

4th February, 1924

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



SIMLA
GOVERNMENT OF INDIA PRESS
1924.

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LEGISLATIVE ASSEMBLY.

Monday, 4th February, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBERS SWORN:

Mr. Montagu Sherard Dawes Butler, C.B., C.I.E., C.V.O., C.B.E., M.L.A. (Secretary, Department of Education, Health and Lands); Sardar Mahboob Ali Khan Mohammad Akbar Khan, M.L.A. (Bombay Southern Division: Muhammadan Rural); Mr. Yusuf Imam, M.L.A. (United Provinces Southern Divisions: Muhammadan Rural); Dr. H. S. Gour, M.L.A. (Central Provinces Hindi Divisions: Non-Muhammadan); Sir Chimanlal Harilal Setalvad, Kt., M.L.A. (Bombay: Nominated Non-Official); Prince Afsar-ul-Mulk Mirza Muhammad Akram Hussain Bahadur, M.L.A. (Bengal: Nominated Non-Official); Mr. Narayan Malhar Joshi, M.L.A. (Nominated: Labour Interests); Mr. Narayan Madhav Samarth, M.L.A. (Bombay: Nominated Non-Official).

QUESTIONS AND ANSWERS.

REPORT OF THE NORTH-WEST FRONTIER COMMITTEE.

54. ***Dr. H. S. Gour:** (a) Will the Government be pleased to state what action, if any, has been taken upon the Report of the North-Western Frontier Committee appointed to consider the question of amalgamation of that Province with the Punjab?

(b) Will the Government be pleased to lay on the table the Report of the Frontier Committee?

(c) If the Government has taken no action, will the Government be pleased to state what action it intends to take in future, and how long it will be before any action is taken?

(d) Is the Government aware that the cost of maintenance of this Province is out of proportion to the revenue raised therein?

(e) Will the Government be pleased to state why it has taken no action upon the recommendation of this House, dated the 21st September 1921, in favour of the amalgamation of the Judicial Administration of the North-Western Province with the Punjab?

(e) Will the Government be pleased to state what action, if any, it proposes to take to give effect to the recommendation of this House, and if it intends to take no action, why not?

The Honourable Sir Malcolm Hailey: (1) It is proposed to publish the report of the North-West Frontier Province Inquiry Committee at an early date. Copies will then be placed in the library of this Chamber.

(2) The proposals in the report are still engaging the serious consideration of Government and I cannot say when any action on them will be taken.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

55. ***Dr. H. S. Gour:** (a) With reference to the Resolution of this House dated the 23rd March 1922 recommending the abolition of Divisional Commissionerships in the Provinces where they exist throughout India, and the promise given by the Home Member to consult Local Governments on the question of either abolishing or reducing the number of these appointments, will the Government be pleased to state what action it has taken to fulfil its promise?

(b) If it has consulted the Local Governments, will the Government be pleased to state what replies it has received from them?

(c) Will the Government be pleased to state whether it is not a fact that several local Councils and the Provincial Retrenchment Committees have recommended the abolition of Divisional Commissionerships?

(d) If the answer to the last question be in the affirmative, will the Government be pleased to state what action it has taken upon their recommendations?

(e) Will the Government be pleased to state the number and cost of maintaining these Officers?

The Honourable Sir Malcolm Hailey: (a) Local Governments were consulted.

(b), (c) and (d). The attention of the Honourable Member is invited to the reply given on 1st February to Mr. Gaya Prasad Singh's question on the same subject.

(e) I would refer the Honourable Member to our published Civil Lists which give both the numbers and salary of these officers.

FREE RAILWAY PASSES FOR THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT.

56. ***Dr. H. S. Gour:** In reply to starred question† No. 446 (c), dated the 5th March 1923 the Government stated that no money account is maintained showing the cost of free passes and P. T. Os. granted to the employees of the Railway Department, and in reply to part (a) of starred question‡ No. 571, dated 17th March 1923 the Government stated that "the trifling monetary value of this concession does not justify differentiation in scales of pay" and the statement laid on the table in reply to starred question§ No. 531, dated 9th March 1923 shows that 626 second class and 277 first class free passes were issued to the staff of the Railway Department during the year 1922? With reference to these replies, will Government kindly state how and on what basis was the monetary value calculated to enable the Government to consider it as trifling?

The Honourable Sir Charles Innes: The reply to the question referred to was with reference to the ordinary individual benefit of passes and was not based on any detailed calculation. On receipt of the Honourable Member's question, however, a large number of cases were examined, and the investigation tends to show that the rules governing these concessions are liable to be taken undue advantage of. Proposals have been

† *Vide* page 2952 of L. A. Debates, Vol. III.

‡ *Vide* page 3600 of L. A. Debates, Vol. III.

§ *Vide* pages 3125-3126 of L. A. Debates, Vol. III.

made for the revision of the rules which will reduce the value of the concessions to much smaller dimensions. These proposals are now under consideration.

FREE RAILWAY PASSES FOR THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT.

57. ***Dr. H. S. Gour:** Will the Government be pleased to state the total number of free passes and P. T. Os. granted to an individual of the ministerial staff of the Railway Department who availed himself of the largest number during the year 1922 and the stations between which the journeys were made?

(Passes may be calculated in singles, i.e., a family pass for 3 heads should count as three passes for the down and three passes for the up journey, including attendants and servants' passes, if any.)

The Honourable Sir Charles Innes: The maximum number of free passes admissible under the rules in 1922 was 2 family passes by State lines and one by foreign lines. In addition, 2 school passes for children and 4 P. T. O.'s at one-third fare.

In the case of one man with a family who availed himself of the full privilege the individual passes are shown in a statement, which is laid on the table.

Statement showing free passes and privilege ticket orders granted to one man of Railway Board's Office in 1922.

From	To	Number of persons.	Number of single journeys.
(1) Delhi	Peshawar	1	1 (Self).
(2) Simla	Lahore and back	1	2 (Self). (Kalka to Ambala excluded).
(3) Hoshiarpur	Simla and back	1½	3 (Family).
(4) Beas*	Simla and back	2	4 (School children).
(5) Beas*	Lahore and back	1	2 Ditto.
(6) Hoshiarpur	Delhi	2	2 (Family).
(7) Delhi	Hoshiarpur	2	2 (Self and family).
(8) Delhi	Agra and back	2	4 Ditto.

* School passes.

Privilege Ticket Orders.

From	To	Number of persons.
Hoshiarpur	Delhi	1
Kalka	Ambala	1
Hoshiarpur	Beas	1
Beas	Delhi	1

Total number of privilege ticket orders issued—4

FREE RAILWAY PASSES FOR THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT.

58. ***Dr. H. S. Gour:** Will the Government be pleased to state how many 1st, 2nd, inter and 3rd class free passes were issued between Simla/Delhi and Calcutta during the year 1922 to the ministerial staff of the Railway Department?

(Passes may be calculated in singles, i.e., a family pass for 3 heads should count as three passes for the down and three passes for the up journey, including attendants and servants' passes, if any.)

The Honourable Sir Charles Innes: Passes covering the journeys of 148 single individuals, i.e., 29 first class, 117 second and two intermediate. Also 96 servants between Simla or Delhi and Calcutta were issued in 1922.

FREE RAILWAY PASSES FOR THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT.

59. ***Dr. H. S. Gour:** Will the Government be pleased to state how many free passes were issued to the persons belonging to the Railway Department during the year 1922-23 who were at the same time allowed to draw separation allowance at the time of the move to and from Delhi?

The Honourable Sir Charles Innes: The number of persons in the Railway Department who drew separation allowance in 1922-23 was 55 and of these 12 and 19 were granted family passes at the time of the move from Simla and Delhi respectively.

These passes count however against the annual allowance of passes.

FREE RAILWAY PASSES FOR THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT.

60. ***Dr. H. S. Gour:** Will the Government be pleased to state how many free passes were issued during the year 1922 for the up and down journey of the children of the Railway Department staff who were under education in different parts of the country?

The Honourable Sir Charles Innes: The number of passes issued for children going to or returning from school was 111.

DEFINITION OF "A RAILWAY SERVANT."

61. ***Dr. H. S. Gour:** In reply to starred question† No. 570, dated 17th March 1923 the Government said "Railway Service is ordinarily held to mean employment on railways and in offices administering railways", but the definition of a railway servant as given in sections 3(7) and 148(2) of the Indian Railways Act does not seem to embrace the employees of the Railway Department of the Government of India. Will the Government kindly state the difference?

The Honourable Sir Charles Innes: The Honourable Member is referred to clause 3 (6) of the Act.

PROVINCIAL CONTRIBUTIONS TO THE CENTRAL REVENUES.

62. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to publish the comparative table of Revenue and Expenditure, balances, or deficits, additional taxation imposed, in several provinces during the last 5 years after the Reforms in order to consider the contribution to the Central Revenues?

† Vide page 3599 of L. A. Debates, Vol. III.

The Honourable Sir Basil Blackett: Information regarding the additional taxation imposed in the several provinces should be obtained from the provincial Governments concerned. The other information asked for will be found in accounts Nos. 8 and 9 of the Finance and Revenue Accounts. The accounts for the year 1921-22 have already been published and those for 1922-23 will be published shortly.

Dr. H. S. Gour: Am I to understand that private Members of this House are at liberty to apply to the Local Governments and that Local Governments will give the information required by them?

The Honourable Sir Basil Blackett: The answer to the first part is in the affirmative. I am not in a position to answer the second.

Dr. H. S. Gour: When the Honourable the Finance Member says that the information called for may be obtained from the Provincial Governments, does he mean that the Members should apply to the Provincial Governments or that the Government of India will obtain the information and place it at the disposal of this House?

The Honourable Sir Basil Blackett: The former.

Diwan Bahadur T. Rangachariar: May I ask whether the Government of India is in possession of this information?

The Honourable Sir Basil Blackett: It is in possession of the information that has been published.

Dr. H. S. Gour: Is the Honourable the Finance Member aware of the fact that some time back in this House a motion was moved that Provincial Governments should communicate with the Members and furnish them with all the necessary information, and that motion was stoutly resisted by the Government?

The Honourable Sir Basil Blackett: It is not within my memory.

The Honourable Sir Malcolm Hailey: It was not accepted by the House.

Dr. H. S. Gour: I never said that it was accepted or rejected by the House. Is it not a fact that it was stoutly resisted by the Government?

The Honourable Sir Malcolm Hailey: And I added that it was rejected by the House.

Dr. H. S. Gour: That was no answer to my question.

Mr. Harchandrai Vishindas: Is there any procedure for Members of the Central Legislature applying or putting questions to Provincial Governments?

The Honourable Sir Malcolm Hailey: There is no such procedure.

Diwan Bahadur M. Ramachandra Rao: Will the Honourable Member explain what difficulty there is in obtaining the information required in answer to these questions. Why does my Honourable friend insist that Members of the Assembly should apply to the Provincial Governments?

Mr. President: The Honourable Member may be reminded that there are local Legislatures in each of the provinces.

CENSUS OF PRODUCTION.

63. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to place on the table the publication containing the information about the Census of Production of British India?

The Honourable Mr. A. C. Chatterjee: There is no such publication, but I would invite the Honourable Member's attention to the publication entitled "Statistical Abstract for British India," recently published, which contains so far as available, tables which would appear in such a census, namely, figures of areas and yields of crops, mineral production, labour employed in certain industries, output of mills, etc. A copy of this publication has been placed in the Library.

GRANT OF SCHOLARSHIPS TO INDIANS FOR RESEARCH WORK.

64. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether they propose to take any and what action in the year 1924-25 regarding grant of 25 Scholarships to Indians for Research Work?

Mr. M. S. D. Butler: The Government of India have not been able as yet to take any action in the direction indicated owing to the prevailing financial stringency. They have, however, put forward proposals for the grant of four technical scholarships one each in mining, geology, metallurgy and flour-milling during 1924-25.

WITHDRAWAL OF BRITISH CAVALRY REGIMENTS FROM INDIA.

65. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the final decision is arrived at about the withdrawal of a third British Cavalry Regiment and when the other two British Cavalry Regiments were withdrawn?

Mr. E. Burdon: As regards the third Cavalry regiment, the attention of the Honourable Member is invited to the reply which I gave on the 1st February to question No. 40 asked by Diwan Bahadur Ramachandra Rao. Of the other two regiments, one is due to sail from India on the 26th February 1924, and the other on the 8th March 1924.

LICENCES FOR FIRE-ARMS.

66. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state the number of Licences granted for Fire-Arms throughout British India during the past year?

The Honourable Sir Malcolm Hailey: The information is being collected and a statement will be laid on the table as soon as it is available.

PRESENTATION OF A JOINT ADDRESS TO H. E. THE VICEROY BY MEMBERS OF THE INDIAN LEGISLATURE.

67. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether there would be any constitutional difficulty in presenting a joint address by the Members of both the Houses to His Excellency the Viceroy in reply to his speech on the opening of the Session, advocating measures approved of by the majority of that body?

The Honourable Sir Malcolm Hailey: The Honourable Member is asking for the opinion of Government on the existence of constitutional difficulties in the course he proposes. In the opinion of Government there are such difficulties. A connected question was discussed in the Council of State on the 27th February 1922 on a Resolution moved by the Honourable Mr. G. S. Khaparde and I would invite the attention of the Honourable Member to the statement made by my predecessor on that occasion.

• ADMISSION OF INDIANS TO ALL ARMS OF THE MILITARY, NAVAL AND AIR FORCES IN INDIA.

68. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the Government has arrived at any final decision about the admission of Indian Subjects to all arms of His Majesty's Military, Naval and Air Forces in India?

Mr. E. Burdon: The attention of the Honourable Member is invited to the statement† laid on the table on the 2nd July last in reply to question No. 55. The position remains unchanged.

Mr. B. Venkatapatiraju: Am I to understand that no final decision was arrived at?

Mr. E. Burdon: No.

SCHOOL OF MINING AND GEOLOGY AT DHANBAD.

69. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state when the Government propose to establish a School of Mining and Geology at Dhanbad as Central Institution?

The Honourable Mr. A. C. Chatterjee: As soon as funds are available.

DUTY REALISED FROM ENHANCED SALT TAX.

70. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state what was the amount realised as duty on salt since the date of increase of tax till the end of December and the amount of salt disposed of during the said period and the corresponding figure for the same period in the previous year?

The Honourable Sir Basil Blackett: I will answer questions Nos. 70, 101, 132 and 146 together. They all relate to the same subject.

I am not in a position to give any figures regarding consumption of salt during the particular periods named in the various questions. I am laying on the table a statement showing the total quantity of dutiable and duty-free salt issued month by month from April 1919 to November 1923 (the latest date for which figures are available) together with a statement of revenue realised in each month and the rate of duty prevailing.

† Vide pages 4135—4138 of I. A. Debates, Vol. III.

Statement showing the total quantity of dutiable and duty-free salt issued month by month from April 1919 to November 1923 and the revenue realised in each month and the rate of duty prevailing.

Year and month.	Quantity of dutiable and duty-free salt issued.	Rate of duty prevailing.	Revenue realised.
	Maunds.		Rs.
1919—April	57,38,360		57,34,000
May	58,57,553		55,28,000
June	32,42,786		40,89,000
July	32,84,088		43,39,000
August	29,50,019		43,93,000
September	38,66,123		52,93,000
October	38,25,543		60,10,000
November	42,92,289		60,54,000
December	49,04,377		37,43,000
1920—January	46,53,493		37,84,000
February	42,31,866		34,02,000
March	50,62,510		51,10,000
April	48,27,641		46,20,000
May	44,29,931		48,57,000
June	32,67,284		36,40,000
July	34,79,470		37,49,000
August	32,35,870		1,19,92,000
September	32,60,650		46,61,000
October	41,78,903		1,24,91,000
November	47,17,578		41,39,000
December	51,75,527		40,98,000
1921—January	45,77,494		42,53,000
February	44,68,106		43,35,000
March	45,47,593	Rs. 1-4-0 maund. a	48,10,000
April	49,81,792		51,73,000
May	50,18,161		62,06,000
June	40,17,329		55,76,000
July	38,04,890		45,31,000
August	33,48,308		43,18,000
September	34,83,246		44,83,000
October	40,38,378		49,43,000
November	54,85,034		56,89,000
December	51,02,764		52,50,000
1922—January	47,38,249		48,12,000
February	54,17,814		58,21,000
March	25,17,714		66,41,000
April	57,03,704		65,56,000
May	57,53,892		72,77,000
June	41,63,251		56,90,000
July	44,86,090		28,14,000
August	37,20,742		52,56,000
September	38,21,539		45,78,000
October	49,13,614		65,55,000
November	51,75,271		62,74,000
December	53,02,990		61,43,000
1923—January	58,96,786	Rs. 2-8-0 maund. a	64,32,000
February	77,25,738		72,98,000
March	18,59,384		33,87,000
April	29,12,912		64,27,000
May	31,02,376		76,07,000
June	29,59,297		55,57,000
July	26,33,919		58,33,000
August	26,99,196		64,16,000
September	32,18,141		55,17,000
October	40,60,180		60,55,000
November	44,00,943		73,72,000

REDUCTION IN ARTILLERY.

71. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the reduction of 10 per cent. in artillery recommended by Lord Inchcape Committee was approved by the Secretary of State?

Mr. E. Burdon: Reductions in artillery have been effected which yield the pecuniary saving recommended.

RECOMMENDATIONS OF THE INCHCAPE COMMITTEE REGARDING PENSIONS.

72. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the Secretary of State has arrived at any decision regarding the recommendation of Lord Inchcape Committee that the previous arrangement be reverted to under which a settlement of pension was arrived at for each individual on retirement on the basis of his expectation of his life?

Mr. E. Burdon: The matter was referred to the Secretary of State who has since replied that preliminary steps have been taken for the preparation of the necessary detailed accounts commencing with the year 1919-20 or 1920-21.

EMPLOYMENT OF ORIYAS ON THE B. N. RAILWAY.

73. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the Agent of B. N. Ry. who, subject to considerations of efficiency recognised the desirability of affording Oriyas equal opportunities with the other classes in the Railway service, has appointed any Oriyas since July last? Whether the Government of India adopted the same course without impairing the efficiency of giving equal opportunities to all communities in the matter of Government employment?

The Honourable Sir Charles Innes: The information asked for by the Honourable Member is being obtained and will be sent to him when ready.

COST OF DEMOBILIZATION OF SURPLUS OFFICERS.

74. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state regarding the payment of surplus officers on the cost of their demobilisation whether the proportion is yet determined and if so what was the proportion to be respectively borne by the British and Indian Exchequers?

Mr. E. Burdon: The question is still under the consideration of the Secretary of State and the War Office.

CAPITATION CHARGES PAYABLE TO THE WAR OFFICE.

75. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the adjustment of the capitation charges payable to the War Office has been arrived at and if so what was the rate at the present time as compared with the pre-war capitation rate?

Mr. E. Burdon: The question of the final adjustment of capitation charges payable to the War Office is still under the consideration of the Secretary of State.

Dr. H. S. Gour: May I ask for how long this question has been under consideration?

Mr. E. Burdon: For nearly a year.

Dr. H. S. Gour: Has it been under consideration for one year for the first time?

Mr. E. Burdon: The question of capitation charges has been under discussion on many occasions.

CONVERSION OF RUPEE PENSIONS IN ENGLAND.

76. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state when and under what circumstances rules were framed that Rupee pensions paid in England are converted at the rate of exchange on the day the payment is due, subject to a minimum of 1s., 9d. and whether a similar state of things exists in the case of Civil Pensioners of Crown Colonies?

The Honourable Sir Basil Blackett: The minimum rate of 1s. 9d. was fixed in 1890. In that year a Select Committee of the House of Commons was appointed to inquire into the alleged grievances of the Uncovenanted Civil Servants of India, arising from the change in the relative value of gold and silver money, and their leave and pension rules, and the minimum rate was fixed on the recommendation of that Committee. The object was to give to those who were in receipt of rupee pensions a guarantee that the amounts issued to them in the United Kingdom should not fall below some definite sterling amount and that their income should not be liable to continual and excessive fluctuations from circumstances over which they had no control.

The Government have no information regarding the practice in the case of pensioners of the Crown Colonies.

UNIVERSITY FOR RAJPUTANA.

77. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the proposal for constituting a University for Rajputana has taken a definite shape and whether the Government have received official proposals as yet?

Mr. E. B. Howell: Official proposals on the subject have not yet been received by the Government of India. The Government of India understand that the scheme is still under consideration locally.

Rai Sahib M. Harbilas Sarda: Do Government propose to take early steps for the establishment of a University in Rajputana, as the Allahabad University, to which the Colleges in Rajputana are affiliated, is going shortly to cut off its connection with them?

Mr. E. B. Howell: I would ask for notice of that question.

ORIYAS IN GOVERNMENT SERVICE.

78. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to give the information that is being collected and promised to be given in reply to the question[†] No. 553 put by Mr. B. N. Misra on the 12th March 1923 regarding Oriyas in Government Service?

[†] *Vide* p. 3232 of L. A. Debates, Vol. III.

The Honourable Sir Malcolm Hailey: A statement containing the information, which was supplied to Mr. Misra on the 21st May 1923, is laid on the table.

Statement showing the number of Oriyas employed in the Government of India Secretariat and certain other Departments.

Departments.	Number of Oriyas employed.
Post and Telegraph Department	1,419
Income-tax Department	7
All Departments of the Government of India Secretariat. {	
(i) On a salary of Rs. 500 or upwards	Nil.
(ii) On a salary of Rs. 100 or upwards	Nil.

AGRICULTURAL RESEARCH INSTITUTE AND COLLEGE.

79. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether any and what steps are being taken by the Government to thoroughly equip the Agricultural Research Institute and College to train Indians for the Indian Agricultural Service without the necessity of sending them abroad and if not when the Government propose to take necessary action in view of the sanction of the Secretary of State in 1921.

Mr. M. S. D. Butler: The Government of India have started at Pusa post graduate courses in Agricultural Chemistry, Mycology, Entomology, Agricultural Bacteriology and Botany, and all the necessary equipment is already available. These courses have been thrown open to distinguished graduates of Universities or Agricultural Colleges and also to students who have undergone training in agriculture and its allied branches in British Universities or in one of the recognised Agricultural Colleges and who possess suitable qualifications. The courses will qualify for appointments to specialist posts in the Indian Agricultural Service. The Government of India have also instituted, with effect from the 2nd January 1924, a post graduate training course in Animal Husbandry and Dairying at Bangalore under the Imperial Dairy Expert and Physiological Chemist to be followed by a short course at Pusa under the Imperial Agriculturist. This course has been thrown open both to officers of the Provincial Agricultural Service and to candidates who have obtained a degree or diploma in Agriculture or science at a recognised University or Agricultural College.

Similar courses in agricultural engineering and agronomy will be instituted, as funds permit.

ADVISORY COMMITTEES FOR THE B. B. AND C. I. AND G. I. P. RAILWAYS.

80. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state if Advisory Committees recommended by the Acworth Committee are likely to be appointed in connection with the B. B. and C. I. and the G. I. P. Railways?

(b) If the reply to the above be in the affirmative, will Government be pleased to state when they think such Advisory Committees will be appointed?

(c) If the reply be in the negative, will Government be pleased to state the reasons for the same?

(d) Will Government be pleased to state the reason of the delay in the appointment of Advisory Committees for the G. I. P. and B. B. and C. I. Railways till now?

The Honourable Sir Charles Innes: (a) Yes.

(b) The Committees are in course of formation and it is expected that they will be established shortly.

(c) The question does not arise.

(d) The formation of the Local Advisory Committees has been held up owing to the desirability of nominating certain members from the Bombay Legislative Council, which could not be done till after the re-elections, and to the necessity of obtaining the views of the Home Boards of the railways concerned.

Sir Purshotamdas Thakurdas: With regard to the answer to part (b), the Honourable Member said 'shortly'. Can he indicate the period 'shortly'?

The Honourable Sir Charles Innes: I am afraid I cannot, but I believe that arrangements are now being made.

Sir Purshotamdas Thakurdas: May I take it that they will be in action by the next financial year, say, in April?

The Honourable Sir Charles Innes: I hope so.

Sir Purshotamdas Thakurdas: With regard to the answer to part (d) the Honourable Member referred to the desirability of having representatives from the Local Council in Bombay. Can the Honourable Member say when the Bombay Government were asked to get the local Council to nominate Members from there?

The Honourable Sir Charles Innes: No, Sir.

Sir Purshotamdas Thakurdas: Would the Honourable Member find that out and let us know?

The Honourable Sir Charles Innes: The Honourable Member is at liberty to put in a question of that kind and if he does so I will consider the answer.

Mr. N. M. Joshi: May I ask if the Government of India have made any arrangement for the representation of third class passengers on these Committees?

The Honourable Sir Charles Innes: I must ask for notice of that question.

Mr. Harchandrai Vishindas: Have Advisory Committees been appointed, or is it contemplated to appoint them, on other railways also?

The Honourable Sir Charles Innes: I think I am correct in saying that they have been appointed already on most other railways, if not on all of them.

SUBSIDY TO REUTERS LIMITED.

81. ***Mr. M. A. Jinnah:** Will Government be pleased to state the amount paid every year by way of subsidy or otherwise to Reuters Limited?

The Honourable Mr. A. C. Chatterjee: The Government of India have 3 contracts with Messrs. Reuters, Limited, for the supply of their news services for which the following payments are made:

- (1) *Reuter's Ordinary Service*.—Rs. 31,200 per annum with effect from 8th July 1910.
- (2) *Reuter's Special Service*.—Rs. 12,000 per annum with effect from 16th July 1919:
- (3) *Reuter's Government Summary*.—Rs. 12,000 per annum with effect from 21st June 1919.

These payments cover the cost of copies supplied both to the officials of the Government of India and of Local Governments.

SUBSIDY TO THE ASSOCIATED PRESS.

82. ***Mr. M. A. Jinnah:** Will Government be pleased to state the amount paid every year by way of subsidy or otherwise to the Associated Press of India?

The Honourable Sir Malcolm Hailey: The Associated Press receives no subsidy in payment from the Government of India. If the Honourable Member is thinking of the telegrams taken by Government from the Indian News Agency, I would note that this is a separate organisation; Government subscribes to its service on ordinary commercial terms, in common with a large number of newspapers.

INDIA'S COMMITMENT IN RESPECT OF WIRELESS.

83. ***Mr. M. A. Jinnah:** Will Government be pleased to state to what payment India has been committed in the matter of Wireless on Capital and Revenue account respectively?

The Honourable Mr. A. C. Chatterjee: Details of the Budget Provision under expenditure from Revenue will be found on pages 7, 21, 32 and 33 of the Detailed Statement in support of the demand for grants for the Post and Telegraph Department for the current year. The revised estimate is Rs. 8,23,000. The estimate for expenditure on Capital Account will be found on page 50 of the same statement.

WIRELESS CONCESSIONS.

84. ***Mr. M. A. Jinnah:** Will Government be pleased to state the nature of the concession in regard to Wireless which has been given and what proportion of the Capital in the concern is Indian?

The Honourable Mr. A. C. Chatterjee: No concession in regard to Wireless has yet been given. The second part of the question therefore does not arise.

Diwan Bahadur T. Rangachariar: May I ask, Sir, whether Government will keep this in view before any arrangement is entered into?

The Honourable Mr. A. C. Chatterjee: Yes, it has been kept in view.

EXPENDITURE ON THE BRITISH EMPIRE EXHIBITION.

85. ***Mr. M. A. Jinnah:** Will Government be pleased to state the total expenditure public and private, over the British Empire Exhibition from the revenues of India either Central, Provincial or local including that incurred by Indian Princes?

The Honourable Sir Charles Innes: The total estimated gross expenditure on the British Empire Exhibition for the three years ending 1924-25 from Central Revenues is as follows:

In England	£ 178,000
In India	Rs. 1,75,000

In addition it is estimated that the various Railway Companies will spend Rs. 3,27,000. It should be clearly understood that these are gross figures and take no account of the receipts which will be obtained from the Provinces and Railway Companies, etc., on account of rent, etc.

It is not known exactly what the provinces contemplate spending, but so far as has been reported, the Punjab expect to incur an expenditure of 3½ lakhs gross, the United Provinces 3¼ lakhs gross, and Burma, which has an entirely separate building, 13 lakhs gross. These figures again are gross, and make no allowance for recoveries.

The Government of India have no information regarding the expenditure contemplated by Indian States or private exhibitors.

Mr. C. Duraiswami Aiyangar: Is any portion of the amount to be spent on the British Empire Exhibition expected to come back to us after the Exhibition is over by the sale of buildings, materials or otherwise?

The Honourable Sir Charles Innes: Certainly, Sir.

Mr. C. Duraiswami Aiyangar: May I know the amount expected?

The Honourable Sir Charles Innes: I am afraid I must ask for notice of that question. I do not remember the figures.

Sir Purshotamdas Thakurdas: Have Government heard that the estimates of the amount expected by the sale of buildings have gone down considerably since the estimates were originally submitted?

The Honourable Sir Charles Innes: I think they have gone down, but as I have said, I do not carry the figures in my head.

P. AND O. MAIL CONTRACT.

86. ***Mr. M. A. Jinnah:** Will Government be pleased to make a statement regarding the present position of the Peninsular and Oriental Mail contract and indicate the amount payable from Indian revenue and the period for which the commitment is made?

The Honourable Mr. A. C. Chatterjee: So far as is known at present, the existing P. and O. Mail Contract cannot terminate at a date earlier than the 31st January, 1927. Under the reassessment made last year with effect from the 1st April, 1923, the annual contribution of India to the P. and O. subsidy for the carriage of her letter mails has been roughly estimated at £22,000. The principles of assessment will continue in force until the termination of the present contract.

PRINTING OF CURRENCY NOTES IN INDIA.

87. ***Mr. M. A. Jinnah:** Will Government be pleased to state what arrangements have been made for printing currency notes in India and for terminating the contract with the Bank of England?

The Honourable Sir Basil Blackett: The Government of India have made arrangements for an Experimental Press to test the practicability of carrying out Security Printing in India. This, if successful, will, it is hoped, be extended to the printing of currency notes as well as stamps and stamped paper, but the existing contract with the Bank of England in respect of notes of denominations higher than one-rupee does not terminate until June 1929.

PURCHASE OF STORES IN INDIA, GREAT BRITAIN, ETC.

88. ***Mr. M. A. Jinnah:** Will Government be pleased to state what portion of stores purchased for

(a) State Railways,

(b) Public Departments (Central Government),

has been bought during 1920-21, 1921-22 and 1922-23 in

India;

Great Britain; and

Other Countries respectively.

The Honourable Mr. A. C. Chatterjee: I place on the table two statements (1) showing the expenditure on stores purchased in India and (2) showing the expenditure on stores purchased through the London Store Department for the official years 1920-21, 1921-22, and 1922-23 by (a) State Railways and (b) other Departments of the Central Government (including minor Local Governments).

Statement showing the expenditure on stores purchased in India by (a) State Railways and (b) other Departments of the Central Government (including minor Local Governments) for the official years 1920-21, 1921-22 and 1922-23.

	1920-21.	1921-22.	1922-23.
	Rs.	Rs.	Rs.
State Railways.	4,09,77,335	6,69,77,199	6,34,32,565
Central Departments (including minor Local Governments).	2,20,87,729	2,10,75,468	1,49,49,167

NOTE :—The statement does not include figures relating to (1) purchases of articles of the same kind and of an aggregate value not exceeding Rs. 50 at one time and place, (2) purchases made by contractors for Government works, (3) purchases invariably made in India, such as bricks, Indian lime and mortar, Indian timber, etc., and (4) purchases made by or on behalf of the military authorities.

Statement showing the expenditure on stores purchased through the London Store Department by (a) State Railways and (b) other Departments of the Central Government (including minor Local Governments).

—	1920-21.	1921-22.	1922-23.
	£	£	£
State Railways	3,777,000	2,957,000 Includes orders placed in countries other than Great Britain of the value of £71,000.	2,336,000 Includes orders placed in countries other than Great Britain of the value of £143,000.
Central Departments (including minor Local Governments).	10,130,000	6,335,000	3,773,000 Includes orders placed in countries other than Great Britain of the value of £114,000.

NOTE (1): Figures for 1921-22 do not include £563,000 as final appropriation was made in India.

NOTE (2): Statistics in regard to foreign placed orders were not kept prior to 1st April 1922 except for State Railways for 1921-22.

INDIAN AUXILIARY FORCE.

89. ***Mr. M. A. Jinnah:** Will Government be pleased to state the strength and denomination of the various units of the Auxiliary Force in India and the cost per head per year of

- Indian Soldier;
- British Soldier;
- Members of Territorial Force.

Mr. E. Burdon: I will furnish the Honourable Member separately with a statement giving the information asked for in the first part of his question. As regards the second part, the information is as follows:—

- Rs. 500 approximately.
- Rs. 2,090 approximately. (This represents the cost of an unmarried British private.)
- Private of the Auxiliary Force—Class “A”—
Average cost per training year. Rs. 40.
Private in the Indian Territorial Force—
Approximately Rs. 26 per training year.

EXPENDITURE ON THE ECCLESIASTICAL DEPARTMENT.

90. ***Mr. M. A. Jinnah:** Will Government be pleased to state the total expenditure of revenue Central and Provincial on the Ecclesiastical Department and how long it is in the intention of Government to burden this country with this charge?

Mr. M. S. D. Butler: All expenditure on the Ecclesiastical Department is Central. The budget provision for 1923-24 was Rs. 32,83,000. The actual figures are not yet available. A scheme of reduction has been framed recently under which it is hoped to save Rs. 4,30,000 annually, the bulk of it by the end of 1925-26.

EUROPEANS IN THE CIVIL SERVICES OF INDIA.

91. ***Mr. M. A. Jinnah:** Will Government be pleased to state the total number of Europeans (non-Indians) in services other than military under Government on the 31st of December 1880, 1890, 1900, 1910, 1920 and 1923, respectively?

The Honourable Sir Malcolm Hailey: It would require considerable research to answer the question put before us, and I hope I may be excused for not undertaking that research, because very full figures of this character, though for different years, have been published in the Reports of the Aitchison and the Islington Commissions, and I should be able to refer the Honourable Member to the answers we have given in reply to questions in the Assembly regarding later years. In the circumstances, Sir, I hope the Honourable Member will, in view of the information I am able to give him, excuse me from undertaking a research dating as far back as 1880.

STORES FOR NEW DELHI AND THE SUKKUR BARRAGE.

92. ***Mr. M. A. Jinnah:** Will Government be pleased to state whether the stores and materials required for—

- (1) New Delhi,
- (2) Sukkur Barrage,

are being purchased in India and if they are not whether it is proposed to secure the recognition of the principle that Indian material is to be preferred and tenders should be called for things in India and in rupees?

The Honourable Mr. A. C. Chatterjee: Stores and materials required for New Delhi are purchased in accordance with the rules for the supply of articles for the public service. Indian materials have been, and will be, used as far as possible.

So far as the Sukkur Barrage is concerned, the question should be addressed to the Local Government.

REPORT OF THE CREDITORS' COMMITTEE, ALLIANCE BANK.

93. ***Mr. M. A. Jinnah:** Will Government be pleased to state if they have seen a copy of the report of the Creditors' Committee of investigation in the affairs of the Alliance Bank and if they propose to prosecute those that are said to be criminally responsible?

The Honourable Sir Basil Blackett: The Government have not received any report.

Mr. M. A. Jinnah: Can Government inform the House when they are likely to receive the report?

The Honourable Sir Basil Blackett: I am not able to say when the Creditors' Committee referred to will present their report. It has been under consideration, I understand, for some time.

MINING AND OTHER CONCESSIONS GRANTED TO FOREIGNERS.

94. ***Mr. M. A. Jinnah:** (a) Will Government be pleased to state what concessions in mining, forest products and other monopolies were given to foreigners during 1921-22 and 1922-23 and whether an attempt had been made in all cases to find an Indian (individual or firm) to take up the said concessions and work them?

(b) Will Government be pleased to state whether they have considered the desirability of restricting in future the grant of these concessions to any but Indians?

The Honourable Mr. A. C. Chatterjee: (a) So far as mining concessions are concerned, one mining lease for iron-ore was granted to a foreigner in Madras during the period specified under the special sanction of the Secretary of State. So far as the Government of India are aware no attempt was made to find an Indian to take up this concession.

With regard to forests, no monopolies were granted in the areas under the control of the Government of India. The Government of India are not primarily concerned with forest administration in the provinces.

(b) The question has not been considered.

Dr. H. S. Gour: What was the nationality of the foreigner to whom the concession referred to by the Honourable Member relates?

The Honourable Mr. A. C. Chatterjee: I believe he was a Frenchman, but I could not definitely say off hand.

INDIAN TENDERS FOR LOCOMOTIVES.

95. ***Mr. M. A. Jinnah:** Will Government be pleased to state what orders out of recent tenders for locomotives have been placed with a firm established in India? If no such order has been placed, will Government make clear the policy on the subject?

The Honourable Sir Charles Innes: The policy of the Government of India was clearly defined in the *Communiqué*, dated 1st October 1921, a copy of which is laid on the table. Tenders were received from a firm in India in January 1923, but the price and conditions quoted were such that they could not be accepted.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD).

Communiqué, dated the 1st October 1921.

"In pursuance of their expressed policy of making India as far as possible independent of outside sources in the supply of materials for railways, the Government of India have had under consideration the question of the construction of locomotive engines in India and they are now in a position to give a general undertaking that tenders will be invited annually in India for all the railway locomotive engines and locomotive boilers required by Government during the 12 years commencing with 1923.

It is estimated that the average annual requirements of Government will be 160 locomotive engines and 160 additional boilers during 1923 and 1924; and thereafter, 400 locomotive engines and 400 additional boilers.

The first tenders will be invited on 1st October 1922. The following general conditions will be observed :—

- (A) The invitation to tender will be published simultaneously in India and England and will remain open for at least 3 months.
- (B) The qualities of the articles offered must satisfy in every respect the specifications laid down.
- (C) The prices in the case of tenders made in India must compare not unfavourably with the imported article.
- (D) Tenderers in India must satisfy Government in the earlier years that an appreciable part of the manufacturing will be done in India; this condition may be expected to become gradually more stringent until eventually tenderers in order to be successful will be required to show that they can carry out in their works in India all processes usually carried out in locomotive works in England.
- (E) Government will reserve the right to insist that the proposed source of supply of parts which cannot be manufactured in India should be stated in the tender and should be subject to their approval.
- (F) Government will reserve the right of inspection at any stage of the process of manufacture both in India and elsewhere.
- (G) Firms receiving orders in India will be expected to provide facilities in their works for the training of Indian technical students and where such firms have their main works outside India or are subsidiary companies promoted by or closely connected with firms which have their main works outside India they will be expected to provide thereat similar facilities to students recommended by the High Commissioner for India in London. Firms interested in the above announcement are invited to apply for further information either to the Secretary, Railway Board, India, or to the High Commissioner for India, London."

DEMobilISED OFFICERS AND MEN.

96. ***Mr. M. A. Jinnah:** Will Government be pleased to state the sum direct or indirect by way of salary, gratuity, passage or otherwise paid during 1921-22, 1922-23 and up to the end of December 1923 from Indian Revenue to retiring or demobilised Officers and men?

Mr. E. Burdon: The amounts so far paid from Indian revenues for the purposes stated by the Honourable Member are as follows:—

- (a) Sums paid to demobilised British officers by way of salary, gratuity, passage or otherwise during—

	Rs.
1921-22	Nil.
1922-23	2,20,13,237
From the 1st April 1923 up to the 31st December 1923	82,80,499

No separate record has been maintained in respect of pensions paid to officers who have retired since the 1st April 1921.

- (b) Charges for the demobilisation of Indian troops:—

	Rs.
1921-22	1,25,42,784
1922-23	35,06,386
From the 1st April 1923 up to the 31st December 1923	15,84,237

EMPIRE CONTRACTS.

97. ***Mr. M. A. Jinnah:** Will Government be pleased to state what commitments any representative on behalf of the Government of India or the Secretary of State has made at recent conferences in England in regard to contracts emanating from the Empire being placed inside the Empire?

The Honourable Mr. A. C. Chatterjee: None. The main Resolution on the subject of Imperial Preference in public contracts was to the effect that the Imperial Economic Conference reaffirms the principle that in all Government contracts effective preference will be given to goods made and materials produced within the Empire, except where undertakings entered into prior to this Conference preclude this course or special circumstances render it undesirable or unnecessary. The words 'except where undertakings entered into prior to this Conference preclude such a course' safeguards the position taken up by the representatives of India at the Conference. As the result of the debates in this Assembly and in the Council of State in September 1921, the Government of India instructed the High Commissioner for India that his policy in the purchase of stores for India must be based on the principle of accepting the lowest satisfactory tender. The Government of India regard their instructions as an undertaking given to the Legislature within the meaning of the word in the Resolution passed by the Imperial Economic Conference.

OPENING OF THE PORT OF CALCUTTA FOR PILGRIM TRAFFIC.

98. ***Haji Wajihuddin:** Are the Government aware that Bengal has the largest number of outgoing Hedjaz Pilgrims from one Province, and if so, will they be pleased to make adequate and prompt arrangement for opening the port of Calcutta to pilgrim-traffic before next Pilgrim season as recommended by the Assembly about two years ago?

Mr. M. S. D. Butler: The Government of India are aware that the largest number of pilgrims for the Haj comes generally from the Presidency of Bengal and the question of opening the port of Calcutta for pilgrim traffic is receiving careful and sympathetic consideration in consultation with the Government of Bengal. The Government of India regret that they cannot give any definite undertaking that the port will be opened until the financial situation improves and some system has been introduced under which pilgrims who make the pilgrimage will be required to provide in advance for their return journey.

Mr. K. Ahmed: Will Government be kind enough to expedite the inquiry and consider the desirability of opening the port of Calcutta before the next summer, as pilgrims from Bengal, particularly, have much trouble in going to Jeddah direct?

Mr. M. S. D. Butler: The Government of India are anxious to do all that they can and have it under their most sympathetic consideration.

Haji Wajihuddin: Will Government be pleased to lay on the table the correspondence passed between the Government of India and the Government of Bengal?

Mr. M. S. D. Butler: I cannot undertake to attempt to do that at this stage, but the Government of India are most anxious to do all that they possibly can.

Mr. K. Ahmed: In view of the fact that last year the Government made a statement that they would try their level best to open the port of Calcutta for pilgrims to Mecca, do Government propose now to expedite the matter of opening the port of Calcutta before the next summer?

(No answer was given to the question.)

USE OF THE FEROZESHAHI MOSQUES, DELHI, AS A HOSPITAL.

99. ***Haji Wajihuddin:** Is it a fact that the big four-domed Ferozeshahi mosques on Kutab Road, Delhi, are being used from sometime past as an Infectious Diseases Hospital by the Delhi Municipality, also three small mosques as sweeper and menial quarters, and if so, by what authority; and do the Government of India intend to take immediate steps to have them vacated without delay?

The Honourable Sir Malcolm Hailey: The Honourable Member is referred to the answer given to a similar question on the same subject in last March. As forecasted in that answer, the portion of the new Kutab Road passing through this area having now been completed the Municipal Infectious Diseases Hospital has been transferred to another site. The mosque with the adjacent buildings has been made over to a responsible Moslem association, which has agreed to take charge of it.

DRINKING WATER FOR PASSENGERS ON THE N.-W. RAILWAY.

100. ***Haji Wajihuddin:** Are the Government aware that arrangements for the supply of drinking water for passengers on the small stations of the N. W. Ry. are generally inadequate, and that certain National Societies last summer provided free Sabil of Sharbat and cold water on certain stations; and do the Government intend to issue strict instructions to remove the inconvenience without delay?

The Honourable Sir Charles Innes: Government are not aware that the supply of drinking water for passengers at small stations on the North-Western Railway is generally inadequate.

SALT REVENUE.

101. ***Haji Wajihuddin:** Will the Government be pleased to lay on the table a statement showing the quantities, rates and revenues on salt in each of the last 5 years respectively?

The Honourable Sir Basil Blackett: I have already replied to this question.†

MUHAMMADANS IN THE ACCOUNT DEPARTMENT, POSTS AND TELEGRAPHS.

102. ***Haji Wajihuddin:** Is it a fact that in the sub-account service of the post and telegraph account department not even two per cent. of the permanent posts have been allowed to Mohammadans (a) whether the Government are prepared to make adequate representation of Mohammadans in the said Department in the near future; (b) what is the procedure and practice regarding examinations, selection and appointment in the said department; (c) and whether any amendment in the same is necessary to safeguard the interest of ill-fated Muslim candidates who are anxiously awaiting for the said posts for the last several years?

The Honourable Sir Basil Blackett: There are 71 Subordinate Accounts Service posts in the Posts and Telegraphs Account Offices. Two of them are held by Mohammadans, including one on probation.

(a) The basis of selection for the Subordinate Accounts Service posts is a departmental examination. In no case does the question of the particular community to which a possible candidate belongs come into consideration.

† *Vide* answer to question No. 70.

(b) I lay on the table a statement showing the procedure and practice regarding examination, selection and appointment.

(c) No amendment in the procedure seems necessary. The work is highly technical and qualifying examination is the only possible means of selection.

Statement showing the procedure and practice regarding examinations, selection and appointment in the Subordinate Accounts Service of the Posts and Telegraphs Account Department.

Appointments to the Subordinate Accounts Service in the Postal Account Department are made either direct or by promotion from the clerical service, at the discretion of the Accountant General, Posts and Telegraphs. Not more than one-third of the vacancies are filled up by direct recruits, but this rule can be relaxed in special cases with the sanction of the Auditor General. No person appointed direct can be confirmed and no person can be promoted from the clerical service, in either a substantive or officiating capacity, who has not passed the qualifying departmental examination. All direct appointments are at first made on probation only. Except with the special sanction of the Auditor General, direct recruits are not allowed to appear in the examination more than three times. Failure to pass at the last examination entails removal from the service.

As regards the members of the clerical service, clerks with not less than five years' permanent service (graduates with not less than 3 years' permanent service) are allowed to appear at the Departmental Examination. When nominating candidates, heads of offices have to certify that they are of good moral character, energetic, possessed of aptitude for the work of an Accountant (a member of the Subordinate Accounts Service) and with a reasonable chance of passing.

Except with the special sanction of the Auditor General such persons are not allowed more than four attempts to pass.

The examination is held annually in November, the papers being set by the Auditor General and the Accountant General, Posts and Telegraphs. The examination is not competitive; it is held merely to ascertain that the person desirous of entering the Subordinate Accounts Service has the necessary technical knowledge.

TELEPHONE AND WIRELESS CONCESSIONS.

103. ***Mr. M. A. Jinnah:** Will Government be pleased to state what steps they have taken to secure the interests of the public in the grant of concessions and leases to various utility companies in the matter of telephone and wireless—particularly in the matter of period of the concession where the concern happens to be non-Indian in constitution?

The Honourable Mr. A. C. Chatterjee: The Bengal, Bombay, Madras and Rangoon Telephone Companies are registered in India with Rupee capital and hold licenses under Section 4 of the Indian Telegraph Act, 1885, in practically identical terms. A copy of the license granted to the Bombay Company has been placed in the Library together with copies of supplementary agreements. These furnish the particulars asked for.

No wireless concessions or leases have been granted to utility companies, though I may say that a temporary license has recently been granted to a company, for a period which expires on 30th April 1924, for broadcasting. This is of a purely experimental nature.

BALANCE IN THE HANDS OF THE SECRETARY OF STATE.

104. ***Sir Purshotamdas Thakurdas:** (a) What was the balance in the hands of the Secretary of State on 31st March 1923? Whether any part of it was invested, and if so, how and at what rates?

(b) Cannot the Secretary of State get accommodation from the Bank of England on lines similar to the ways and means advances to the British Government for short periods? If not, why?

The Honourable Sir Basil Blakett: (a) The balance on 31st March 1923 was £9,600,000 of which £8½ millions were invested in British Treasury Bills at current rates.

(b) It would probably not be impossible for the Secretary of State to arrange to get temporary accommodation, if necessary, but as a matter of policy the Government of India do not consider it desirable that they should be overdrawn with the Bank of England, and generally speaking it would not be profitable while other reserves are available.

ENEMY SHIPS.

105. ***Sir Purshotamdas Thakurdas:** In the Home Accounts of the Government of India for the year 1920-21 it is reported that there had accrued a surplus of receipts over expenses of £3,584,646 up to 30th September 1920 and a further £400,475 from that date to 31st March 1921, making in all £3,985,121, on the working of certain enemy ships. Will Government be pleased to say:

(a) What further profits have been earned on these ships to 31st December 1923?

(b) What ships were originally included in this group of enemy ships?

(c) Are they all still in service?

(d) If not, what has become of those that are no longer there?

The Honourable Sir Charles Innes: (a) During the period 1st April 1921 to 30th November 1923 (the latest date up to which information is available) payments exceeded receipts by £26,000.

(b) The accounts to which the Honourable Member refers relate to 14 enemy ships which with one exception were seized in Indian ports at the outbreak of war and which were worked first under the control of the Secretary of State for India and after the appointment of the High Commissioner under the control of that officer.

(c) and (d). Five steamships have been sold. Three of them were sunk at sea. One of them has been returned to that Government which has established its claim to it. The rest, namely, five steamships, are still in service.

Diwan Bahadur T. Rangachariar: May I ask how the steamships are being used?

The Honourable Sir Charles Innes: If the Honourable Member will put a question, I will endeavour to find out and answer him.

HULETT'S ORDINANCE (SOUTH AFRICA).

106. ***Sir Purshotamdas Thakurdas:** (a) Has the attention of Government been drawn to Hulett's Ordinance passed by the Provincial Council in South Africa in the early part of this month (January 1924)?

(b) Will Government be pleased to state what steps they have taken to ensure that the Governor General in Council in South Africa does not give his assent to this Ordinance?

Mr. M. S. D. Butler: (a) and (b). The attention of the Government of India has been drawn to the Ordinance in question and they at once made strong representations on the subject.

Mr. Jamnadas M. Mehta: What is the result of these representations?

Mr. M. S. D. Butler: That, I am afraid, we do not know. The matter is resting with the Governor General in Council of the Union of South Africa with whom the power of veto rests.

MANUFACTURE OF ARMY CLOTHING BY PRIVATE ENTERPRISE.

107. ***Lala Hans Raj:** Will the Government please state whether private enterprise was utilized in the manufacture of Army Clothing during the Great War, and if so, do they propose to continue placing some proportion of the orders for manufacture in the hands of private enterprise?

Mr. E. Burdon: Yes. During the year 1922-23 nearly half of the manufactured clothing required by the Army in India was obtained from sources other than Government factories.

CRIMINAL APPEALS, MOTIONS AND REFERENCES IN THE CALCUTTA HIGH COURT.

108. ***Mr. K. Ahmed:** Will the Government be pleased to state how many criminal appeals, motions and references were made, heard and disposed of in the Calcutta High Court from the 12th November 1923 to the 21st January, 1924, and how many of them were (i) allowed, (ii) dismissed or rejected?

The Honourable Sir Malcolm Hailey: I lay on the table a statement containing the information asked for. I may point out that the cases instituted during the specified period may not be and are certainly not all included among those "allowed" or "dismissed".

Statement of Criminal appeals, applications and references made, heard and disposed of in the Calcutta High Court during the period from the 12th November 1923 to the 21st January 1924.

—	Instituted.	DISPOSED OF	
		Allowed.	Dismissed or Rejected.
Appeals .	113	33	133
Revisions :—			
Under Section 435, Code of Criminal Procedure.	202	35	191
Under Section 438, Code of Criminal Procedure.	20	19	7
Miscellaneous	32	9	17
Civil Revisions	4	2	6
(Sections 195 and 476, Code of Criminal Procedure).	...	...	...
Total .	268	65	221

	Instituted.	DISPOSED OF	
		Verdict of the Jury accepted.	Verdict of Jury set aside.
References :—			
Jury References	11	11 Death sentence confirmed 1	14 Death sentence set aside. 1
Death Reference	2		
Reference Under Section 462, Code of Criminal Procedure.	<i>Nil</i>	Recommendation accepted. 1	
Total	13	13	15

ABOLITION OF ARMY CLOTHING FACTORIES.

109. ***Mr. Ahmad Ali Khan:** (a) Will the Government be pleased to state whether they have considered the recommendation of the Stores Purchase Committee, contained in paragraph 85 of its report, for the abolition of the 'Army Clothing Factories' in India and to entrust the work done by such Factories to private factories to encourage Indian trade?

(b) If the answer is in the affirmative, do Government propose to give effect to it as early as possible?

(c) If the answer is in the negative, will the Government be pleased to explain the reasons in full for their not complying with the said recommendation?

Mr. E. Burdon: (a) and (b) The Honourable Member is, presumably, referring to the recommendation of the Stores Purchase Committee contained in paragraph 87 of their Report. This recommendation, together with others bearing on the same subject, has been considered by Government, who have decided that unless special military considerations or other special reasons exist, the manufacture of articles which can be purchased from private producers should not be carried out in Government factories. At the present moment, nearly half the manufactured clothing required by the Army in India is obtained from sources other than Government factories.

(c) This question does not arise.

ARMY CLOTHING FACTORY, SHAHJAHANPORE.

110. ***Mr. Ahmad Ali Khan:** (a) Is it a fact that the Government are going to spend a large sum of money for the Army Clothing Factory at Shahjahanpore?

(b) If the answer is in the affirmative, will the Government be pleased to state what is the exact amount of money they are going to spend and for what sort of work the money is to be spent giving the full particulars and stating whether they are going to construct more buildings and purchase additional tools and materials?

Mr. E. Burdon: (a) and (b) An expenditure of approximately 4½ lakhs of rupees has been sanctioned for the building of proper workshops at Shah-jahanpur, and, in accordance with the recommendations of the Braithwaite Committee, consideration is being given to further additions. No additional clothing materials will be stocked, but ordinary replacements of sewing machines, etc., are being made. I may add that the Alipore Clothing Factory mentioned by the Stores Purchase Committee has been closed down.

ARMY CLOTHING DEPARTMENT SURPLUS MACHINES.

111. ***Mr. Ahmad Ali Khan:** Is it a fact that since the termination of the War, the Government have disposed of a large number of machines which were in stock and in use of the Army Clothing Department, on the ground of their being surplus and not wanted for their use?

Mr. E. Burdon: No. Only obsolete and worn out machines have been sold.

RESOLUTIONS OF THE RAILWAY PASSENGERS' CONFERENCE.

112. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the "Searchlight" newspaper of Patna, dated the 14th December 1923, in which the Resolutions passed at the Railway Passengers' Conference in the Sonapur Fair on the 24th November 1923 are published?

(b) Has Government received any communication on this subject from the organisers of the Conference?

(c) And if so, what steps, if any, have been taken, or are proposed to be taken to remedy the grievances referred to in the Resolutions of the Conference?

The Honourable Sir Charles Innes: (a) and (b) No.

(c) Therefore does not arise.

INCONVENIENCES TO PASSENGERS ON THE B. N. W. RAILWAY.

113. ***Mr. Gaya Prasad Singh:** Is the Government aware that passengers travelling by, or utilizing the B. N. W. Railway have generally to suffer from the following inconveniences:

- (a) habitual over-crowding of the third class carriages, and specially during fairs and festivals;
- (b) the dirty and insanitary condition of the lower class carriages;
- (c) want of proper lights in the carriages;
- (d) slow running of trains, and unnecessarily long stoppages at roadside stations;
- (e) want of drinking water at the stations; and absence of refreshment rooms for orthodox passengers even at important junction stations;
- (f) difficulty in securing reserved carriages from the Railway Authorities;
- (g) difficulty in obtaining wagons?

If the answer to the above be in the affirmative, what steps have been taken to remedy this state of affairs?

The Honourable Sir Charles Innes: A Local Advisory Council has been established at the Bengal and North-Western Railway and the Government of India have no doubt that complaints of this kind will be discussed by the Agent with that Council.

PILFERAGE OF FRUIT ON THE B. N. W. RAILWAY.

114. ***Mr. Gaya Prasad Singh:** Is the Government aware that pilfering of goods, and specially of "leechi" and other fresh fruits, very often takes place while the goods are in transit on the B. N. W. Railway? And if so, what steps have been taken to put a stop to such practices?

The Honourable Sir Charles Innes: The matter was discussed at a meeting of the Bengal and North-Western Railway Local Advisory Committee at Muzaffarpur on the 22nd September 1923 and it was decided that, during the "Leechee" and Mango season, Inspectors would be specially detailed to look after this traffic, any specific cases brought to the notice of the Traffic Manager of the Railway being taken up at once.

FENCING ON B. N. W. RAILWAY.

115. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to say what portions of the B. N. W. Railway line are still unfenced? And will Government kindly state if it has issued orders, or proposes to issue orders, to have such portions of the line fenced?

The Honourable Sir Charles Innes: The Government have no information on the subject. They have not issued, nor do they propose at present to issue, any orders to the Bengal and North-Western Railway Company in the matter.

PROVISION OF HIGH-LEVEL PLATFORMS ON THE B. N. W. RAILWAY.

116. ***Mr. Gaya Prasad Singh:** (a) Is the Government aware that the stations of the B. N. W. Railway on the Hajipore and Katihar section of the line (i) have not been provided with high-level platforms, thus causing considerable inconvenience to passengers, specially females and children; (ii) have no first and second class waiting rooms?

(b) If the answer to the above be in the affirmative, will the Government be pleased to state if it is prepared to remedy this state of affairs by providing high-level platforms, and waiting rooms?

The Honourable Sir Charles Innes: (a) The reply is in the negative.

(b) The policy of Government is to leave it to the discretion of Railway Administrations to provide high-level platforms and first and second class waiting rooms at stations where the passenger traffic justifies their provision.

PROPOSED RAILWAY BRIDGE ACROSS THE GANGES AT MOKAMEH GHAT.

117. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to say how far the project of building a railway bridge across the Ganges at Mokameh Ghat, has progressed? And what is its estimated expenditure?

The Honourable Sir Charles Innes: The proposal to construct a bridge across the Ganges at Mokameh Ghat has been dropped as it was found

after examination that it could not be justified financially. The estimated expenditure is 2 crores 13 lakhs.

PROPOSED RAILWAY BRIDGE ACROSS THE GANGES AT PATNA.

118. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state if there is any project of building a railway bridge across the Ganges at Patna, with a view to bring the North-Gangetic Division of Bihar into direct connection with the capital of the Province?

The Honourable Sir Charles Innes: The reply is in the negative.

RAILWAY CONNECTION BETWEEN MUZAFFARPUR AND SITAMARHI.

119. ***Mr. Gaya Prasad Singh:** (a) Is the Government aware that there is no direct railway connection between Muzaffarpur headquarters and Sitamarhi which is a sub-division of Muzaffarpur?

(b) Is it a fact that in order to reach Sitamarhi from Muzaffarpur by rail, one has to pass through Samastipore, which is a sub-division of District Durbhanga, and also through Durbhanga headquarters, thus resulting in much expense and loss of time?

(c) If the answer to the above be in the affirmative, will the Government be pleased to say if there is any project of building a direct railway between Muzaffarpur and Sitamarhi?

The Honourable Sir Charles Innes: (a) and (b) The Honourable Member is referred to the reply given on 28th September 1921 to a similar question asked in this House.

(c) From the information in regard to this project available, the Railway Board do not consider that the prospects of traffic are such as to justify its construction. The views of the Local Government are however being asked for.

EXPENDITURE ON COMMISSIONS AND COMMITTEES APPOINTED BY GOVERNMENT AND THE ASSEMBLY.

120. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state:

(a) How many commissions and committees were appointed by the Government and by the Assembly since the Reforms Act came into operation?

(b) How much money was spent on these commissions and committees?

The Honourable Sir Malcolm Hailey: The information asked for by the Honourable Member is being collected and will be laid on the table when ready.

REPORT OF THE GUIANA COMMISSION.

121. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state when the report of the Guiana Commission was submitted to the Government? And why has it not been published as yet?

Mr. M. S. D. Butler: The reports were issued on the 21st of January last with a Resolution by the Government of India.

Maulvi Muhammad Yakub: May I know when they were published?

Mr. M. S. D. Butler: They were published on the 21st January last.

Maulvi Muhammad Yakub: When were they received?

Mr. M. S. D. Butler: They were received sometime during the summer.

Mr. N. M. Joshi: Do the Government propose to supply Members of the Assembly with free copies of these reports?

Mr. M. S. D. Butler: I shall be happy to supply a copy to any Member who wishes to have one.

POWERS OF THE HIGH COMMISSIONER FOR INDIA IN LONDON.

122. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state if the powers of the High Commissioner for India in London at present are the same as those of his predecessor Sir William Meyer?

(b) If there has been any change in these powers, will Government be pleased to indicate such change?

The Honourable Sir Charles Innes: (a) Yes.

(b) Does not arise.

TENDERS FOR LOCOMOTIVES IN INDIA.

123. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state the total quantity of stores bought by the High Commissioner since 1st April 1923 till 30th September 1923, stating the quantity bought in the U. K. and the quantity bought outside the U. K.?

(b) Will Government be pleased to state what form of remunerative preference, if any, was assured or promised to the Peninsular Locomotive Company at the meeting Government had with them on November 7th and 9th, 1921?

(c) Will Government be pleased to state if there was any further Communiqué contemplated according tenderers for locomotives made in India preference over foreign tenders?

(d) If the reply to (c) above be in the affirmative, will Government be pleased to state the reason why the said Communiqué was not published?

The Honourable Sir Charles Innes: My reply to this question is so long that, with your permission, Sir, I propose to lay it on the table.

(a) The information asked for is not available. If the Honourable Member so desires, the High Commissioner will be asked to supply it.

(b), (c) and (d) The actual facts of the case are as follows:—

The Government of India published a Communiqué in October 1921 stating that they would in future call for tenders in India for locomotives,

engines and boilers required by Government. Among other things, it was stated that the prices in the case of tenders made in India must compare not unfavourably with the price of the imported article. This Communiqué attracted much attention both at home and in India, and on 6th October 1921 Mr. Hooper, Manager of Messrs. Kerr, Stuart and Company, Limited, wrote out that he was leaving for India at once, that he was already in possession of a draft contract for a locomotive building site and that he was making arrangements to register a Company immediately on arrival in India. He added that he had arranged for the necessary capital and that he would ask for an interview with the Railway Board on his arrival in Delhi. It may be mentioned that Mr. Hooper had previously written to the Railway Board on 3rd February 1921 to the effect that he had been discussing in Bombay the question of building locomotives in India and that it had been decided to begin building them at Jamshedpur. In this letter he stated that they were not thinking of asking for any guarantee but he would like to know whether the Board when satisfied of the ability of the new company to construct locomotives, would encourage them. Mr. Hooper had an interview with the Board on November 7th, 1921. At this interview he asked that he should be given an order for 50 locomotives based on current prices. If he got that order, he stated that he would put down his works and take his chance for the future. He said that what he feared most was that locomotive builders in Great Britain would combine for the first year of the call for tenders and quote ridiculously low prices in order to break the new venture. It was decided that it was impossible to give Mr. Hooper any sort of guarantee either as to orders or to price in advance of the response to the call for tenders which the Railway Board were obliged by the Press Communiqué of October 1921 to make in October 1922, and that it was impossible to enter into private negotiations with any firm. Mr. Hooper, however, was the Manager of a well known firm of locomotive manufacturers in England and it was considered that his offer was as favourable a one as any firm starting in India would be likely to make. It was decided, therefore, to recommend to the Secretary of State, whose approval was necessary since he had approved the original Communiqué, that the original Communiqué should be amended by altering the condition as to price as follows: "The prices in the case of contracts made in India should compare not unfavourably with those of the imported article, but the Government of India reserve the right to relax this condition for one year only in respect of a limited number of locomotive engines in favour of a tenderer from India, provided that the Railway Board is satisfied that the tenderer in question has made *bona fide* arrangements for manufacture in India". It was further recommended that if the Secretary of State agreed, he should issue an amended Press Communiqué in England and authorise the issue of a similar amended Communiqué in India. Mr. Hooper was informed that no private negotiations could be undertaken with his firm or any other firm, that all that could be done was to amend the Press Communiqué in this sense and that if the Secretary of State agreed, a revised Press Communiqué would be issued. Mr. Hooper stated that he would proceed with the formation of his Company without waiting for the revised Press Communiqué. The above telegram was issued on November 10, 1921. The Secretary of State's reply was received at the end of December. It indicated a doubt as to the value of the proposed addition to the Press Communiqué and whether a Press Communiqué so recently issued should be amended. But it stated that if the Government of India wished to press the point they could address the Secretary of State again. The main point made in the Secretary of State's telegram was:

that it was doubtful whether protection against cut throat competition for one year only would be sufficient. While this point was being considered, Mr. Hooper wrote on 3rd January 1922 saying that he was very busy with his scheme, that he had ordered the buildings and was placing orders for the machinery. He mentioned that he had not seen any revised Press Communiqué and asked whether one had been issued. This letter was addressed to Mr. Bell, when he was on tour in Burma, and did not reach him for some time, and it was not till 3rd March 1922 that Mr. Bell replied that no Communiqué had been issued, but he drew Mr. Hooper's attention to the Resolution adopted by the Assembly on 2nd March 1922 recommending the appointment of a Railway Industries Committee. Mr. Bell said that that Committee was being appointed, and he hoped that, as a result of that Committee's report, a definite conclusion would soon be arrived at. In the meantime Mr. Hooper proceeded with the construction of the works at Jamshedpur and he endeavoured to open negotiations with the Railway Board at meetings which took place early in January 1923. As the Railway Board were then awaiting receipt of tenders called for in October he was told that no negotiations of any kind could take place unless and until he put in a tender in accordance with the conditions laid down in the Communiqué. His tender was eventually received along with others and was found to be about three times as high as the tenders received from England, besides containing several unacceptable conditions. A meeting was then held with Mr. Hooper by the Railway Board's Chief Mechanical Engineer in the hope of arriving at a practical basis on which it might be possible to give him an order. Mr. Hooper stated that the following conditions were essential for any negotiations:

- (a) An order for not less than 50 engines of the 2-8-0 type, or an order equivalent in value if other types were substituted.
- (b) Payment at cost price *plus* 8 per cent. but in any case cost not to exceed 90 per cent. of his tender for the 55 2-8-0 type engines.
- (c) As mentioned in the tender, advance payments to be made on lines to be discussed hereafter.
- (d) That the satisfactory completion of this order would receive due consideration in placing of further orders.

These conditions could not be agreed to and in the hope of reaching some common ground for negotiations Mr. Hooper was asked whether he would consider a price of £7,200 for the 2-8-0 type, a figure which was above the equivalent of the lowest English tender after adding freight, customs duty, etc., for purposes of comparison. It was explained to him that any arrangement of the kind would be subject to the approval of Government. Mr. Hooper refused to have anything to do with this proposal, and apart from some further discussion of a tentative proposal regarding purchase of the entire works, the negotiations with Mr. Hooper then came to an end.

MURDER OF BRITISH OFFICERS ON THE NORTH-WEST FRONTIER.

124. *Mr. N. M. Dumasia: How many British Officers have been murdered on the N. W. Frontier and on what dates during the last year? Were the murders committed in British Territory?

Mr. E. B. Howell: During the year 1923, six British officers were murdered on the North-West Frontier on the dates and at the places indicated:—

Name.	Date.	Place.
1. Major F. Anderson, 2nd Seaforth Highlanders.	8th April 1923 .	Haidari Kandao, Khyber Agency, outside British territory.
2. Major N. C. Orr, 2nd Seaforth Highlanders.	8th April 1923 .	Ditto.
3. Lieutenant H. R. F. Webster, R.E., 21st Company of Sappers and Miners.	6th July 1923 .	Piazha Camp, Wana Agency, outside British territory.
4. Captain Baker Jones, I.M.S.	1st October 1923	12 miles from Harnai, Loralai District, Baluchistan, British territory.
5. Captain E. P. Watts, Kurram Militia.	8th November 1923.	Parachinar. Kurram Agency, outside British territory.
6. Major H. E. Finnis, Political Agent, Zhob.	30th November 1923.	Ha uband near Manikhwa, Zhob Agency, Baluchistan, British territory.

The details given show which of the murders were committed in British territory.

Mr. N. M. Dumasia: Were these murders committed for the sake of loot or were there any political or racial considerations?

Mr. E. B. Howell: I am afraid I must ask for notice of that question.

MURDERS OF INDIANS AND ABDUCTION OF INDIAN WOMEN BY FRONTIER TRIBESMEN.

125. ***Mr. N. M. Dumasia:** Have many cases of murders of Indians and the abduction of Indian women by the Frontier tribesmen come to the notice of the Government of India?

Mr. E. B. Howell: Yes.

Mr. N. M. Dumasia: What steps were taken to capture the murderers when news of these murders was received?

Mr. E. B. Howell: I must again ask for notice of this question.

Diwan Bahadur T. Rangachariar: Will the Honourable Member give the information as to "how many" cases were brought to the notice of the Government of India?

Mr. E. B. Howell: During the year 1923, 49 Indians were murdered by Frontier tribesmen in the North-West Frontier Province and Baluchistan. The figures relating to abduction of women are—for Baluchistan, 14, and for the North-West Frontier Province, 12. The Baluchistan abductions all took place on the Mekran border and all the

women abducted were subsequently returned. Of the 12 women abducted in the North-West Frontier Province, 9 were taken away not for ransom but with the assistance of British subjects as a direct result of matrimonial and other disputes.

Mr. Chaman Lall: Was any action taken against the Afghan Government because of these murders of Indians?

Mr. President: The Honourable Member must realise that that is a question which concerns the relations of the Governor General in Council with a foreign Power and therefore it falls within the mischief of Rule 8.

EXPORT OF CATTLE.

126. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to furnish information as to the number of cattle (particularly young cows) exported to foreign countries during the last two years?

The Honourable Charles Innes: The total number of cattle exported in the years 1922-23 and 1923-24 (figures up to the end of November 1923 only are available) were 13,675 and 7,984 respectively.

No separate figures for the export of young cows are available.

DECREASE IN CIVIL POPULATION OF NEEMUCH.

127. ***Haji Wajihuddin:** Is it a fact that the civil population of the cantonment of Neemuch is yearly on the decrease, and if so, please state reasons, also figures of the last two censuses?

Mr. E. Burdon: According to the census returns, the figures for the civil population of Neemuch Cantonment are as follows:—

In 1911	...	...	...	...	12,318
In 1921	...	...	...	...	10,490

The Government of India do not know the reason for the decrease.

DETERIORATION OF INSULIN IN INDIA.

128. ***Colonel Sir Henry Stanyon:** 1. Has the attention of Government been drawn to a letter from Dr. Hugh Stott, Professor of Pathology, King George's Medical College, Lucknow, which appeared in "The Pioneer" of the 18th January, 1924, regarding the progressive deterioration of insulin, even of the best quality, when unprotected from climatic influences in India?

2. If so, having regard to the vital importance of the subject, does Government propose to take any special steps towards the preservation of the strength of insulin imported into India

(a) by providing for research with a view to ascertain the best method of preventing the deterioration of this most valuable drug; and, in the meanwhile,

(b) by control of its cold storage during import, while awaiting Customs clearance, and when stored in depôts all over India?

Mr. M. S. D. Butler: (1) The Government of India have seen Dr. Stott's letter and recognize the importance of the matter.

(2) The whole question of the preparation of Insulin in India and of its preservation and deterioration is at present the subject of investigation.

DISMISSAL OF NOOR MUHAMMAD, DRIVER, BY THE E. B. RAILWAY.

129. ***Mr. K. Ahmed:** (1) Are the Government aware that Noor Muhammad driver T. No. 501 who was employed as driver in the Eastern Bengal Railway has been discharged in August 1922 and his gratuity forfeited for alleged disregard of signal and that thereupon memorials were submitted by the said driver to the Agent and to the Railway Board, dated the 12th June 1923, and the 11th August, 1923, respectively, without any effect?

(2) Is it a fact that in the said memorial it was stated that the order of discharge from service was not justified and that he prayed for an enquiry in which he should be given a hearing?

(3) Do Government propose to hold the enquiry?

The Honourable Sir Charles Innes: Noor Muhammad, late Driver, Eastern Bengal Railway, was discharged from service for running against signals, a serious offence fraught with danger to the public, and was allowed a month's pay in lieu of notice. As he was discharged in accordance with the terms of his agreement, he has no right of appeal to the Railway Board or any other authority.

As regards the forfeiture of his gratuity, his case was very carefully considered, but in view of the circumstances in which his services were terminated and of his past unsatisfactory record he could not be regarded as eligible for one. Government do not propose to take any further action in the matter.

Mr. K. Ahmed: Do I understand that the sympathetic Government disposed of this case summarily without giving even a hearing to the driver in question?

The Honourable Sir Charles Innes: He was discharged in accordance with his agreement and was given one month's pay in lieu of notice.

Mr. K. Ahmed: Is it not a fact that many of the drivers and even officers of this description were taken for a definite period and after the expiry of that period were allowed to continue their service.

Mr. President: The Honourable Member must give notice of that question.

Mr. K. Ahmed: Is it not a fact that even in this particular case similar other drivers, who were appointed on similar terms, were kept and this poor Indian driver was not given a hearing before his services were dispensed with?

Mr. President: I have just said that the Honourable Member must give notice of that question.

EXPORT OF CATTLE.

130. ***Mr. Amar Nath Dutt:** Will the Government be pleased to furnish information as to the number of cattle (particularly young cows) exported to foreign countries during the last two years?

The Honourable Sir Charles Innes: The attention of the Honourable Member is invited to my reply given to-day to Mr. B. Venkatapatiraju's question on the same subject.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE INCSCAPE COMMITTEE.

131. ***Diwan Bahadur T. Rangachariar:** (a) Will the Government be pleased to bring up to date the statements showing the action taken with regard to each recommendation of the Retrenchment Committee (Inchcape Committee) and lay the same on the table (*Vide* statements laid on the table on the 2nd July 1923 and 16th July 1923)?

(b) Will the Government be pleased to state what action has been taken on each of those recommendations of the Inchcape Committee Report which suggest further investigation, or, exploration of the possibility of effecting further economy in the various departments of the Government of India, *e.g.*, *vide* page 77 of the Report?

The Honourable Sir Basil Blackett: (a) The Honourable Member is referred to the revised statement laid on the table on the 1st February in reply to a similar question by Diwan Bahadur Ramachandra Rao.

(b) The Government are constantly examining the possibility of reducing expenditure by the adoption of measures other than those specifically recommended by the Committee, but it is hardly possible to place before the Assembly the results of the action taken in the form of a precise statement.

Diwan Bahadur T. Rangachariar: May I know whether each of these recommendations is being considered separately under clause (b)?

The Honourable Sir Basil Blackett: Every one of these recommendations being or has been very carefully considered as well as anything that we can think of arising out of it.

SALT CONSUMPTION IN INDIA.

†132. ***Diwan Bahadur T. Rangachariar:** Will the Government be pleased to make a statement regarding the consumption of Salt in the country during the last 10 months from April last year comparing the same with the average consumption during the last 3 years ending March 1923?

WAGES OF INDIAN LABOURERS IN CEYLON AND THE STRAITS SETTLEMENTS.

133. ***Diwan Bahadur T. Rangachariar:** (a) Will the Government be pleased to state whether any, and if so, what, action has been taken to increase the wages of Indian labourers in Ceylon and Straits Settlements and to fix minimum basic wages since the discussion on this question in the Assembly in February 1923?

(b) If no definite steps have been taken, do the Government intend to take early steps to stop emigration to those places?

(c) If the Government do not propose to take those steps, will the Government be pleased to state what steps are contemplated to better the economic condition of the unskilled labourers in those places?

Mr. M. S. D. Butler: (a), (b) and (c). At the instance of the Government of India the Ceylon Government have recently made a detailed inquiry into the relation between the wages and the cost of living of estate labourers in the island. The report has been received recently and the Government of India are considering the matter. The Malayan Labour Codes have been revised so as to empower the Indian Immigration

† *Vide* answer to Question No. 70.

Committee to prescribe standard wages for certain kinds of labour after due inquiry. Certain subsidiary questions are involved which are still under discussion between the Government of India and the Colonial Governments.

APPOINTMENT OF INDIANS TO SUPERIOR POSTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

134. ***Diwan Bahadur T. Rangachariar:** (a) Will the Government be pleased to state what steps have been taken to recruit Indians to the Superior Secretariat posts in the Government of India Secretariats?

(b) Will the Government be pleased to state how many vacancies permanent or casual arose in the posts of Secretary, Deputy Secretary, Joint Secretary, Under Secretary or Assistant Secretary and how many of them were filled by Indians during the year 1923?

(c) Will the Government be pleased to state what steps were taken to secure Indians for the vacancies?

The Honourable Sir Malcolm Hailey: (a) and (c). The Government of India follow the principle in making appointments to (superior) Secretariat posts that the officer best fitted should be selected regardless of racial considerations. They recognize, however, that Indians should be appointed in increasing numbers to these posts and have issued orders, in May last, to this effect. A copy of the orders is laid on the table.

(b) The number of vacancies which arose in the Government of India in 1923 is as follows:—

Secretaries	...	...	...	5
Joint Secretaries	...	...	...	2
Deputy Secretaries	...	...	...	3
Under Secretaries	...	...	...	4
Assistant Secretaries	...	...	...	11

Of these vacancies, 1 post of Joint Secretary, 1 of Deputy Secretary, 3 posts of Under Secretary and 3 of Assistant Secretary were filled by Indians.

Resolution.

“The Council recommends to the Governor General in Council that, in order to give Indians as insight into the larger problems of Imperial administration and policy, he would be pleased to appoint, so far as possible, at least one Indian as Secretary, Joint Secretary, or Deputy Secretary to every department of the Secretariat of the Government of India.”

Office Memorandum No. F.-29-23, dated Simla, the 7th May 1923.

From—C. W. GWYNNE, Esquire, O.B.E., Offg: Joint Secretary to the Government of India, Home Department,

To—All Departments of the Government of India (including Financial Adviser, Military Finance).

SUBJECT:—Appointment of Indians as Secretary, Joint Secretary or Deputy Secretary to every Department of the Government of India Secretariat.

“The undersigned is directed to forward, for the information of the Foreign and Political Department, a copy of the Right Honourable V. S. Srinivasa Sastri's

etc., Resolution on the above subject which was adopted by the Council of State at its meeting of the 28th February 1923 and to intimate the orders passed by the Governor-General in Council. His Excellency the Viceroy is not prepared to agree to any fixed

ratio of Indians in Secretariat posts which are essentially selection appointments, but accepts the principle of appointing Indians in Secretariat appointments in increasing numbers subject to the following conditions.

2. The principle adopted in filling the posts in the Government of India Secretariat has always been that experienced and suitable men should be selected and in the majority of cases a previous training in the provincial Secretariats has been regarded as necessary. His Excellency the Viceroy has directed that on the occurrence of vacancies in the appointments mentioned in the Resolution, the possibility of obtaining a suitable and competent Indian officer from the provincial Secretariats should be definitely considered. In pursuance of this object, he desires that on every occasion on which Local Governments are asked to submit names for nomination to Secretariat appointments in the Government of India, they should be asked to give the names of Indian officers, where suitable, as well as of Europeans.

3. It is requested that action may be taken by the Foreign and Political Department,
etc.,
in accordance with His Excellency's orders."

SUPPLY TO MEMBERS OF THE LEGISLATURE OF CERTAIN GOVERNMENT PUBLICATIONS.

135. ***Diwan Bahadur T. Rangachariar:** Will the Government be pleased to furnish the members of the Legislature with copies of the reports of the proceedings of Conference of Officials from the Provinces which take place periodically—as also of the annual administration reports of the various departments of the Government of India?

The Honourable Sir Malcolm Hailey: I would remind the Honourable
12 NOON. Member of the arrangement which has been made under which copies of such official publications of the Government of India as can be placed at the disposal of Honourable Members and which some Honourable Members may desire to consult are placed in the Library of this Chamber. If the Honourable Member will indicate to me the reports which have not been so placed, I will inquire into the matter.

POSTAL MAIL CONTRACTS.

136. ***Diwan Bahadur T. Rangachariar:** (a) Will the Government be pleased to state when the Mail contracts for Postal service on the coastal lines of India and Burma expire?

(b) If any new contract is to be entered into, will the Government be pleased to see its way not to enter into long-term contracts in such cases especially as the Indian Mercantile Committee has not finished its labours?

The Honourable Mr. A. C. Chatterjee: (a) The mail contract for the postal service on the coastal lines of India and Burma expired on the 31st January 1924.

(b) The interests of the mail services require that a new contract should be entered into. In 1923 tenders were invited by public advertisement both in India and the United Kingdom for all the lines taken together or any particular line or lines separately, but tenders have been received from only one firm. The conditions of the tender are now under the consideration of Government, who will bear in mind the point raised by the Honourable Member.

MR. RAMSAY MACDONALD'S BOOK "THE AWAKENING OF INDIA."

Mr. K. C. Roy: May I ask the Leader of the House if it is true that Mr. Ramsay Macdonald's book "The Awakening of India" stands proscribed under the Indian Sea Customs Act?

The Honourable Sir Malcolm Hailey: No, Sir. I have seen statements to that effect in various papers. I read those statements with some astonishment myself and I had a careful search made to see if any such Notification had ever issued. No such Notification has ever issued, and I can only assume that the mistake has been made of confusing Mr. Ramsay Macdonald's book with another of a somewhat similar name which has been proscribed.

Dr. H. S. Gour: Will the Honourable Member get Mr. Macdonald's book and place it in the Library?

The Honourable Sir Malcolm Hailey: If the Honourable Member wishes to read Mr. Macdonald's book, I can lend him my own copy. My copy, I may say, is certainly not proscribed.

Diwan Bahadur T. Rangachariar: I can lend him mine.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir Malcolm Hailey (Home Member): I beg to move:

"That the Bill further to amend the Indian Penal Code for certain purposes be taken into consideration."

I briefly described the nature of this Bill to the House when introducing it. It may appear to some Members that we have put forward the stage of consideration with some rapidity. I may explain that I merely placed it on the agenda to-day because it referred to a matter which had been very fully discussed in the past, and I thought that the House would now be in a position to take the matter up. I may add, however, that I do not desire it in any way to be regarded as a matter of urgency, and if the House desires to have further time to consider it, I should be very glad to make other arrangements.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): We have not seen the opinions of Local Governments consulted on this matter. They have not been circulated to us and we shall be glad to see them, and I do not know whether the Honourable Member would agree to the appointment of a Select Committee, which would be more satisfactory in dealing with this question.

Mr. President: In order to put this conversation in order I had better put the question. Motion made:

"That the Bill further to amend the Indian Penal Code for certain purposes be taken into consideration."

Diwan Bahadur T. Rangachariar: Sir, I repeat what I stated irregularly. I should like to see the opinions of Local Governments on this very important subject. There are divergent views in the matter and before I come to a conclusion on this important question, I should like to see the opinions myself; and I do not know, Sir, whether the Honourable Member in charge of this Bill will not consent to the appointment of a Select Committee to go into this matter.

The Honourable Sir Malcolm Hailey: If the Honourable Member would be content with my placing the opinions received in the Library I shall be very glad to do so. To reprint them and send them to every Member of

the House would take some little time. As regards a Select Committee, I have myself no objection at all, but I would suggest that a Select Committee is the most suitable method of considering a Bill when some question of detail arises. I may point out that our present Bill merely consists in the alteration of one figure by another, that is the sole question and we do not usually appoint Select Committees to discuss matters of principle.

Mr. Abdul Haya (East Punjab: Muhammadan): As an amendment, Sir, to the motion of my Honourable friend Sir Malcolm Hailey, I move that the Bill be circulated for eliciting opinion thereon by the 31st of March next. I may briefly explain my object in making this motion. The object of the Honourable Member in placing this Bill before us for the consideration of the House is that he desires to bring it into conformity with another Act that was passed in 1923. My objection is that in your attempt to bring it into conformity with that Act, you are taking it further away from the provisions of Muhammadan law. It is a matter, Sir, on which I would not venture any definite opinion at present, but the matter is so important that I submit that my community has got something to say upon it before it is finally passed into law. I may submit that, according to my personal law, a girl becomes *sui juris* long before 18 years. On the completion of the fifteenth year the presumption is that she becomes a major, but she may become a major even earlier; it all depends upon the appearance of physical signs of puberty. Even at the present, Sir, as the law stands, there is a conflict between the criminal law of British India and the Muhammadan law. During my experience as a lawyer I have come across several cases in which there have been divergent decisions by the criminal and the civil courts. I know of a case in which a girl admittedly under 16 went over with her paramour against the wishes of her mother, the *de facto* guardian, and contracted a marriage with him. The man was prosecuted under section 363 and convicted. The defence was put forward that she had gone with the man with the object of entering into a lawful marriage and it was allowed by Muhammadan law, but the criminal courts took no notice of that, because, under the law as it now stands, no heed could be paid to the object of the girl or the motive of the man, and so forth; but when that case went to the civil court, there it was proved that the girl went of her own accord, and, according to Muhammadan law, she was a major, and there was a valid contract of marriage. So the position was that the man, who was the husband of the girl, was convicted under section 363. Under the present law there is only a difference of one year, but, if you take it further to 18 years, I believe there will be greater conflict. I may, for the information of the House, say that, although Muhammadan law allows a girl to enter into a marriage immediately on entering puberty, without the consent of her father or guardian, yet there are two schools of thought, *Hambli* and *Malaki*. The *Hambli* says, immediately she becomes a major, that is, attains puberty, the minority ceases and the tutelage comes to an end, whereas the *Malaki* says, it does not come to an end, it continues till actual marriage. However, Sir, this is a matter about which we should not be in a hurry, and I submit the Bill may be circulated for eliciting opinion thereon till the 31st of March next.

Mr. President: Amendment moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon, the opinions to be received not later than the 31st March in the present year."

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I understand from the Honourable the Home Member, who is in charge of this Bill, that he is quite willing that the Bill be referred to a Select Committee. I think this House will agree that that perhaps will be the best course to adopt. Now, the difficulties with regard to this Bill are two. First, there is a doubt whether it is in any way likely to conflict with the provisions of Muhammadan law; and, secondly, whether, having regard to the definition of the offence of kidnapping, as it is provided for in the Indian Penal Code, the mere taking away of a minor from the lawful custody of her guardian, no matter for what purpose, however innocent the purpose may be, whether that will not be sufficient, having regard to the definition of the offence of kidnapping, to convict a person. The time at our disposal since this Bill was introduced has been so short and the effect of this amendment may be so serious in its consequences, that I think the House will agree that we should at least refer this Bill to a Select Committee, where men who are competent would consider these two points most carefully and make their report to this House. Therefore, Sir, if you will permit me, I will formally move an amendment that this Bill be referred to a Select Committee.

Mr. President: If, as I gather, the sense of the House is in favour of a Select Committee, I think I had better dispose of the motion for circulation first.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, the Honourable Members of this House—at any rate, as many of them as were present during the discussion when the last Assembly passed a cognate measure moved by my friend opposite, the Honourable Mr. Joshi,—will realise that this Bill is an integral part of the social reform measure to which this House stands committed. The Honourable Members who spoke last cast some doubt whether the provisions of this Bill, if enacted, would not conflict with the provisions of the Muhammadan law. I am glad to find that both speakers are lawyers and they must be conversant with the provisions of the Indian Majority Act, under which no person, except in cases provided therein, is *sui juris* unless he or she has completed his or her eighteenth year.

Now, Sir, I ask Honourable Members, if a girl below 18 was to dispose of her property or to enter into a contract, would not the disposal and the contract be treated as a contract of a minor and therefore void? It is perfectly clear that a minor cannot dispose of her property, but is it not equally clear that she should not be free to dispose of her person? I am surprised to hear Honourable Members here speaking of the provisions of this Bill as conflicting with the Muhammadan law. I answer, Sir, that if ever there was a conflict, that conflict was set at rest by the enactment of the Indian Majority Act, and I ask, Sir, whether it is not logical that a girl should be protected during her minority in all respects, whether she disposes of her property or her person. Members have been speaking of marriage and other cases of that kind. Surely, Sir, the last speaker could not be thinking of an abduction as equivalent to marriage! These sections deal with cases of immorality, of abduction and kidnapping for the purpose of committing immoral offences. They do not deal with questions of marriage; and I therefore submit there is nothing in the provisions of these sections which conflicts or can conflict with the personal law of the Muhammadans, or indeed with the personal law of any community. I therefore submit that this beneficial piece of

legislation should not be delayed in its passage through the House. My friend Mr. Jinnah adopts the somewhat Fabian policy of asking this House to commit this Bill to a Select Committee. Now, I ask, Sir, has not the Honourable the Home Member pointed out that there is nothing in this Bill which a Select Committee can decide? The question is a question of principle and the Select Committee are not the competent judges of the principle of a measure which must be discussed and disposed of by this House. Let us then be clear. If this House is agreed that our minor girls must be protected before they attain the statutory age of majority, they must vote for this Bill. If, on the other hand, they are of opinion that girls between the ages of 16 and 18 should be free to dispose of themselves or expose themselves to the offences of kidnapping, illicit intercourse and the rest, let them throw this measure out. That is the sort of principle before the Honourable Members of this House and I ask the Honourable Members to support this measure on the ground of morality, and I say further, on the ground of humanity. I say, Sir, therefore no time should be lost by referring this measure to a Select Committee or by its publication for the purpose of eliciting public opinion by the 31st March. The Honourable Member probably is not aware of the fact that once a Bill or motion is sent out for eliciting public opinion thereon, it sometimes takes six months, sometimes a year and very often, as I know too well, a couple of years or more. I therefore, ask, would it be wise to shelve this measure—a measure which is, as I have pointed out, necessary in the interests and for the protection of minors in this country? Honourable Members are aware that another cognate Bill passed by both the Houses is awaiting its promulgation on the passing of this measure and there will therefore be delay not only with regard to this measure but with regard to a Bill which has already received the assent of the two Chambers. I move, Sir, that the Honourable the Home Member's motion be accepted and the further progress of this measure be no longer delayed either by referring it to a Select Committee or sending it out for eliciting public opinion thereon.

Colonel Sir Henry Stanyon (United Provinces: European): I was one of those present in this Honourable House when the Bill which has now become Act XX of 1923 was discussed. On that occasion the whole question between the age of sixteen and the age of eighteen was very exhaustively debated. Government at that time, chiefly I believe for the sake of being consistent with the sections which it is now proposed to amend, were in favour of a limit of sixteen years, but the majority of the House, after a full discussion, decided that the limit of age should be eighteen years. I was one of the majority who voted for eighteen years, and if I had to vote again to-morrow, I would again vote for eighteen years. The present Bill is practically little more than a consequential amendment due to that which this House passed into law last year. If the personnel of this House were the same as when this Act XX of 1923 was passed, I should call upon Honourable Members to give a very short shrift to these proposed amendments for a Select Committee and for reference back for opinion. But the personnel of the House has undergone a change, and there are a great many Members here who have not had the opportunity of considering all that was said in the debate last year. No doubt, they can make a post-mortem examination of that debate in the published record, but that is not quite the same thing. The Honourable the Home

[Colonel Sir Henry Stanyon.]

Member has told us that the matter is not one of very great urgency, and that if any good ground can be made out for the appointment of a Select Committee he would not object to it. Speaking for myself, and subject to correction, I think that, if this amendment were made straight off, it would not in any way interfere with any lawful custom, and still less, with any law of marriage. Our principal ground in the debate last year was to get consistent with the Indian Majority Act by having one age of majority as far as possible; another reason was a general desire for progress towards the protection of young girls for longer than perhaps was fashionable half a century ago. At the same time, having regard to the facts that there is a perfectly honest feeling of doubt as to whether the amendment of these sections may not possibly lead to misinterpretation in the future in a way to affect local marriage law or recognised custom (Dr. H. S. Gour—"How?"), that there is no immediate urgency for this measure, and that it will satisfy the opinion, if it does exist to any great extent in this House, of those who desire to proceed with caution, I myself would not oppose the proposal of the Honourable Mr. Jinnah for a Select Committee; and I would leave it to the consideration of Government whether a small Select Committee, called upon to report in a very short time, might not perhaps be the best way of satisfying everybody.

Mr. C. Duraiswami Aiyangar (Madras ceded districts, and Chittoor: Non-Muhammadan Rural): When I came to this House this morning, I came with two notions. One was that the Indian Majority Act did not apply for all purposes and did not apply to marriage and social customs. I also came with the notion that marriages under the Hindu law and the Muhammadan law, at any rate under the Hindu law, did not stand on a par with contracts. But after hearing the eloquent address of the author of the Hindu Code, my mind has become unsettled about these matters. I may tell you, Sir, that so far as this question is concerned, it affects in many ways the customs not only of the Muhammadans but also of the Hindus. This raising of the age, far from promoting social reform, will, in my opinion, obstruct social reform. Take, for instance, a case in which there is a virgin widow who wants to be married and who has got one who will marry her. If she is left under the guardianship, until her eighteenth year, of a parent who does not like the widow to re-marry, does it not amount to this that her hands are tied and she is not at liberty to go and re-marry? If this age of sixteen be raised to eighteen, I am certain it will be a block to social reform. Very often, a question of doubt arises as to whether taking away a girl for the purposes of marriage under the age of sixteen will amount to kidnapping for a lawful purpose or unlawful purpose, especially in the instance of the girl I have referred to. Oftentimes, doubts may also arise as to whether even the husband taking his wife from the custody of her father or her guardian under sixteen years, when the relationship between the father-in-law and the son-in-law is strained, will amount to kidnapping and whether the former may not lawfully complain against the son-in-law. These questions have to be set at rest, and I believe there are decisions of Courts where, when the question arose as to lawful guardianship—I mean when persons were fighting for the guardianship of a minor,—the Courts thought that the consent of the girl might be taken as a guiding principle if she was of fourteen or sixteen years of age. Why should we now disturb all these decisions and raise the age to eighteen? That is a point for serious consideration. The Honourable Sir

Malcolm Hailey said that this is not a fit case for referring the Bill to a Select Committee. It is not simply putting in one figure there for another, for, when you disturb the section for particular purposes, the question may arise whether it may not affect other matters also and it may become necessary to consider whether exceptions may not have to be brought forward to that section. These are questions which may probably fall within the scope of a Select Committee, and I am therefore entirely in favour of referring the Bill to a Select Committee.

Mr. N. M. Joshi (Nominated: Labour Interests): I rise to oppose the amendment. I am somewhat surprised that my Honourable friend Sir Henry Stanyon should have considered the original Bill as only consequential amendments and should have at the same time supported this amendment. Sir, the first argument used in favour of the amendment is that this Bill, which raised the age from 16 to 18, conflicts with the Hindu law or the Muhammadan law; but, Sir, I was also told that the Muhammadan law at least requires that the age should be 15 and not 16. If this is true, when the age was fixed at 16 in the Indian Penal Code, there was already a conflict with the Muhammadan law and the Muhammadan law was already broken. This Bill is not introduced to consider the question whether the age of 16 conflicted with Muhammadan law and should be brought down to 15 or even to 14. The object of the Bill is to raise the age from 16 to 18. Therefore, we cannot at this time consider whether the age of 16 conflicted with the Muhammadan law and should be brought down. The question of principle was settled long ago, when the Indian Penal Code was enacted. Moreover, this question of principle was discussed several times when the Bill was brought forward last year. What is there new in this Bill that remains to be considered? Everything has been considered time and over again. There is the other argument that was used by Sir Henry Stanyon that the personnel of this House has undergone a great change. But, Sir, I thought that this House has become more progressive than the old one. I do not know whether I am mistaken in my belief, but I do hope that the House has become more progressive, and I am quite sure the vote on this amendment will prove whether we have become more progressive or not.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I rise to support the amendment. My friend Mr. Joshi said that the Muhammadan law was broken once. Is there any reason why it should be broken again? That may be a mistake. Why should we make a mistake again? I also find that there is some difference of opinion regarding the interpretation of Muhammadan law on this question. Hence it is necessary, nay essential, that the Bill should be referred to a Select Committee.

Mr. President: I see Members are addressing their remarks to the Select Committee which is not under discussion at this moment. I think I had better bring the discussion in order by putting the motion for circulation.

The original question was:

"That the Bill further to amend the Indian Penal Code for certain purposes be taken into consideration."

Since which an amendment has been moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon, the opinions to be received not later than the 31st March of the present year."

[Mr. President.]

The question I have to put is that the Bill be circulated.

The motion was negatived.

Diwan Bahadur T. Rangachariar: I move that the Bill be referred to a Select Committee.

The Honourable Sir Malcolm Hailey: On behalf of Government I am perfectly prepared to accept that suggestion, and I hope that it will commend itself to the House. The position of Government in these cases of social or semi-social legislation is not an easy one. If one needed further proof of that, I can only refer to what has taken place in the course of the various discussions we have had on this particular measure. When the Bill, which has now become Act XX of 1923, was put forward, we, on behalf of Government, took a cautious attitude in regard to the age limit. The House by a very narrow majority prescribed the age of 18. We were then at great pains to keep the discussion as far as possible on non-controversial lines. We very nearly fell into an agitated discussion as to the morality of Madras zamindars. By tact and forbearance we just managed to escape an even more agitated discussion on the subject of the immoral employment of temple girls. Our caution involved us in the accusation that we were reactionary and opposed to any form of social advance. Yet what has happened to-day? Yielding as we thought to the insistent voice of reformed opinion, we have proposed to raise the age in all the four sections of the Act. To our surprise we have found ourselves in the first place under the charge of having broken the Muhammadan law not once but twice. Further, so far from being given credit for attempting to advance social legislation, Mr. Aiyangar tells us that, on the contrary, we have been guilty of a measure which will impede the marriage of virgin widows. Difficult indeed, Sir, is the task of the reformer in these circumstances. Now I do realize myself that there is some honest doubt as to the effect of this measure in regard to Muhammadan law. For myself I cannot see that we are going any further than the Penal Code has already gone. It may be that by raising the age we are giving some further extension to any mischief, if mischief has been created, by the existing sections of the Indian Penal Code, but there it ends. Nevertheless, if there is that doubt, I for one am only too glad that the whole case should be examined by a Select Committee, but I would suggest that on this occasion the reference to a Select Committee should make it clear that they are not debarred from considering the questions of principle involved in raising the limit of age. If that is not understood, their mandate will be unduly circumscribed. If the House accepts the proposal for a Select Committee, then I would suggest that I be allowed, after consulting my friends opposite, to put forward the names of the Select Committee on a subsequent occasion.

Dr. H. S. Gour: Sir, may I rise to a point of order. I always understood that the practice of this House was to enunciate the principle and, after the principle of a measure was accepted, it was committed to the Select Committee to carry out the principle so accepted. I understand the Honourable the Home Member to suggest that this House should not commit itself to the principle and leave it to the Select Committee to decide whether it will accept the principle or not. I submit, Sir, it is within the jurisdiction of this House, and this House alone, to settle the principle, and, after the principle of the measure is accepted, then the measure might go to the Select Committee.

The Honourable Sir Malcolm Hailey: I quite admit the truth of what Dr. Gour says on the subject. My difficulty in this connection is that the whole Bill consists in substituting the figures " 18 " for the figures " 16." Now, you may describe that if you will as a question of principle rather than detail; all I intended to suggest was that the Select Committee should be at liberty to make recommendations to the House on the whole question. I understand that Dr. Gour's view is that, so far from discussing the question further, we should immediately pass the Bill. I myself am not prepared, in view of the doubt that has been cast on the effect of the Bill, to accept that suggestion, and the only solution appears to me to be the somewhat irregular course of agreeing that the Select Committee should be at liberty to discuss the question of principle involved.

Dr. H. S. Gour: May I then suggest, Sir, an amendment for the acceptance of the Honourable the Home Member. Seeing that the committal is irregular, I suggest as an amendment that the Select Committee should report within a week.

The Honourable Sir Malcolm Hailey: We have not even got the names of the Select Committee yet; nor do I indeed see how that gets over the irregularity that the Honourable Member has suggested. It may perhaps reduce the amount of sin by circumscribing the time in which it is committed, but there it ends.

Mr. N. M. Samarth (Bombay: Nominated Non-Official): I have a difficulty, Sir. I have always hitherto understood that the reference of a Bill to a Select Committee means that the principle of the Bill has been accepted and the Select Committee is to go into the details of the clauses of the Bill. If it is now open to a Select Committee to go into the principle of a Bill, may I ask if it is open to the Select Committee to recommend to this House that instead of the word " eighteen " the word " fifteen " be substituted? Are you going to allow the Select Committee to go into the principle that way? The Indian Penal Code was amended some years ago and the word " sixteen " was introduced. That violated, it is said, the principles of Muhammadan law. Now, is it open to the Select Committee to go into the question whether that was right or wrong? But, if you allow the principle to be discussed, then it is quite open to the Select Committee to come to this House and say that, instead of the word " eighteen " the word " fifteen " be substituted, and I think it is not right that the Select Committee should have such wide powers given to them contrary to the convention of this House.

Mr. M. A. Jinnah: May I be allowed to make a further suggestion. The further point is that the Select Committee will have to consider whether the definition of " kidnapping " should be altered or not. That is not a matter of principle at all.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): Sir, in reply to Mr. Samarth, I would say that the Select Committee can engraft some exceptions and still maintain the age of 18, in which case they will not be violating the principle at all. For instance, the questions of the Muhammadan marriage laws and Hindu widows can very easily be provided for by drafting some kind of exceptions which will cover their cases and the principle of the Bill will not be violated at all.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, the Honourable the Home Member found in the attitude that this House has taken on the present occasion

[Mr. R. K. Shanmukham Chetty.]

some opportunity to doubt their enthusiasm for social advancement. But I am afraid, Sir, that Government, confounding the real issue, have created this difficulty before the House now; because, if I have understood the proceedings of the last Assembly correctly, it is in accordance with the adherence of India to the Articles of the International Convention for the suppression of the traffic in women and children that Act XX of 1923 was passed by this House. In accordance with the provisions of that Act a new sub-clause was added to section 366 of the Indian Penal Code. That clause is 366 (a). It relates to the procurement of minor girls and reads as follows:

“Whoever by any means whatsoever induces any minor girl under the age of 18 years to go from any place or to do any act with intent that such girl may be or knowing that it is likely that she will be forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.”

It is perfectly clear from the wording of this section, Sir, that what was aimed at was to prevent the procurement of girls under 18 years of age for immoral purposes. That is section 366(a). It is absolutely plain, that this section introduced by Act XX of 1923, aims at suppressing this immoral traffic in women and children. If that is made clear, I am perfectly sure, that not only Honourable Members of this House but even the ranks of the social reactionaries would not object to the provision for raising the age limit to 18. But the issue is being confused, Sir, by including section 361 here. The consequential amendment to Act XX of 1923 will be simply to raise the age limit to 18 in sections 372 and 373 of the Indian Penal Code. Section 372 is about the selling of any minor for purposes of prostitution. Section 373 buying of any minor for purposes of prostitution; and section 366(A) is ‘procuring any minor for purposes of prostitution’. Now, the amending of sections 372 and 373 by raising the age limit to 18 is consequential as the result of passing Act XX of 1923. But I say, Sir, Government have confounded the issue and created unnecessary difficulty in adding section 361 also in this Bill, and therefore I say, that this House is not to be blamed as adopting any wrong attitude. I maintain that the raising of the age limit from 16 to 18 in section 361 does not necessarily follow from the change that we have made in Act XX of 1923. Now, that is far-reaching in its effects; as my Honourable friend Mr. Jinnah has pointed out, the definition of the word “kidnapping” is very vague in the Indian Penal Code, and certainly, Sir, apart from expressing any opinions on social reform, this House is entitled to say that as the definition stands at present, it is doubtful whether, in accordance with the provisions of the Muhammadan law or Hindu law, it would be advisable to raise that limit from 16 to 18 for the purpose of section 361, and therefore, Sir, I think, the Bill as presented by Government must certainly be referred to the Select Committee, and, therefore, I support the view that it should be referred to the Select Committee.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I find myself, Sir, in a little difficult position, not being a lawyer like most of the Honourable gentlemen who have preceded me. But I entirely agree with my Honourable friend, Mr. Chetty, in regard to the suggestion which he has made, namely, that confusing sections 361 and 372 and 373 make our position exceedingly difficult. If this amendment were confined to

sections 372 and 373, I have not the least doubt in my mind that this House without any hesitation would have voted *en bloc* for the amending Bill, but the difficulty arises in regard to the word "kidnapping", as my friend, Mr. Chetty, has pointed out, and, in view of this difficulty, it seems to me that the Honourable the Home Member owes it to this House to clear up this point before this matter is referred to the Select Committee, because, as I understand it, the Select Committee will be precluded from entering into the question of principle.

Diwan Bahadur T. Rangachariar: Sir, to put the matter straight, may I move not only that the Bill be referred to a Select Committee, but that they should report on the principle of the Bill as well as on the Bill itself?

Mr. President: I am afraid that procedure is not regular. As Honourable Members of the first Assembly are well aware, and as I now announce to everybody concerned, when a motion that a Bill be taken into consideration, or the alternative motion that the Bill be referred to a Select Committee, is passed by a majority of this House, the Assembly is held committed to the principle of the Bill. A Select Committee finding itself in difficulty regarding the application of the principle must return to this House for further instructions.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadian Rural): Sir, the Honourable the Home Member has already explained that the principle of this Bill is the raising of the age, and, in view of the practice which has already been established in this House, I do not understand the objection that has been raised as regards the procedure. My Honourable friend Dr. Gour has stated that once a Bill is referred to a Select Committee, the question of the principle is accepted, and that it cannot be reported upon by the Committee, as suggested by my friend Mr. Rangachariar. I say, Sir, that, though this practice is not strictly within the rule, I find from the proceedings of this House that in the case of one Bill at least, the Legal Practitioners' Bill, the Select Committee reported that the Bill should not be proceeded with. I therefore think, Sir, that though it may not be strictly in accordance with the rules, we have adopted, I believe, in this House, at least in the case of two Bills, the procedure that the Select Committee could go beyond the strict wording of the rules. In those circumstances, it seems to me that if the Bill is referred to a Select Committee, the whole question can be gone into again fully and a report submitted.

Mr. President: The original question was:

"That the Bill further to amend the Indian Penal Code for certain purposes be taken into consideration."

Since which an amendment has been moved:

"That the Bill be referred to a Select Committee."

The question I have to put is:

"That the Bill be referred to a Select Committee."

The motion was adopted.

THE INDIAN COTTON CESS (AMENDMENT) BILL.

Mr. J. A. Richey (Educational Commissioner): Sir, I move:

"That the Bill to amend the Indian Cotton Cess Act, 1923, for certain purposes, be taken into consideration."

[Mr. J. A. Richey.]

The objects of this small Bill are clearly set forth in the Statement attached to the Bill, and I further explained it at the time of the introduction. I do not propose to detain the House at this stage with any further explanation and I move, Sir, that it be taken into consideration.

Mr. President: The question is:

"That the Bill to amend the Indian Cotton Cess Act, 1923, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. J. A. Richey: I move, Sir, that the Bill be passed.

Mr. President: The question is:

"That the Bill to amend the Indian Cotton Cess Act, 1923, for certain purposes, be passed."

The motion was adopted.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President: The Assembly will now proceed to elect a Deputy President. There have been nominated two candidates for this office:

- (1) Diwan Bahadur T. Rangachariar.
- (2) Mr. Kabeerud-Din Ahmed.

If Honourable Members will come to the table, they will receive ballot papers from the Secretary. Only one name must be marked on the ballot paper, and when the mark has been made, it should be returned to the Secretary and placed in the ballot box which will be placed on the top of the table. It will conduce to the orderly proceeding of this election if Honourable Members will file out from this block first.

(The Members then proceeded to deposit the ballot papers in the box.)

Mr. President: Do I understand that those desiring to record their votes have done so?

1 P.M.

Mr. Secretary will now proceed to count the votes, and during that time I will ask the Honourable the Home Member to move the motion standing in his name.

ELECTION OF PANELS FOR STANDING COMMITTEES.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I beg to move:

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. F.49, dated the 22nd August 1922, as amended by the Home Department Notification No. D.794-C., dated the 30th January 1924, 4 panels consisting of 9 members each, from which the members of the 4 Standing Committees to advise on subjects in the Home Department, the Commerce Department, the Department of Education, Health and Lands, and the Department of Industries and Labour, respectively, will be nominated."

Mr. President: The question is:

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department Notification No. F-49, dated the 22nd August 1922, as amended by the Home Department Notification No. D-794-C., dated the 30th January 1924, 4 panels consisting of 9 members each, from which the members of the 4 Standing Committees to advise on subjects in the Home Department, the Commerce Department, the Department of Education, Health and Lands, and the Department of Industries and Labour, respectively, will be nominated."

The motion was adopted.

Mr. President: As a result of the decision just made by the House, I have to announce that nominations for these Committees will be received by the Secretary up till 3 o'clock on the afternoon of Wednesday the 6th February. The first two elections for the panels for the Home and Commerce Departments will be held in this Chamber on Monday the 11th February and the other two elections in this Chamber on Wednesday the 13th February at the end of the other business on each occasion.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President: As there is no further business upon the Order Paper to-day, and as the counting of the votes for the election of Deputy President will take some little time, I shall wait to make the announcement of the election at the opening of the business to-morrow.

The counting of the votes is concluded and I am in a position to announce it now. The voting is as follows:

For Diwan Bahadur T. Rangachariar	58
For Mr. Kabeerud-Din Ahmed ...	16

I therefore declare Mr. Rangachariar elected Deputy President. (Applause.) The assent of His Excellency the Governor General is required by Statute and will be duly sought. Meanwhile, I think I shall be expressing the unanimous feeling of this House when I say that it has done honour to one to whom honour is due. (Applause.) There was no one in the first Legislative Assembly who more consistently upheld the traditions and dignity of this Chamber than our new Deputy President and therefore I offer him congratulations of all his fellow Members as well as my own welcome to the duties of his office.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I thank you and the Honourable Members most heartily for the honour they have done me. I will try to discharge my duties according to the best of my lights and I hope, Sir, you will be satisfied with the discharge of those duties.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th February, 1924.