government to undertake yet another Railway inquiry.

I oppose the amendment, Sir. (At this stage, Mr. Joshi rose to address the House.)

**Mr. President:** Does the Honourable Member wish to speak on this amendment? I observe that it is almost impossible for any Member to deliver the speech he wants to deliver and yet remain in order on this amendment. I propose, therefore, to put the amendment forthwith in order that we might deal with it and then come back to the larger question. I called upon Mr. Bryant to move that amendment because it raised a definite issue, that instead of having a roving commission we should deal merely with one of the cases of corruption supposed to be flagrant. Apparently the House does not wish to discuss that issue, and, therefore, I propose to put it from the Chair now.

**Mr. J. F. Bryant:** I should like, in view of the remarks which have fallen from the Honourable Member opposite (the Honourable Mr. Innes) to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

**The Honourable Sir William Vincent:** I speak now, Sir, on the understanding that I shall be in order in addressing the Assembly on the main Resolution. I will endeavour to deal with it, as I said before, very

shortly, because I know there is other important business which ought to come before the Assembly to-day. And whatever I may say to-day, I hope that this Assembly will realise that the Government are as anxious as any one else to stop this corruption, and, if I do not support the particular proposal made here, it is not because we are not in sympathy with the Mover, but merely because we doubt whether the method which he proposes is the best method of dealing with this evil. The Resolution, if Members will examine it, is of a character so vague and is couched in terms so general that I cannot think it would do any good. I ask Members to read it again. Will they look at it for one moment. It runs as follows :

‘ This Assembly recommends to the Governor General in Council that a Joint Committee of officials and non-officials be appointed to inquire into and report upon the best means of preserving the purity of administration in the various departments of the Government by putting down corruption.’

Now, this involves a roving commission extending its inquiries over every branch of the administration—think of it for one moment—central subjects, provincial subjects and everything else. Such Committee would have to sit, I suppose for 3 or 4 years, and the result would be absolutely nothing. The scope of the terms of reference are hopelessly wide.

Then, let me remind the Assembly of another thing. The majority of the departments in which allegations of corruption are generally made, are, if I may say so, provincial subjects. Mr. Shahani himself illustrated that by his speech ; when speaking about the Railway Department, he rapidly diverged into a discussion on the Revenue Department. Now, revenue administration is purely a matter for the provinces, and I think his speech illustrated a defect that would stand in the way of this Committee.

Further, it was not a question, according to him—if I understood him correctly,—of corruption so much as of communal representation in Departments. Now is this Assembly to accept it that one community is more corrupt than another? (Cries of ‘ No.’) Then, why was this suggestion made? I quite agree with the Member when he says that the best men should be appointed to offices ; but I object to the suggestion that because appointments are made on a communal basis, therefore there must necessarily be more corruption.

To revert to the point I was dealing with. Other Departments in which corruption is mainly alleged to exist are the Police and the Civil Courts. Now these are all provincial departments and ought the Government of India to appoint a roving Committee to inquire into matters of that kind? Ought we not to leave this to the Provincial Governments? Is it not a fact that the Punjab Government has itself appointed a Committee to go into this subject. And why should the Government of India interfere with the Provincial Governments in the management of their own affairs? In the United Provinces, if Members will look up the debates, they will see that a similar Committee was proposed, and the Provincial Council deliberately determined after considering the question not to pursue the matter—that is, the Mover of the Resolution withdrew it. Is the Government of India going to dictate to local Governments what action they should take in this matter?

Again, it has been suggested throughout this debate that corruption is confined to Government servants, a statement to which I must take the

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gravest exception. Again it was suggested by one Member, Dr. Nand Lal, that even Judges and Magistrates were guilty of corruption. And that is an allegation I definitely repudiate and deny. Further, I am quite certain every Member who has practised in Bengal or Behar or the United Provinces will support me. If the Honourable Member says this is true of the Punjab, then he is giving his own Province a very unsavoury reputation.

**Dr. Nand Lal:** May I make a personal explanation, Sir? When I said that the Magistrates and Subordinate Judges are dishonest, I did not mean to say that all of them were dishonest. I did say, and I repeat, that some Magistrates are dishonest, and similarly some Subordinate Judges are dishonest.

**The Honourable Sir William Vincent:** Sir, I am afraid that the Honourable Member again is speaking of his own Province. I am thankful to say, and I challenge anyone here coming from Bombay, coming from Bengal, coming from Behar, or coming from Madras, to say that the judicial officers in those Provinces are dishonest. I say again that the Honourable Member is singularly unfortunate in his remarks about his own Province.

But to return to what I began with, namely, the question of Government servants being the only persons in this country who are open to corruption. Have Honourable Members of this Assembly ever read the evidence given before the Police Commission, 1902. Do they remember—some men from Bengal must remember—Mr. Monro's evidence then, when there was an attack on the Police. What he said on this matter—and I may say proved beyond doubt—was that when you get down to the lower ranks of any kind of employment you find corruption just as prevalent outside Government service as in it. Take your Naib, take your Gomastah employed in a zemandari, or your peons; are they above suspicion? Are they any better or any worse than Government servants? (*A voice—'Worse.'*) I do not know if they are better or worse, but it is a well-known fact that they are corrupt. Take your panchayets. Take the case of private servants and employes of banks and hospitals. They are all the same and for this evil there is really one remedy only and that is the remedy explained so well by Mr. Price; but before I take up the point I want to endorse what he said about the improvement in Government servants, from my own experience. When I came out here to Bengal as an Assistant Collector, one often heard—and I say it with shame—of allegations of dishonesty brought against individual Deputy Magistrates and munsifs. I may say now such complaints are rarely if ever heard. Again, in the police, it is quite true that in the subordinate ranks of the police, there is a great deal of corruption; but any one who has studied police work in this country during the last twenty years will readily admit that there has been an immense improvement in that direction; where before officers of a higher grade—I mean of the rank of inspectors and sub-inspectors—took money, fewer of them take it now; moreover, they do not take money to do what they sometimes used to do in the old days, that is for running men in on false cases. Constables and low grade police officers generally, I know, take money for doing some supposed favour; but there has been a great improvement and if any instance of corruption is brought to the notice of any Magistrate or Judge or Superintendent of Police, then, I can assure this Assembly, that he is

only too ready to take every measure to punish the offender. The real question before this Assembly is whether you are going to correct this defect in our administration, this great fault in all business and land-holding concerns in this country, by a Committee. A Committee is supposed in these days to be a panacea for every evil; I myself have used it on many occasions, sometimes usefully and sometimes without success; but this is a case in which, I submit to this Assembly, a Committee will do really no good whatever.

May I cite to the Assembly the words of Sir Henry Stanyon in the debate in the United Provinces Council on this matter, because he seemed to me to go to the root of the matter? He said:

'No Committee that this Council may appoint can do anything whatever towards checking this evil or even go so far as to report particular instances that have occurred. Therefore we must look to the strengthening of public opinion; we must look to the time when the litigating public of this Province will have the courage to denounce bribery whenever it is attempted to be inflicted upon them.\*\*\* The law is not a panacea for all the ills that the flesh is heir to. Government has given the people the Sections of the Penal Code which are open to any complainant. When public opinion is strong enough, when officers, be they judicial or any other kind of officers, find that in taking bribes they run the risk of a force of public opinion rising against them and condemning them, then alone can this evil be cured. By no Committee that this Government may appoint can the evil be eradicated at the present time.'

Now, Sir, that is a statement which, I believe, will appeal to this Assembly. Further, as I have already pointed out, a roving Committee going round the country inquiring into matters many of which may not be within the cognisance of the Government of India at all, is about the worst form of remedy which, I believe, this Assembly could propose to the Government of India.

**Colonel Sir S. D'A. Crookshank:** Sir, as the representative in this Honourable House of that much maligned department which the Honourable Mover of this Resolution factiously termed as the Public Works Department, I think, I may be allowed to say a few words. At any rate, let me thank the Honourable Mover for his appreciative remarks, that after all, this Public Works Department does get its work done, and I should like him to have remarked also that it is instrumental in adding very largely to the revenues of the Government of India, to the extent,—I think, I am right in saying—last year of about 9½ per cent. of the 58 odd million pounds that have been spent on productive irrigation works. I am afraid I found his remarks as regards the other sides of the Public Works Departments, that is to say, the Roads and Buildings Branches, etc., to be singularly unconvincing. It is one thing to say that subordinates take a little here and a little there for passing bad work and for accepting bad materials, but the difficulty of course is to bring it home, and it is here that we want public opinion to help us. I may say from my personal experience of 30 years work in India for India and with Indians that the morale on certain sides of the department is low, and I think I am perfectly justified in saying that the higher classes of the department are free from corruption, although I must candidly admit that in certain sections amongst the junior members there is no doubt that there is a certain amount of corruption. I would, however, say, that the morale has improved, as the Honourable Mr. Price remarked, considerably during the last 25 or 30 years. This, I attribute, to the education of the masses and also to the increase in the amount of pay of those junior ranks. In many cases they were on very low pay, say on Rs. 20, Rs. 30 and Rs. 50, and it was really not possible for them to live on that amount. Now their pay has been increased all round, and

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I am fully confident that there will be a corresponding betterment in the situation as regards corruption generally.

As far as the Committee to look into the Public Works Department goes, I really think that it would be quite impossible to get any practical utility out of a Committee of the nature suggested. It is entirely, as the Honourable Mr. Sarma has just remarked, a provincial matter, and if anybody is to take up the subject and appoint a Committee, it must be the duty of the Provincial Governments. This, I understand, is being considered by the Provincial Governments and is certainly never lost sight of by them. One has to realise that it is no good issuing orders and going on bringing out more orders and more regulations with the idea of trying to keep down corruption in the channels in which corruption can be exercised, because the practical result of that would be that you can never get on with the work at all. My Honourable friend, Mr. Kamat, had in a recent discussion pointed out that in order to get work done—and he instanced the construction of the Chamber in which the Honourable Members are now seated,—it is necessary to fairly throw down the money, otherwise you cannot get the job done. Advances have to be given out to the workmen, materials have to be purchased whatever market offers them, and it is in circumstances of this nature that possibly a little filtration will come in. But at any rate, the work has got to be done, and it is done as a rule under what I hope are satisfactory conditions. My belief is that aided by public opinion we shall be in a far better position to combat this nuisance than by the appointment of any number of Committees.

Mr. K. B. L. Agnihotri : Sir, I had no intention of intervening in the debate on this Resolution, but certain remarks in defence of the magistracy and judiciary which fell from the Honourable Sir William Vincent have made me accept the challenge he threw out, and I would bring this fact to his notice that corruption is not peculiar to the Province of the Punjab as he said in reply to Dr. Nand Lal, but it is also to be found in other Provinces in this country. Sir, I would remind my Honourable friend of the cases that occurred in Bombay. Most of my friends here must remember the case of Laghate which was brought before the court. Then, most of my friends here must also remember the case of a certain Sub-Judge in the United Provinces and several letters have appeared in the 'Leader' very recently about the corruption of certain munsifs in that Province. From these illustrations it is apparent that bribery is prevalent in the United Provinces as well as in Bombay and the Central Provinces also, to which I have the honour to belong. My Honourable friend, on my right, had interpreted the remark that the Central Provinces was free from corruption. I may as well be permitted to draw his attention to certain cases which he himself had the pleasure—if it was a pleasure—of inquiring into. I beg to remind him of the cases while he was Deputy Commissioner of Raipur, Central Provinces. I only wanted to refresh the memory of the Honourable the Home Member and to remind him of the fact that no Province is free from corruption.

I would not go and make a sweeping remark that all the Judges and all the Magistrates and all Government servants are corrupt, far from that, Sir, for if there had been so much corruption I think that a Committee would have been appointed long ago to inquire into the matter and to eradicate the evil. It is only in a few cases that corruption is met with.

My Honourable friend, Mr. Rhodes, pointed out that the public was more responsible for all these acts of corruption than the Government servants themselves. I certainly admit that the public has its share of responsibility in these corrupt practices, but the fact remains that we have more control over our own servants than over the public, and if we have control over our servants, why should we not control them properly and bring them to book for corruption. He also defended its existence on the ground of economic necessity, but with the recent increments in the pay of employees of all the Departments of Government, even that ground does not hold water.

My Honourable friend, Sir Sydney Crookshank, said that the Departments were improving. I certainly admit that the corruption, one met with, 50 years ago, is not met with to-day. But that does not alter the fact that there is corruption, and if there is corruption, what is the harm in going to the very root of it and finding out the remedies to check it.

**Mr. Abul Kasem :** Sir, I have listened with a great deal of interest and with not a little amusement to the discussion which has taken place on this Resolution. I fully sympathise with the learned and Honourable Member who has moved this Resolution in his anxiety to remove corruption and put it down wherever it exists. But I am sorry I cannot agree with him in his suggestion that a Committee should be appointed to inquire into these matters. I object to that on the ground that it would be a waste of public money. A Committee appointed to inquire into the great question of corruption in all the Government Departments spread over this vast Empire would mean that a large amount of public money would be absolutely wasted. If you wish to check corruption, you must do it through the vigilance of the Departmental heads and by other Government officials themselves. There is no question of a principle involved, if the Government want to put down corruption, the people also want to put it down. If I want an undue favour from a Government official, be he a police official or a railway official, and thus gain an advantage over my neighbour or my opponent, and I am prepared to pay for it, the temptation is there, and if I cannot resist the temptation then it depends on the character and the moral courage of the official in charge to check it.

Public opinion must bestir itself and at the same time I think I do not appeal in vain when I appeal to Members of the Government that they must also be more energetic in putting down corruption wherever it exists and whenever it is brought to their notice.

I have been told just now by my friend opposite that several cases have cropped up in the United Provinces where judicial officers have been brought to book and punished for their bad conduct. If such examples are made of our public servants, corruption will be stopped very easily and more conveniently than by roving Commissions, appointed at public expense, moving about the country and to take evidence where no evidence is forthcoming. If people are prepared to give evidence of corruption before the Committee, why not let them come forward and give evidence of those corrupt practices before the authorities themselves, before the heads of departments ; and the people who have it in their power to punish the men. If that is done, the corruption will be put down and, I think, Sir, that no useful purpose will be served by appointing a Committee. We have had various Committees and we people, I mean the nationalist people, have always complained, that whenever we raise a question of

[Mr. Abul Kasem.]

importance for the Government to decide, the Government want to shove it out by appointing a Committee to look into the matter. I do not like to be guilty of the same offence and shirk the responsibility by the appointment of a Committee on this occasion.

**Rao Bahadur Pandit J. L. Bhargava :** Sir, the purity of administration is one of the foremost assets of a nation and no case is too great and no vigilance too jealous which is exercised by the State for keeping the administration pure. Corruption is one of the greatest enemies of a good Government. It saps the very foundations of justice and by producing the sense of insecurity among the people provides a hotbed for discontent and uneasiness.

There is not the least doubt that in our country the administration in its lower branches is corrupt almost beyond redemption, and in the higher branches also there is much need for insisting upon purity. It can be said about most of the important departments of the Government that corruption is so rife that the payment of *Nazrana* has come to be looked upon as customary.

Take, for instance, first of all, the Police department, which is responsible for preserving peace and order. To be on the safe side, at least 50 per cent. of the first reports made to the Police are not unattended with tipping. In cognizable cases investigation by the police officer not infrequently results in the fleeing of the persons concerned which accounts for the enigma that most police officers starting with no deposits at their credit and owning no large properties at the commencement of their service, and while living during their tenure of office in a fashion much beyond the means of those who get ordinary salaries, are found to have amassed large fortunes and built palatial houses. Generally in cases falling under Section 411 of the Indian Penal Code, the intermediate links of the chain are forged or cut off at pleasure according to the non-payment or payment of the bribe. In riot and more serious criminal cases, the officers in charge of investigation take full advantage of their position and in some cases extort such large sums that persons or families who have to pay them are practically ruined and cannot make up the loss for years. The public is loath to believe that these depredations do not come to the knowledge of superior officers. The general belief is that the officers, for reasons best known to themselves, connive at this state of things, and this attitude of theirs encourages the wrongdoers.

The second important branch of administration with which the public come in contact is the subordinate judiciary which, as is well known, is hardly renowned for purity and integrity. In civil and criminal cases, justice is in a number of cases sold to the highest bidder. It may seem surprising to some of the Honourable Members that in some cases bargains are actually struck between the Judge or Magistrate and the parties to the knowledge of both the parties and with all the higgling of an ordinary bargain. In this state of things, it is hardly unnatural to find that people are losing faith and confidence in the justice of the judicial courts.

About the Public Works and Irrigation Departments, the less said, the better. It is generally believed among the public that even the higher ranks of these services sometimes participate in the illicit gains obtained by their subordinates and that in almost every contract, considerable portion of the contract money is generally devoted by the contractor to purposes other than the actual work of the contract.

Exposure of corruption of every department in detail would present a picture too dismal and gloomy and I need not delineate it, as I trust that the insecurity and liability to be molested by the avaricious public servant are matters too notorious to be denied by anybody. But I cannot help referring to the Revenue and Railway Departments in which the evil is rampant and the resultant injury is very considerable. It is a matter of common knowledge that the poon, the patwari, canal or revenue, and his immediate officers charged with the duty of attesting mutations and reporting persons for being appointed as Lambardars and Zaildars ply their nasty trade with a rigorousness and impurity as unabashed as those of the police officers and the corrupt judge; and that persons who have to send goods by rail or take their delivery, or to get full wagons or reserved compartments or carriages have to grease the palm of the Railway employee before they can secure their object.

Unfortunately things have gone so perverse that the healing department also stands to-day in need of itself being healed and in medico-legal cases as in other various modes, some of our medical friends also are not immune from the temptation of getting a salve for all the needs that avaricious flesh is heir to.

Sir, from my experience of more than 26 years as a lawyer, I can tell this Assembly that corruption is so rife in all these departments that in the interests of sound and honest administration, thorough inquiry and scrutiny in the matter are absolutely necessary.

It must also not be forgotten that this demon of corruption does not hold its sway only in the spheres where the subject and persons in authority come into contact, but that it appears in its hideous aspect in the exalted relations of official life also. It is not uncommon for persons in authority to accept illegal gratification in the matter of appointment of officials to posts, their transfer, promotion and preferment. It is clear that such corruption is by its very nature doubly cursed. It does not debase the bribe-taker and the bribe-giver only in reference to a particular transaction, but it, in its turn, goads the bribe-giver to make up the amount by corrupt means, thereby supplying double impetus to the cause of corruption.

It must, however, be admitted that so long as dishonest greed, malice and desire to achieve one's legitimate and illegitimate object by hook or crook, enervise the minds of private persons, corruption and bribery cannot be totally eradicated. I am hopeful, however, that with the growth of representative institutions, public spirit and responsibility in the people the ideals of social and neighbourly justice will evolve and change the situation for the better. Be that as it may, the duty of the Government is clear and plain. The purity of administration is the first and foremost concern of every Government. The public believe that the Government is fully cognizant of the broad fact of bribery and corruption raging in the various departments of administration. The continuance of the present state of things without the Government taking special steps to purge the administration of corruption is liable to be construed as tantamount to condonation of corruption, and, to my mind, there can be no greater or more serious a slur or accusation on the part of the people on the good name of the Government.

It is, therefore, absolutely necessary that a Joint Committee of officials and non-officials be appointed with the object mentioned in the Resolution.



[Pandit J. L. Bhargava.]

It will not be out of place here to remark that so far as my Province is concerned, the Punjab Government has already been pleased to take up the matter in regard to certain departments and has appointed a Committee. But the matter is of paramount importance and general application to the whole of India, and I think such a Committee, as is desired to be appointed, will look at the question from a broader point of view and inquire into the conditions of the whole of India and suggest means of uniform applicability.

Sir, it is no use mincing matters, as unless the existence and prevalence of the evil were not so patent as to necessitate the formation of a Committee entailing considerable expenditure. I, for one, would not have lent my support to a Resolution like this. To my mind, the evil of corruption has assumed proportions the enormity of which cannot brook overlooking and even the most superficial observer cannot disregard its prevalence. As the evil is not one which is to be disclosed by any inquiry, I beg to move that the words 'if any' occurring at the end of the Resolution be deleted out and the word 'prevailing in them' be substituted for them, so that there may remain no doubt about the fact of the prevalence of the evil necessitating the formation of a Committee.

**Mr. President:** Amendment moved :

'That the words 'prevailing in them' be substituted for the words 'if any,' appearing at the end of the Resolution.'

**Rao Bahadur T. Bangachariar:** I think the Honourable Mover has brought to notice the admitted state of things. The only question is what is the proper remedy to adopt. I quite admit in my own experience that things have considerably improved from year to year, from decade to decade in all branches of administration including the Police (Hear, hear) which had the worst reputation in my earlier days. That is due in a great measure to the improvement in their pay and prospects and also the system adopted of recruiting the best men with educational qualifications. So long as this recruitment was based upon merely communal basis, things were not as good as they were bound to be. But once you couple efficiency with communal representation you always get the best material. I am glad to say that that is being kept in view by the Government, and therefore it is that we find a decided improvement. There is corruption and corruption. If a District Magistrate misuses certain sections of the Code for political purposes, is it corruption or not? Of course, you must not confine corruption merely to the taking of rupees, annas and pies.

**Mr. R. A. Spence:** I rise to a point of order. Is the Honourable Member speaking to this amendment? He is speaking on the general proposition. You put the amendment, Sir.

**Mr. President:** The Honourable Member has not caught the scope of the amendment. The Resolution uses the words 'if any' which make it problematical whether there is any corruption. The amendment moved declares that there is corruption, and if anything, widens the scope of the debate.

**Rao Bahadur T. Bangachariar:** While I acknowledge that there has been considerable improvement we must also acknowledge that there is room for more improvement, and I think it should be the endeavour of Government and it should be the endeavour of this Assembly to bring about that improvement,

The Honourable Member, the Mover of this Resolution, I hope, will be satisfied if the Government will take steps to issue instructions to Heads of Departments to see that corruption, as far as is humanely possible, is extinguished. Let them be reminded of their duties. (*A voice.*—Reminder.) I do not mean reminders. Let instructions issue now on the basis of this discussion. There is a widespread complaint—almost every body who has spoken, has admitted that there is corruption in one department or other. Even the heads of departments admit it. Now, what steps are you going to take to improve this state of things? I do not think that Government Members have vouchsafed any reply in that direction. There is a suggestion made how is it that the people do not complain? It is all very well for gentlemen in the position of Mr. Rhodes to say, 'Oh, I am not at all victimised', because if he goes to the superior officers, he has got the ear of the superior officers, and if he complains, his word is taken for granted and the subordinates are booked. But, for instance, if the poor unfortunate millions of this country approach the head of the department, he says, 'Well, what is your evidence? Who were present?' as if bribes are taken in the presence of people, and you make it impossible for a man to prove the bribe. The very nature of the offence is such that it is impossible to prove it, because bribes are not taken in the presence of other people, and the unfortunate complainant finds the tables turned upon him if he dares to complain and he is victimised. Take, for instance, an irrigation overseer. Take a time of scarcity where the dispute is whether my field should get water first or your field should get water first.

It means life and death to that man. If he gets water in time he gets the crops and that is a case where he will not be anxious to complain. It will be for the heads of the departments to see really that their officers behave better. Therefore there is no use throwing the blame on the public. The public will not complain, having regard to the law as it stands, having regard to the deaf ear that heads of the departments turn to such complaints. As I have pointed out already, it is not everybody who can occupy the position of Mr. Rhodes. I would therefore earnestly suggest to Government to say now and to-day, now that the matter is admitted, that although there is an improvement there is still more room for improvement, that they will take serious steps to give instructions to the heads of departments to find out what are the sources of corruption. They know it best. I do not think a Committee will be able to find it out. It is the heads of the departments who know it best. Let them make an honest and earnest attempt to find out what are the sources of corruption, where it exists and how best to remedy it. If the Government will set themselves about the work, I think they will be doing themselves good, they will be doing the country good and I think we will all be thankful to them.

**The Honourable Sir William Vincent:** Sir, if it meets with the wishes of the Assembly, I am quite prepared to accept the offer made by the Honourable Mr. Rangachariar and address the heads of the departments which are directly under the Government of India (I wish to make this quite clear) on this subject, and we will also, at the same time, address Local Governments on another matter which I omitted to mention before, namely, the question whether any change in the law is necessary in order effectively to put down corruption. This is a very different proposition from appointing a Committee. Government has been criticized for making no constructive suggestion to remedy the evil of corruption. The answer is simple. Up to now in my innocence I imagined that I had only

[Sir William Vincent.]

to deal with the specific proposal made in the Resolution itself, namely, whether Government should appoint a Committee, but I did assure the Assembly at the time that the Government is as anxious as anybody else to prevent corruption. Therefore, although I cannot myself hope that the issue of the Circular letter proposed by the Honourable Mr. Rangachariar will be really efficacious and though I fear that this custom of corruption not only in Government offices but also elsewhere, is too deep-rooted to be got rid of by a circular, yet if increased vigilance or any action on the part of the Government of India on the lines proposed by the Honourable Member will do any good, we shall be only too glad to take it.

**Mr. R. A. Spence:** I beg to move that the question be now put.

**Mr. B. Venkatapatiraju:** Sir, the reply made by the Honourable Sir William Vincent has not suggested any remedies for putting down corruption. With reference to a suggestion made by Mr. T. Rangachariar that some practical action should be taken to purify the administration, Sir William Vincent suggested that he would issue a Circular but what I say is, 'We want some remedy.' What is the meaning of issuing a Circular. If the Circular mentions that the heads of departments should consult the persons concerned in order to find out the methods by which bribery is encouraged and how it could be put down and that they should make a report to Government, then Government might take some steps. If they collect the opinions of departmental heads it serves no useful purpose. They must consult the public with whom they are dealing and send a report to Government.

I do not understand what the Honourable Sir William Vincent means to do by issuing a Circular to Departments. The question is whether, as suggested by the Punjab Government, a Committee should be appointed to find out the sources of this corruption, or how best to put it down by consulting the public, and send a report for necessary action.

**The Honourable Sir William Vincent:** A great many of us know that corruption exists. It is not confined to Government offices. It is rife in many lines of life. Is there not a good deal of touting and corruption even in legal circles of a certain grade? The difficulty is to stop it. As suggested by Mr. Rangachariar, however, we will issue a Circular to departments enjoining on them the necessity for exercising greater vigilance and greater care in checking this evil,—not necessarily to submit reports of any kind, but to take such steps as they can to check and stop corruption.

**Mr. S. C. Shahani:** But there may be a necessity for a change in the law.

**The Honourable Sir William Vincent:** Certainly.

**Mr. B. Venkatapatiraju:** On the assurance given by the Honourable Sir William Vincent that some action will be taken by Government, I do not press this Resolution.

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

## RESOLUTION re SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

**Rai T. P. Mukherjee Bahadur:** Mr. President, the Resolution which I beg to move before this House runs as follows :

' This Assembly recommends to the Governor General in Council that Judicial and Executive functions should be separated and steps should be taken to appoint a Committee consisting of officials and non-officials for preparing a scheme for the purpose at an early date.'

The subject which I have taken up to-day is not a new one, but it is an old subject, which has been discussed times without number in the press, on public platforms and in Legislative Councils by eminent Statesmen, and it is needless for me to discuss the merit of this Resolution by encroaching upon your valuable time. If I try to do so, I would naturally only repeat what the eminent persons had said long before on the subject.

The condemnation of this unholy combination of the executive and judicial functions in one hand has not been commenced in the present age of non-co-operation, but as far back as in Lord Cornwallis' time, in 1792, this system was vehemently condemned.

It is well known to Honourable Members here that this system of combination of both the functions has been condemned even by great Statesmen, such as Sir Cecil Beadon, Sir John Peter Grant, Sir Frederick Halliday, the Honourable Sir Harvey Adamson and others :

Sir, I cannot help quoting here some observations made by an eminent person like Sir Frederick Halliday on the subject :

' The union of Magistrate with Collector has been stigmatised as incompatible, but the junction of thief-catcher with Judge is surely more anomalous in theory, more mischievous in practice : so long as it lasts, the public confidence in our criminal Tribunals must always be liable to injury, and the authority of justice itself, must often be abused and misapplied, and the power of appeal is not a sufficient remedy for the evils.'

The danger of injustice, under such circumstances, is not in a few cases, not in a proportion of cases, but in every case : In all, the Magistrate is constable, prosecutor and Judge.'

Sir, the observations as quoted above may be read along with the observations of another great man, the Honourable Sir Harvey Adamson, the late Home Member with great advantage. It is not possible to quote here all what he said on the subject from his seat in the Viceroy's Council, but only a portion of his opinion I might be permitted to quote below :

' The inevitable result of the present system is, that criminal trials affecting the general peace of the district, are not always conducted in the atmosphere of cool impartiality, which should pervade a court of justice. Nor does this completely define evil, which lies not so much in what is done, as in what may be suspected to be done. For it is not enough that the administration of justice should be pure, it can never be the bedrock of our rule, unless it is also above suspicion.'

He further said in course of his address :

*' That no Government is strong, when administration of justice is not entirely above suspicion.'*

The experiment may be a costly one, but we think the object is worthy.

Then comes our venerable man Mr. R. C. Dutt, I.C.S., who spent his whole life in executive service as a successful District Magistrate and also as Divisional Commissioner. He strongly condemned the present system and so long as he was alive he advocated the entire separation of judicial from executive and he submitted a scheme for the purpose, which, I think, is not very costly.

[Mr. T. P. Mukherjee.]

Mr. Monmohan Ghose, an eminent criminal lawyer, and Sir Surendra Nath Banerjee, Kt., every year condemned the present system and passed successive resolutions on the platform of the Indian National Congress for the separation of these two functions. Furthermore, Sir Surendra Nath Banerjee, Kt. moved in this Council in 1913, 7th March :

‘That the Government of India should make grants to the Local Government to carry out the experiment of separating the two functions.’

Sir, for the last 50 years or more, this question has been threshed out both in this Council and outside this Council, as well as on the public platforms. Recently this question was fully threshed out in the Council of State and in course of discussion the Honourable Member, Colonel Sir Umar Hayat Khan, who was himself a Magistrate for 20 years, said :

‘I have known of cases in which District Magistrates have practically interfered and dictated the policy to be adopted in judicial cases, to their subordinate magistrates. There are many cases in which the subordinate officials have to carry out the instructions of their superiors and cannot decide as they think proper. They have simply to do, as they are asked to do in order to please the heads of the departments.’

Sir, in moving this Resolution, I do not make it my ground that the Magistrates always act unjustly, but I make it my ground that the administration of justice of my Government should be above suspicion and by all means the judicial integrity of our Criminal Courts should be preserved.

I have got another ground to press this Resolution before this House, that it is the general opinion that the District Officers are overworked as they have to look after multifarious subjects, and the consequence is that a District Officer cannot pay adequate attention to the welfare and convenience of the people who are entrusted to their care and custody, and I think the time has come, when the separation of Judicial and Executive should be made. No more the two functions should be allowed to co-exist, but now one should exist without the other.

Sir, only the other day the Honourable the Home Member frankly admitted in his speech before the Council of State, that Indian opinion generally has been strongly in favour of the separation of the Judicial and the Executive, and that his own feeling is that actual injury is caused by the present system, but it is exaggerated and he further admitted the necessity of trials being held in an atmosphere of cool impartiality and in some cases the apprehensions and suspicions of people do exist, and on this account there is a feeling of mistrust and distrust of our Courts in the minds of the people in some cases and he further enunciated a principle that ‘it is all important in a judicial trial that the Courts should be such as to command the absolute confidence of those who appear before it.’ He further said :

‘That it is indeed a general principle of the greatest importance whether the apprehensions are sound or not, and he further admitted that this system has its defects but they are largely exaggerated.’

Sir, I should like to quote a few lines more which the Honourable the Home Member said in this connection before the Council of State which are as follow :

‘The meaning of the word ‘separation’ has been very well put by a great Law Member in the Government of India, and it is this : ‘I think the Judicial officers should be speedily trained for their duties and that in performing these duties they should not be subjected to any form of executive pressure, for this purpose that there should be some separation is undoubted.’

Thus we gather the following undisputed facts from the speech made by the Honourable the Home Member before the Council of State :

- (a) That Indian opinion generally has been strongly in favour of the separation of the Judicial and the Executive.
- (b) That the actual injury is caused by the present system but it is exaggerated.
- (c) That the present system of administration of justice is not above suspicion and there is a feeling of mistrust and distrust of our Courts in some cases.
- (d) That there should be some separation at least.

Sir, the main objection is raised on the financial ground but there cannot be any reform without any additional expenditure.

If it is considered that this system is defective, if it is considered that the proposed reform is sure to increase the efficiency of the administration and to keep the administration of justice above suspicion, the Government should do it at any cost, even by curtailing the favourite expenditure on bricks and mortars and, if necessary, by curtailing the military expenditure.

Sir, the military expenditure has been enormously increased, just to make our Government more strong, but I can assure you, Sir, that if the proposed reform is introduced, even by curtailing the military expenditure, the Government will be much stronger.

I should mention here that the Honourable the Home Member, while addressing the Council of State on the subject, gave an assurance to the Mover of the Resolution, that the Government will meet the Honourable Member as far as possible. The matter is a Provincial one and if any Local Government decides to take up this question of separating the Judicial from Executive functions, the Government of India will raise no objection, but this question being one of general policy, meant for the whole of India, I think it is a fit subject which should be finally decided only by the Government of India.

Sir, we are very grateful to the Honourable the Home Member for the future hopes he has held out but, Sir, after the lapse of more than 50 years we are not satisfied with future hopes ; yes, we know that hope sustains life, but everything has its limit. Sir, it is high time that something substantial should be done now to bring about the desired reform, the necessity of which is admitted on all hands, without any further delay on the pretext that it is a Provincial matter.

Sir, we are fully aware that most of the Provincial Governments have got no funds, and if they like to introduce the long desired reforms it is not possible for them to do so unless they get an Imperial grant for the purpose. We are also aware that several Provincial Legislatures have already resolved to introduce the proposed reform and have recommended this to Government, but unless this Government provides funds for the purpose the resolutions would not be of any practical worth.

Sir, with the advent of our new Viceroy Lord Reading, the integrity of justice should be firmly rooted by introducing the proposed reform, and if it is approved, the proposed Committee would submit their final scheme after considering the proposed scheme of each Province.

**Dr. Nand Lal :** Sir, if the subject-matter of this Resolution is not the only concern of the Provincial Councils, then I am in support of this Resolution and I support it on the following grounds: firstly that it is anomalous to see that the District Magistrate, who gives instructions to the Public Prosecutor to prosecute certain accused persons, in some cases himself hears the appeals or hears the cases. This is an anomaly which ought to be removed, and I believe that the Government have got no answer to it. The second ground on which I support this Resolution is this, that this system of combination of executive and judicial, practically seems to be a remnant of mediæval times. To illustrate myself, I may cite an instance. There is a house in which the owner of the house cannot afford to have a number of servants who may be posted to do certain specific duties. This shows poverty in a miniature of the Government. At the present stage of our Government, we can, I believe, well afford to separate these two functions. No doubt it will entail a great amount of expenditure, I concede, so far as this point is concerned, but this expenditure could be met with. This is no ground, no argument, that since separation will prove expensive, therefore, we should tolerate that this evil should continue on. Therefore, Sir, supporting this Resolution, which speaks for itself, I make this submission very seriously before this Assembly, that they should be unanimous in supporting it; but, at the same time, they will have to bear this in mind, that they will have to make arrangements for the expenses which will be indispensably necessary to establish this separation.

**Rai Bahadur Pishambhar Nath :** Sir, it is superfluous for me to emphasise the importance of the separation of judicial and executive functions when the proposition has been thoroughly discussed for more than a quarter of a century in the meetings of the Indian National Congress, recommended and accepted at least in principle by the Government. It is an old history that the proposal was recommended by the Police Commission of 1863, a memorial signed by a number of eminent and experienced Judges and Statesmen of England was submitted to the Secretary of State for India in 1889 to carry the proposal into effect. If I am not mistaken it found its place on the list of the famous twelve reforms of Lord Curzon. In 1908, Lord Morley sanctioned the introduction of the reform and the experiment was to be made in certain districts of Bengal. But one fails to understand why the Government is so slow in carrying out even the proposals which are admittedly sound and are sure to improve the purity of administration and thus enhance the prestige of the Government. The reform has been introduced long since in some Native States such as Indore, and has worked successfully for now more than a decade. Is it not a pity that the British Government should lag behind? It is true the reform may cost the Government some more money than it spends at present, but the additional expense if unavoidable, I am sure, will not be grudged when the reform will remove the chief source of discontent and injustice.

I heartily support the Resolution that has been moved by my friend, Mr. T. P. Mukherjee.

**Lala Girdharilal Agarwala :** Sir, I am in full sympathy with the Resolution moved by my Honourable friend Rai Bahadur T. P. Mukherjee, except that I have a very small amendment to make, namely, to fix the time at one year within which the separation should be made. Sir, the reason for this small amendment is this. The question is a very old one. It was first raised by the

late Mr. Gokhale. It formed the subject of discussion at the second Indian National Congress of 1886, and thereafter it has been repeated year after year. It appears that a trial was given in Bengal by which two Additional Magistrates were appointed, but so far nothing whatever has been done. The question was very recently discussed in my own Provincial Council, namely, the United Provinces Council, and a Resolution was moved there in the following terms:—That this Council recommends to the Government to appoint a committee to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same.' At that time the Honourable Mr. Porter replied that he accepted the principle and the only question was as to details. His reply will be found at page 790 of the debates of the United Provinces Council in the following words:—' May I make it quite plain that the principle is accepted by the Government, and this committee is entirely to deal with the method in which it is to be carried out.' I submit respectfully that the question has become so old that one is apprehensive of the fact whether anything at all is going to be done unless a time is fixed. I am very sorry for making that statement. I apologise if I am not correct. With these few remarks I submit that the Resolution as moved by the Honourable Mover with the slight amendment I have suggested may be carried out.

**The Honourable the President:** The amendment moved is :

'That in line 2 of the Resolution after the word "separated" the words "within one year" be inserted.'

The question now is that that amendment be made.

**The Honourable Sir William Vincent:** Sir, I think the Council will remember that this question was discussed last year in another place, and as reference has been made to that debate in this Chamber to-day, I suppose I am at liberty to make some reference to it also. I do not however want to repeat what I said on that occasion. The real facts are these, that this subject is mainly a Provincial subject and we cannot get over that fact. Honourable Members of this Assembly cannot have it both ways; at times they speak of Provincial autonomy in regard to their own Province, but when they want anything done by the Government of India, then all principles of Provincial autonomy vanish, and, as in the present case, the Government of India is asked to interfere in what is definitely a Provincial subject, namely, the administration of justice and land-revenue administration. These are the two branches of administration which are mainly affected by the present proposal. At the same time, this question of separation does also affect the Central Government, and it was for this reason I did not attempt to get the Resolution disallowed, indeed, I am very glad to have this opportunity of stating what the intentions of Government are in regard to this matter. But I can only really repeat to this Assembly what I said last year in the Council of State, namely, that the subject is a Provincial one, but if any Local Government decides to take up the question—and the matter is one for them—the Government of India will proceed to make such legislative changes as may be necessary in order to give effect to the proposals of the Local Government, but we are not prepared to interfere with the discretion of the Local Governments in a matter which is mainly one of Provincial administration.

Now let us look at the position at the present moment. Two Local Governments have already appointed Committees to inquire into this matter,



[Sir William Vincent.]

one being the Government of the United Provinces and the other the Government of Bengal. The Committee appointed in Bengal will be presided over by an eminent Judge of the Calcutta High Court. I ask the Assembly, does it now seek to interfere in what is a Provincial subject and thus duplicate the steps already taken by two Provinces to inquire into it and to investigate a matter which will probably be made the subject of inquiry by other Provinces? It would be unreasonable to interfere in the matter. Non-officials have a majority in the Provincial Councils, and they can see to it that the matter is taken up at once. Hitherto, I imagine, the difficulty has been largely a financial one. We have been told, for instance, that in Bengal they have a deficit of 2½ crores, that was the last figure I heard, but I do not know whether it will affect them in taking up this question. In any case, it is not right for this Assembly to be guilty of vicarious generosity and to force Local Governments to take up schemes which they may not have the funds to finance.

I notice that one Honourable Member said that the funds ought to be found from Central Funds, but I may tell him at once that that is contrary to all the financial principles of the Reforms Scheme, as I believe everybody here will admit. At the same time the financial burden of any separation of judicial and executive is by no means small. In one Province in Lord Minto's time, when things were much cheaper than they are now, and we paid less for buildings and establishment, the cost was then estimated at 22 lakhs initial and 15½ lakhs recurring expenditure. But if there is a Province that wishes to initiate a scheme of separation and is prepared to finance it, we will help as much as we can; at the same time we ought not to force on them this particular project if they seek to use their resources in other ways.

The policy of the Government of India in 1908 in regard to this matter was laid down in the following words. I cite from what Sir Harvey Adamson said in that year in the Legislative Council. The Government decided as announced by my predecessor 'to advance cautiously and tentatively towards the separation of Judicial and Executive functions in those parts of India where the local conditions render that change possible and appropriate.'

We are prepared to go much further; let any Local Government come up and say that they want this change made and we are prepared to do our best to give effect to their recommendations, but we do not want to force our views on them.

In one Province I know the question was considered last year and for good reasons or bad reasons—I was told at the time they were very bad reasons—the proposal was turned down. That was in Madras. All I do want to ask this Assembly to do, is not to ask the Government of India to appoint a Committee on a matter which is already being inquired into by two Provincial Committees which is a Provincial matter and which this Assembly generally ought not really to attempt to control.

The amendment that in line 2 after the word 'separated' the words 'within one year' be inserted was rejected.

**Mr. J. Chaudhuri:** Sir, I have given notice of an amendment which will obviate the difficulties that have been pointed out by the Honourable

Home Member. May I move it now? My amendment is in the following terms :

'The Provincial Governments be asked to submit schemes for such separation in their respective Provinces in consultation with the Provincial Legislative Councils, and the schemes when received be submitted to a Committee consisting of Members of the Indian Legislature composed of two-thirds non-official and one-third official members to consider and recommend measures necessary for effecting such separation.'

The object of my amendment is this, that although schemes of separation may be formulated by the Provincial Governments, the Central Government will have to introduce legislation to give effect to them. Besides that, a scheme that will suit Bengal will not necessarily suit the United Provinces or Sind or Madras or Bombay. So, each Provincial Government should be left to itself to formulate its own scheme, and when those schemes are received by the Government of India, we may have a Committee to consider these schemes and consider what legislation will be necessary for giving effect to these schemes. It may require amendment of the Code of Criminal Procedure and in certain respects the revenue and the civil law as well. I do not wish to go into the history of this question, but I must mention that the Executive Government have opposed this scheme on the ground that it will be found financially to be much too expensive. But we are prepared in Bengal to present a scheme by which we can effect the separation without increasing the expenditure. Since a Committee has been appointed, I am not going to fasten any suggestions of my own on that Committee. I have pointed out that legislation by the Central Government may be necessary, and further, assuming that the giving effect to this scheme involves additional expenditure on any Provincial Government, the question of finding the necessary money for carrying out the reforms will have to be considered between the Provincial Government and the Imperial Government.

The Honourable Sir William Vincent has referred to the particular grievances of Bengal in this respect. We have been running the province with a deficit of 2½ crores. This question may be brought up before this Assembly in another connection, but in passing I must observe that the financial adjustment that has been made by the Late Finance Minister of the Government of India with the provinces is pressing hard against every province, and it is very unjust to the Provincial Governments. I shall only mention here that we in Bengal are merely revenue farmers on behalf of the Government of India. We raise nearly seven crores on income-tax for the Government of India and we do not get a pice.....

**Rao Bahadur T. Rangachariar :** I rise to a point of order, Sir.

**Mr. J. Chaudhuri :** I have only mentioned this point to indicate the injustice of the adjustment. I will not refer to it in detail. But I say this, that even my friend Mr. Rangachariar will admit that it is the unprogressive revenues that have been allotted to the provinces. For instance, we have to rely on land revenue and excise.....

**Mr. President :** Order, order. The Honourable Member is breaking his own undertaking.

**Mr. J. Chaudhuri :** I was mentioning those facts because occasion may arise when the provinces may have to come up to the Government of India not only for legislation, but also for helping them with assignments on a more

[Mr. J. Chaudhuri.]

equitable basis for carrying out the necessary reforms. I need not dilate upon the grievances of the provinces at the present moment. But I invite the attention of the House to them only to show that in this matter the provinces are not the final authority on this question, and there will soon be occasion for the Provincial Governments to come up to the Government of India not only for legislation, but to appeal to them to come to their rescue with necessary allotment of funds. That is sufficient for me to explain the scope of my amendment. I say in the last part of my amendment: 'to consider and recommend measures necessary for affecting such separation.' Sir, my object in placing these facts before this House is that it will be necessary for the Central Government not only to take up the necessary measure of legislation, but it may also be necessary to go into the question of finance. I, therefore, beg to move my amendment, and I am sure that it will meet with the acceptance of this House. The Committee need not be committed to any definite scheme. My amendment is wide enough to meet any contingency that may arise. With these words, Sir, I beg to move my amendment.

**The Honourable Sir William Vincent:** I think I can go some way to meet the Honourable Mover of this Amendment, though I cannot by any means accept all the proposals. I think I may guarantee that when proposals for separation are received by the Government of India, we shall be ready to appoint such a Committee as Mr. Chaudhuri proposes to ascertain what would be the best method of giving effect to the proposals. I agree with a great deal of what he said as to conditions varying in different provinces, and it seemed to me that, if that view be accepted, it was a convincing and a very cogent argument against the appointment of an all-India Committee. Surely, if conditions differ in different provinces, then the matter is one for the provinces to consider. I have no doubt also that legislation will be necessary finally and the assistance of members of this Assembly, official and non-official, will be readily accepted by the Government of India in framing that legislation. When, however, the Honourable Member suggests that the Government of India are to make assignments or give doles to the Government of Bengal or any other Government for a purpose of this kind, then I must say quite definitely that I can hold out no hopes of that being done, and indeed I hope that it will never be done, because this system of doles has proved in the past a very evil one.....

**Mr. J. Chaudhuri:** I did not expect any dole. I simply suggested: .....

**Mr. President:** Order, order.

**The Honourable Sir William Vincent:** The Honourable Member did not use the word 'dole,' but he used the word 'assignment'; whatever be his word for monetary assistance, whether it is subsidy, dole, or assignment—none of these things will the Government of India, if I know anything about them, give the Provincial Government of Bengal for carrying out the separation of executive and judicial functions. But if it is a question of appointing such a Committee, as the Honourable Member suggests to consider the legislation necessary to give effect to schemes of separation, I think I can meet him. On the other hand, I am not prepared to ask the Local Governments to submit such schemes. Indeed, I think it is really an insult to a large Provincial Government like Bengal, Bombay or the United Provinces, to suggest to them that they have

not considered this matter and that we seek to control them in a provincial matter of this kind. As soon as we do get schemes from them, or when we have even two or three schemes, I am quite ready to take steps for the constitution of such a Committee as the Honourable Member proposes.

**Dr. H. S. Gour :** I move that the question be now put.

**Mr. J. Chaudhuri :** In view of the assurance given by the Honourable Sir William Vincent I do not press my amendment. I only want to correct certain misapprehensions in his mind. I did not say that we want any dole from the Government of India. What I meant was that Lord Meston's assignment as between the Provinces and the Central Government is considered unjust all over India, and the day is not far distant when this Assembly will have to take up the question of a fairer apportionment of the revenues between the Government of India and the Provincial Governments and pass a final judgment on Lord Meston's award. That is all that I meant.

The amendment was, by leave of the Assembly, withdrawn.

**Mr. K. Ahmed :** Sir, I beg leave to move :

'That after the words 'Judicial and Executive functions should be' the word altogether' be inserted.'

'That before the word 'steps' the word 'proper' be inserted.'

'That after the words 'consisting of' the words 'Members of the Indian Legislature of both Chambers composed of three' be inserted.'

'That before the word 'non-official' the word 'two-thirds' be inserted.'

that is to say, I agree with the Honourable Mover, but I want that there should be a majority of non-officials in the Committee.

Sir, the pros and cons of this subject have been discussed and it is no longer necessary at this hour of the day to trouble the House any further. It has been admitted by the Honourable the Home Member that he had a Resolution to answer in the last Session of the Council of State. It has also transpired that in Bengal a Resolution of this description has already been carried by a majority. That Resolution moved by Babu Kishori Mohan Chaudhuri only a few months ago runs as follows :

'That this Council recommends to the Governor in Council that early steps may be taken for the separation of judicial and executive functions in the administration of this Presidency.'

Sir, the Resolution which was moved in the Council of State by my Honourable friend, Mr. Bhurgri, runs thus :

'That this Council recommends to the Governor General in Council to make a definite declaration that the time has arrived for the complete severance of judicial from executive functions, and that early steps be taken to accomplish the severance almost immediately.'

Sir, this Resolution of the Council of State was withdrawn only on a statement made by the Honourable the Home Member that this was a Provincial matter altogether. Furthermore, Sir, in the Legislative Council of Madras a similar Resolution was carried by a majority of 45 to 33 votes. I think I am right in saying that in the United Provinces too the Local Government have given an assurance that the Resolution will be given effect to. In the Punjab I find that some sort of understanding has been come to between the Council

[Mr. K. Ahmed.]

and the Government. I suppose, Sir, it is high time that we must have some decision on this question one way or the other. We have held up this matter for a long time, and the sooner something is done the better. Sir, a very able and energetic member of the Indian Civil Service, the late Mr. R. C. Dutt, was in favour of this reform and there are many other views in favour, notably that of the Indian National Congress. We should therefore get together a Committee and my Amendment seeks to bring about a composition consisting of two-thirds non-officials and I am sure, Sir, that this Resolution and my amendments will meet with the approval of the House.

**Rai T. P. Mukherjee Bahadur :** I have no objection to accepting the amendments proposed by my friend,

**Dr. Nand Lal :** It does not depend only on the Mover's acceptance of the amendment.

**Mr. President :** Order, order. The original question was that :

'This Assembly recommends to the Governor General in Council that judicial and executive functions should be separated and steps be taken to appoint a Committee consisting of officials and non-officials for preparing a scheme for the purpose at an early date.'

An amendment has been moved which runs as follows :

'That after the words 'Judicial and Executive functions should be' the word 'altogether' be inserted.'

'That before the word 'steps' the word 'proper' be inserted.'

'That after the words 'consisting of' the words 'Members of the Indian Legislature of both Chambers composed of three' be inserted.'

'That before the word 'non-official' the word 'two-thirds' be inserted.'

The motion was negatived.

**Mr. President :** The question is that the main question be now put.

The motion was adopted.

**Mr. President :** The question is that :

'This Assembly recommends to the Governor General in Council that judicial and executive functions should be separated and steps be taken to appoint a Committee consisting of officials and non-officials for preparing a scheme for the purpose at an early date.'

**Rao Bahadur T. Rangachariar :** Sir, I think it will facilitate the voting on this occasion if you will permit the first part of the Resolution to be put separately, and I think the Honourable the Mover will omit the second portion, if the first portion is accepted. The point is this. We are all looking for the principle. If the whole motion is rejected, we may feel that this Assembly does not recognise the principle of separation. If the first portion is accepted, I think the Honourable Mover will not press the second portion.

**Mr. President :** I have put the question from the Chair; I cannot divide the question now. I may point out to Honourable Members that we have been discussing this question for an hour. If they have taken an hour to discover that, it has taken them too long.

The question was again put from the Chair.

The Assembly divided as follows :

AYES—46.

Abdul Quadir, Mahli.  
 Abdulla, Mr. Saiyed Mahammad.  
 Agarwala, Lala G. L.  
 Agnihotri, Mr. K. B. L.  
 Ahmed, Mr. K.  
 Amd Ali, Mir.  
 Ayyangar, Mr. M. G. M.  
 Ayyar, Mr. T. V. Seshagiri.  
 Bapnai, Mr. S. P.  
 Barodawalla, Mr. S. K.  
 Bhargava, Pandit J. L.  
 Bishambhar Nath, Mr.  
 Chaudhuri, Mr. J.  
 Chaudhuri, Mr. N. N.  
 Faiyaz Khan, Mr. M.  
 Ginwala, Mr. P. P.  
 Girdhardas, Mr. N.  
 Gour, Dr. H. S.  
 Gulab Singh, Sardar.  
 Hejeebhoy, Mr. Mahomed.  
 Ibrahim Ali Khao, Lieutenant Nawab.  
 Ishwar Saran, Munshi.  
 Jamnadas Dwarkadas, Mr.

Jatkar, Mr. B. H. R.  
 Jejeebhoy, Sir Jamsetjee.  
 Joshi, Mr. N. M.  
 Lakshmi Narayan Lal, Mr.  
 Majumdar, Mr. J. N.  
 Manmohandas Ramji, Mr.  
 Man Singh, Bhai.  
 Mukerjee, Mr. T. P.  
 Nag, Mr. G. C.  
 Nand Lal, Dr.  
 Rangachariar, Mr. T.  
 Shahab-ud-din, Chaudhri.  
 Shahani, Mr. S. C.  
 Singh, Babu Ambika Prasad.  
 Singh, Babu B. P.  
 Sinha, Babu Adit Prasad.  
 Sinha, Poohar Raghubir.  
 Sircar, Mr. N. C.  
 Sohan Lal, Bakshi.  
 Subrahmanayam, Mr. C. S.  
 Subaposh, Mr. S. M. Z. A.  
 Ujagar Singh, Baba Bedi.  
 Vishindas, Mr. H.

NOES—35.

Aiyer, Sir P. S. Sivaswamy.  
 Bradley-Birt, Mr. F. B.  
 Bryant, Mr. J. F.  
 Clarke, Mr. G. R.  
 Clayton, Mr. H.  
 Cotelingam, Mr. J. P.  
 Crookshank, Sir Sydney.  
 Dalal, Sardar B. A.  
 Dentith, Mr. A. W.  
 Faridoonji, Mr. R.  
 Felt Sir Godfrey.  
 Gidney, Lieutenant-Colonel H. A. J.  
 Hullah, Mr. J.  
 Hussainally, Mr. W. M.  
 Ikramullah Khan, M. M.  
 Innes, Mr. C. A.  
 Kabraji, Mr. J. K. N.  
 Kaimat, Mr. B. S.

Lyle, Mr. D. B.  
 McCarthy, Mr. F.  
 Mitter, Mr. D. K.  
 Muhammad Husain, Mr. T.  
 Muhammad Ismail, Mr. S.  
 Mukherjee, Mr. J. N.  
 Percival, Mr. P. E.  
 Price, Mr. E. L.  
 Ramayya Pantulu, Mr. J.  
 Rao, Mr. C. Krishnaswami.  
 Rhodes, Mr. C. W.  
 Sapra, the Honourable Dr. T. R.  
 Sim, Mr. G. G.  
 Spence, Mr. E. A.  
 Vincent, the Honourable Sir William.  
 Waghorn, Colonel W. D.  
 Zahiruddin Ahmed, Mr.

The Resolution was adopted.

PRECEDENCE OF NOTICES OF BILLS AND RESOLUTIONS.

Mr. President : In normal circumstances I should now adjourn the House, but I have had representations made to me that I ought to call upon

[Mr. President.]

the Mover of Resolution No. 3\* in order to give him precedence to-morrow. As far as I can judge the matter, I am not able to do that under the rules: otherwise I should be defeating the ballot which was held in order to establish priority, first of all, for to-day, and secondly, for to-morrow. If the Honourable Member in whose name the Resolution stands has any points to submit to me on that question, I am prepared to hear him.

**Rai J. N. Majumdar Bahadur :** Sir, all that I can submit is, that many Members of the House, both on the official and on the non-official side, consider the matter of my Resolution a very important one and they are willing to sit on the matter. I was asked by several friends here to request the Honourable the President to allow my Resolution to be moved. Of course, we sometimes do sit here up to 6 and 7 o'clock or later. Of course, I cannot reasonably ask the House to sit a little longer, but, at the same time, the subject is such an important one, that if the sense of the House is taken—and I request the President to take the sense of the House—I think they will allow the Resolution to be moved now, and the discussion can follow to-morrow.

**Mr. President :** On the point regarding the sense of the House, the matter to which I must first pay attention is the state of the ballot paper establishing priority of Resolutions. If the Honourable Member is so certain that the sense of the House is with him, the state of the ballot paper would reflect that certainty. It does not. I cannot permit him to move now in order to establish his priority to-morrow morning, because by doing so I should be giving him a practical certainty of occupying the entire day to the exclusion of those who won places in the ballot for to-morrow. Standing Orders 7 and 9 cover the question. Standing Order 7 says, 'The relative precedence of notices of Bills and Resolutions given by non-official Members shall be determined by ballot in accordance with the procedure set out in Schedule I.' The important words there, from my point of view at present, are 'shall be determined.' These are imperative words. Rule 7 of the Schedule governs the conditions which we are now discussing: 'To determine the priority of non-official business during the remainder of the Session, ballots shall be held for such days and on such occasions as the President may, from time to time, appoint; and due notice shall be given to Members of any proposed ballot.' I am not aware that the Honourable Member objects to the notice that was given, and as far as I am able to judge the procedure, under the chairmanship of one of the panel of chairmen, was in order.

Let me draw his attention and the attention of Members of this Assembly as to what he proposes to do. The ballot was taken in this form, that the

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\* This Assembly recommends to the Governor General in Council that he may be pleased to move the Secretary of State for India in Council for taking necessary steps for ensuring :—

- (1) the transfer, from the beginning of the next term of the Legislative Councils, of all Provincial subjects to the administration of the Governor acting with Ministers;
- (2) the transfer, from the beginning of the next term of the Legislative Assembly, from among the Central subjects of all subjects except Army, Navy, Foreign and Political Departments to the administration of the Governor General acting with Ministers, provision being made for such constitutional changes as may be necessary in that behalf, on the lines of the provision for administration of transferred subjects of the Local Governments; and
- (3) endorsement, from the beginning of the fourth term of the Legislative Assembly, of full Dominion Self-Government in India.

first name emerging from the ballot box was given the choice which day he would move his Resolution, to-day or to-morrow; the second name coming out naturally chose the day which the first name had not chosen. Thus the first place on each day is filled. What the Honourable Member now asks for is to place him, whose name stands third on the first day, in front of the man whose name is first on the second day, and that I cannot imagine in any sense would be just. That would only be permissible if our ballot established a continuous priority covering several days. This ballot sets up a water-tight compartment for each day. If the procedure of the ballot is accepted by the House, as I imagine it is, then the House must accept the way in which its operation affects the transaction of business.

If I may return for a moment to what the Honourable Member said in regard to the sense of the House, when the sense of the House is so overwhelmingly in favour of a given course, the action to be taken by non-official members in trying to make certain that a subject will be discussed is surely so obvious that I need not mention it from the Chair.

**Rai J. N. Majumdar Bahadur :** May I request the President to take up the matter to-day?

**Mr. W. M. Hussanally :** May I say a word, Sir? The hours of sitting of this Assembly are not fixed. At the last Session in Delhi, sittings sometimes lasted till 7 o'clock and even after; so that it is entirely within the discretion of the Chair to sit longer or not. If the hours of the Assembly were fixed, I could understand your objection to taking up the matter now, but if it lies within your discretion to sit longer or not, it will be entirely within your discretion to allow my friend to move his proposition to-day or not.

**Mr. President :** Standing Order 6 reads 'The Meetings of the Assembly shall (subject to the direction of the Governor General) ordinarily commence at 11 A.M. and ordinarily terminate at 4 P.M.' The Honourable Member is well aware that we have not strictly observed that rule; but we have found it to the convenience of Members not to work as late as we would have to if I allowed the Resolution of the Honourable Member from Bengal to be moved and discussed now. For that purpose the Assembly would have to sit till 9 or 10 P.M. to-night. The matter is entirely in the hands of the Assembly. I think the word 'ordinarily' leaves a discretion to the Chair, and I propose, unless there is strong objection from the Chamber, that the Assembly should adjourn now.

**Dr. H. S. Gour :** I move, Sir, that the House do sit for half an hour more.

**Mr. President :** From the point of view of the just operation of priority in the ballot, this Resolution must be disposed of to-night or not at all.

**The Honourable Sir William Vincent :** Sir, the Resolution is a very complicated and difficult one and it will take time; there are also a large number of amendments. I am quite prepared to take the discussion up, but I do think that it will be a little hard on Government Members if this Assembly begins a debate of this kind after half-past five. We certainly could not finish it even by 9 or 10 P.M.

**Mr. Kamat :** Sir, I believe this question is of such overwhelming importance that the whole country is perhaps waiting to see it discussed in



[Mr. Kamat.]

this Assembly. I therefore feel that in the general public interest this question should be discussed either just now or to-morrow morning under your discretion. If in any case the whole of this question is dropped, there will be a general feeling in the country that the question is dropped because the Government of India did not like to have it discussed.

**Mr. President :** The Honourable Member has made what appears to me to be a reflection both on the Chair and on the Government of India. I am not concerned to defend the Government of India, but the course which has been suggested to me by the Honourable Member is one which I cannot follow. The ballot has been established in order to give every member an opportunity. I may repeat what I said to the Honourable Member from Karachi that the more important the subject is, the more is it in the hands of the non-official members to take their own precautions to see that it is discussed.

**The Honourable Sir William Vincent :** I submit, Sir, there is no justification whatever for the remarks just made by the Honourable Mr. Kamat. I came down here prepared to discuss the Resolution to-day, and I must repudiate the suggestion made by the Honourable Mr. Kamat. Because Honourable Members have wasted time on comparatively unimportant Resolutions over which we have been sitting the whole day, the accusation is now brought against Government that they are unwilling to face the music on this particular Resolution. To clinch this matter further, as this accusation has been made against us, I will do my best.—I can give no undertaking on this point, —but I will do my best to show the Honourable Member and this Assembly generally that we are in no way afraid to meet this Resolution or to take the sense of the House on it. I will try—I use the word 'try' again deliberately, as I cannot undertake to do it—I will try to give time for this Resolution on an official date, if necessary.

**Mr. Kamat :** I rise to a point of explanation, Sir. I did not mean that the Government of India wanted to drop this question on set purpose. What I said was that the result of to-day's discussion would lead the country to believe—it may be a very wrong belief—that the Government of India did not like to have this discussion. I am perfectly certain that the Honourable Sir William Vincent came here with the determination to have this question discussed, and in the afternoon I knew very well that he himself wanted to have this discussion. What I said was about the feeling likely to be aroused in the country if this discussion is dropped. I never said that the Government of India wanted to shirk this discussion.

**The Honourable Sir William Vincent :** The Honourable Member's remarks seemed to me to make an insinuation of that kind.

**Rao Bahadur T. Rangachariar :** I do not wish to pursue the matter further after the assurance given by the Honourable Sir William Vincent, but I may remind you, Sir, that at the last Session when a similar question arose you allowed Mr. Price to move his proposition in order to take it up the next day. You will probably remember, Sir, the arrangement.

**Mr. President :** Does the Honourable Member say that the ballot was taken on the same conditions ?

**Rao Bahadur T. Rangachariar :** Yes,

**The Honourable Sir William Vincent :** My recollection is the same as that of the Honourable Mr. Rangachariar.

**Mr. President :** Until that point is cleared up, I think I cannot advert to it at this moment. I remember the instance, perfectly well, but the point at issue is, whether the ballot was governed by the same conditions as the ballot in this case.

**Rao Bahadur T. Rangachariar :** We got up a little earlier on the previous day, so that the discussion might be carried on the next day.

**Mr. E. L. Price :** My recollection is that the discussion was not continued on the next day. I do not recollect the conditions, but it was a good many days afterwards.

**Mr. President :** It is perfectly true that non-official business which is in course of transaction has to be interrupted by the adjournment of the House, but may be carried over from one day to the next day on which non-official business is taken. I do not consider that rule overrides the priority which is established by the ballot. I do not think that is a subject on which the discretion of the Chair can reasonably be exercised. In any case, as I have pointed out in reply to Mr. Kamat, if the importance of the subject justifies the statements which have been made here during the last 15 minutes, it justifies the withdrawal of Resolutions Nos. 1, 2 and 3 standing on the agenda for to-morrow.

**Rai J. N. Majumdar Bahadur :** Sir, may I raise this point? Supposing my Resolution had been taken up to-day, and supposing the discussion of it had not finished, would it have been carried over to the next day, and would it have precluded the discussion of the Resolutions down on the paper for to-morrow? I should like a ruling on that point.

**Mr. President :** The point that is put to me now is a hypothetical one; and one danger that every occupant of the Chair has always avoided is the answering of hypothetical questions.

**Mr. J. Chaudhuri :** Sir, may I request the Honourable the Home Member to assign a day for the discussion of this Resolution, as he did in the case of the Resolution moved by Mr. Samarth a few days ago?

**The Honourable Sir William Vincent :** I have already informed the House that I will do the best I can, but I cannot guarantee time on an official date, because we have now reached rather a late stage in this Session and I have been pressed by various non-official members to give them time for the introduction of certain Bills. I shall have great difficulty in doing even that owing to extra days being taken up for demands for the Budget. I can only add that I am quite willing to do the best I can in the matter.

Just one point more, Sir, the Resolutions for to-morrow—I think I have the right list in front of me—are being moved one by Mr. Latthe, one by Sir Sivaswamy Aiyar, then one by Colonel Gidney and one by Mr. Jannadas Dwarkadas which substantially raises nearly the same question as arises in the Resolution standing in the name of Mr. Majumdar on to-day's agenda and for which we are endeavouring to find time. In the

[Sir William Vincent.]

circumstances, it seems to me that the Assembly has the remedy very largely in its own hands.

**Mr. W. M. Hussanally :** I think the Assembly should be satisfied with the assurance given by the Honourable the Home Member, but if there are no other objections, perhaps it would not be out of place to suggest that an extra non-official day might be set aside for discussion of the Resolution in question.

**Mr. President :** Honourable Members know the difficulties under which we are labouring as regards time, but every Honourable Member who rises in his seat is one more argument for the withdrawal of Resolutions Nos. 1, 2 and 3 down for to-morrow. If Honourable Members in charge of those Resolutions do not agree to their withdrawal, however, nobody can compel them to do so.

As I have pointed out it is a little late in the day now to discover the importance of Resolution No. 3 on the list of to-day when we have spent so much time over two comparatively unimportant Resolutions. I do not think the Chamber is entitled to ask either the Chair or the Government to pick them out of the hole into which they have fallen themselves.

This House now stands adjourned till 10-30 to-morrow morning.

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