

13th March, 1924

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



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1924.

Legislative Assembly.

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Deputy President :

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HAJI WAHUDDIN, M.L.A.

RAJA RAGHUNANDAN PRASAD SINGH, M.L.A.

MR. HARCHANDRAI VISHINDAS, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Thursday, 13th March, 1924.

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

MEMBER SWORN:

Professor Laurence Frederic Rushbrook-Williams, C.B.E., M.L.A.
(Director of Public Information).

QUESTIONS AND ANSWERS.

RAILWAY CONNECTION BETWEEN GAYA AND SHERGHATI.

754. ***Rai Hari Prasad Lal:** (a) With reference to the reply given to my unstarred Question No. 121, dated the 18th February, 1924, will the Government be pleased to state the nature of the information available to the Government on the subject?

(b) Will it be pleased to lay a copy of the information referred to in answer 121 (b) unstarred on the table?

RAILWAY CONNECTION BETWEEN GAYA AND SHERGHATI.

755. ***Rai Hari Prasad Lal:** (a) With reference to the answer given to my unstarred Question No. 121, dated the 18th February, 1924, will the Government be pleased to state the sources of their information on which the answer is based?

(b) If so, will the Government be pleased to state when the information on which the answer is based was collected?

The Honourable Sir Charles Innes: I propose to answer these two questions together. The reply was based on traffic reports and estimates prepared by the Railway authorities in 1918. It is impossible to reproduce the information in a form suitable for placing on the table, but the Honourable Member can see the documents, if he so desires, in my office.

RAILWAY CONNECTION BETWEEN GAYA AND SHERGHATI.

756. ***Rai Hari Prasad Lal:** (a) With reference to my unstarred Question No. 121, dated the 18th February, 1924, will the Government be pleased to state if the

- (1) Gaya District Board,
- (2) Sherghati Union Committee,
- (8) Gaya Municipality,
- (4) Imamganj (Gaya) Union Committee,

(1607)

- (5) The District Officer of Gaya,
- (6) The S. D. O., Sadar, Gaya,
- (7) The Head of Police, Sherghati,
- (8) The District Traffic Superintendent, E. I. R., Gaya,

any, or each or none, of them were asked their opinion on the subject matter of the question?

(b) Will the Government be pleased to state if it has only relied on old dates and expert knowledge?

The Honourable Sir Charles Innes: The officer who prepared the survey was in close touch with the local authorities, but they have not been recently consulted. If the local authorities consider that the new line is urgently required, their proper course is to address the Local Government, and the Local Government, if it thinks fit, will no doubt make representations to the Railway Board.

CONVERSION OF THE MARDAN SUB-DIVISION OF THE PESHAWAR DISTRICT INTO A SEPARATE DISTRICT.

757. ***Nawab Sir Sahibzada Abdul Qaiyum:** (a) Will the Government be pleased to state if they have had under consideration a scheme for converting the Mardan Sub-division of the Peshawar District into a separate district?

(b) If so, how far that scheme has progressed?

(c) If not, do the Government propose to consider, at an early date, the advisability of forming a separate district of that Sub-division on account of the very large increase of the judicial and administrative work in that Sub-division, since the opening of the Upper Swat Canal?

(d) In case, the Government cannot at present see their way to the formation of Mardan into a district, are they prepared to consider the question of removing the congestion of work at Mardan by appointing an Extra Assistant Commissioner and a Munsiff at Swabi for the relief of the Swabi people, who have to attend the Mardan courts from a distance of 30 to 40 miles and more?

Mr. E. B. Howell: (a) No scheme for converting the Mardan Sub-division of the Peshawar District into a separate district is at present under the consideration of the Government of India.

(b) A scheme to form the Mardan Sub-division into a separate district was, it is understood, recently considered by the Chief Commissioner, North-West Frontier Province, but, in view of financial stringency and the expense involved, was not forwarded to the Government of India.

(c) The Government of India do not at present propose to consider the question of forming a separate District of the Mardan Sub-division owing to the extra cost involved, but it is possible that the subject may again come up for consideration in connection with the re-settlement of the Peshawar District, which has recently been undertaken.

(d) The appointment of an Extra Assistant Commissioner and a Munsiff at Swabi would involve considerable extra expenditure for buildings and residences, and the Government of India are not at present satisfied that the expenditure would be justified, seeing that Swabi is only 26 miles from Mardan with which it is connected by a good metalled road.

Nawab Sir Sahibzada Abdul Qaiyum: Is it not a fact that the Assistant Commissioner, Mardan, has been invested with all the powers of a District Magistrate or Deputy Commissioner and does not this fact justify the conversion of that appointment into a Deputy Commissionership?

Mr. E. B. Howell: As regards the point of fact, Sir, it is so. The second matter has several times been under the consideration of Government and the decision so far is as I have stated.

JUDICIAL WORK IN THE NORTH-WEST FRONTIER PROVINCE.

758. *Nawab Sir Sahibzada Abdul Qaiyum: (a) Is it a fact that for the purposes of judicial work, the N. W. F. Province has been divided into two divisions, (1) the Peshawar Division, comprising the districts of Hazara and Peshawar; (2) the Derajat Division, comprising the districts of Dera Ismail Khan, Bannu and Kohat; each division being under one permanent Sessions and Divisional Judge?

(b) Is it a fact that in view of the very large increase in the judicial work in these divisions a temporary Additional Sessions and Divisional Judge has been working in the Peshawar Division for the past few years, and a temporary Additional Sessions Judge has recently been appointed to assist the Sessions and Divisional Judge of the Derajat Division?

(c) Are the Government prepared, in the interest of the improvement of the judicial work, which has immensely increased owing to the irrigation and other developments in the N. W. F. Province, to consider the advisability of bringing these temporary appointments upon the permanent cadre, and readjust the territorial limits of the jurisdiction of these officers, with due regard to the conveniences of all concerned?

Mr. E. B. Howell: (a) The Judicial Divisions are as stated in the question, but there is also an Additional Divisional Judge in the Peshawar Division.

(b) and (c). The appointment of Additional Divisional Judge, Peshawar, is permanent and is already on the Political Department cadre. The appointment of Additional Divisional Judge, Derajat, was sanctioned by the Chief Commissioner under his own powers for a period of 2 months from 1st January 1924. This was necessary owing to severe congestion of Sessions cases in the Derajat court due to the heavy rate of committal during the preceding five months. The whole question of revising the existing judicial arrangements in the North-West Frontier Province is under consideration.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Honourable Member in charge please state what the heavy rate of committal was due to?

Mr. E. B. Howell: I understand, Sir, it was due to the large number of outlaws who had been captured during the preceding period and were to be tried for their offences.

PAY OF EXTRA ASSISTANT COMMISSIONERS AND MUNSIFFS IN THE N. W. F. PROVINCE.

759. *Nawab Sir Sahibzada Abdul Qaiyum: (a) Will the Government be pleased to state if the Extra Assistant Commissioners and Munsiffs in the N. W. F. Province are in receipt of the same grades of pay and increments as are enjoyed by officers of the same status and position in the neighbouring province of the Punjab?

(b) If not, will they be pleased to remove the grievances of these services in the N. W. F. Province arising out of this differential treatment?

Mr. E. B. Howell: (a) Extra Assistant Commissioners in the North-West Frontier Province are in receipt of the same scale of pay as members of the Provincial Civil Service in the Punjab. Munsiffs are not.

(b) The question of applying the same scale of pay to Munsiffs and of insisting on the same qualifications is under consideration.

Sir P. S. Sivaswamy Aiyer: Is the standard of qualifications the same in the two provinces in theory and in practice?

Mr. E. B. Howell: The Honourable Member's question, Sir, involves a certain amount of explanation before it can be answered.

It has always been a principle in the North-West Frontier Province that members of the Provincial Service and of the ministerial service should receive the same rates of pay as officers of the same classes in the Punjab. About two years ago the Punjab revised their qualifications for Munsiffs and also raised their pay. The Chief Commissioner applied for the Munsiffs in the North-West Frontier Province to receive the same rates of pay and stated that he would be willing then to introduce the same rules with regard to qualifications. I may explain that the Munsiffs in the two provinces enter for the same Departmental examination, but their papers are not examined by the same examiners. It is therefore not possible to say that exactly the same standard obtains for the two provinces although the papers are the same. The new qualifications introduced in the Punjab were in some respects different from those previously in force in the two provinces. When the Chief Commissioner's application for the enhanced rate of pay came before the Government of India it was referred to the Standing Finance Committee here who recorded their opinion that the Punjab rates of pay were excessive and they did not favour the introduction of these rates in the North-West Frontier Province. The matter therefore remains at that and the whole question, as I say, is still under consideration.

Dr. H. S. Gour: May I inquire, Sir, if apart from departmental examinations, the academic qualifications of the judicial officers in the North-West Frontier Province are the same as in the Punjab?

Mr. E. B. Howell: By academic qualifications the Honourable Member means exactly what?

Dr. H. S. Gour: University qualifications.

Mr. E. B. Howell: Until 1921 they were the same, Sir, but the rules in force in the Punjab have not, I understand, so far been applied to the North-West Frontier Province.

RAILWAY RATES AND FARES ON THE KALABAGH AND BANNU BRANCH OF THE N.-W. RAILWAY.

760. ***Mawab Sir Sahibzada Abdul Qayyum:** (a) Is it a fact that the railway rates and fares over the Kalabagh and Bannu branch of the N. W. R. have been lately enhanced by 50 per cent.?

(b) If so, will the Government be pleased to state the reasons for this abnormal increase on this particular branch line?

(c) Is this a commercial or a strategical railway and do the Government expect it to be a self-supporting or a paying concern?

(d) Is it not a fact that the disturbed conditions on the Bannu border during the last few years had frequently interfered with the smooth working of this branch line and that the public could not freely avail themselves of the use of the same with the consequent decrease in its earnings?

(e) Have the Railway Board received any representation on the subject from the Bannu Citizens' Association and will the Government be pleased to see the advisability of relieving the Bannu and the other public of these extraordinary charges over a railway, which cannot be expected to be maintained entirely at their expense?

The Honourable Sir Charles Innes: (a) Yes.

(b) The increase was unavoidable as the line was being worked at a heavy loss.

(c) The Kalabagh-Bannu branch is classed as a commercial line and Government expect it to be self-supporting.

(d) During the years 1919-22 the line was used almost entirely for military traffic, but that did not decrease its earnings as charges were levied on all traffic.

(e) The Railway Board have received representations from the Bannu Citizens' Association. No reduction in rates and fares is feasible at present but the effect of the enhancements will be carefully watched and every effort is being made by the railway administration to enforce economy in working.

Nawab Sir Sahibzada Abdul Qayyum: Are there any other lines on which the same rates have been brought into force, in that neighbourhood?

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

PROTECTION OF DERA ISMAIL KHAN FROM THE EROSION OF THE INDUS.

761. ***Nawab Sir Sahibzada Abdul Qayyum:** Will the Government be pleased to state what progress, if any, has been made with the embankment project for the protection of Dera Ismail Khan (N. W. F.) from the erosion of the Indus?

The Honourable Mr. A. C. Chatterjee: The earth work of the bund has been completed in 58 chains out of a total ultimate length of 120 chains. and in 12 chains the stone apron and slope have been finished.

IDENTITY OF THE TWO JUDGES WHO EXAMINED THE CASES OF STATE PRISONERS IN BENGAL.

762. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred Question No. 404 of the 19th February 1924, regarding the arrests in Bengal under Regulation III of 1818, will the Government be pleased to state if they have inquired from the Bengal Government whether the latter have any objection to divulge the names of the two Sessions Judges, before whom papers in connection with the State prisoners were placed? And if so, will the Government be pleased to give the names of the two Judges?

(b) If the answer to the above be in the negative, will the Government kindly state the nationality of the Judges; and also if they are members of the Indian Civil Service?

(c) In view of the fact that the Judges were merely Sessions Judges, will the Government be pleased to state if they are prepared to place the papers relating to the State prisoners before two Judges of the High Court for consideration? And if so, when is it likely to be done?

The Honourable Sir Malcolm Halley: (a) and (b). Government are not prepared to give further details regarding the identity of the Judges.

(c) No. On the occasion of the opening of the Central Legislature His Excellency the Viceroy said that he would himself scrutinise the cases of these prisoners and the report of the two Judges thereon. This is being done.

Mr. Gaya Prasad Singh: May I take it, Sir, that the information now wanted has never been imparted to the public?

The Honourable Sir Malcolm Halley: The Honourable Member may take it that we have given to the public all the information which we considered it advisable to give.

Mr. Gaya Prasad Singh: I should like to know what is the significance of His Excellency the Viceroy's statement in this House on the 31st January last, when His Excellency said, "after the arrests in Bengal were made, as you are aware, all the documents and evidence relating to each individual have been placed before two Judges". What is the significance of the words, "as you are all aware"?

The Honourable Sir Malcolm Halley: The significance of those words was limited to the fact that, as many people were aware, the papers had been placed before two Judges.

Mr. Gaya Prasad Singh: Will Government kindly refer to the announcement which has been made by Government on the subject from which the public could draw this conclusion?

The Honourable Sir Malcolm Halley: My impression is that the fact was referred to in the Bengal newspapers. That is the probable reason why His Excellency used the words, "as you are aware".

Mr. Gaya Prasad Singh: There has been no announcement by the Government on the subject then,—may I take it?

The Honourable Sir Malcolm Halley: I believe that there was an official announcement in the Bengal Council in the course of the debate.

Mr. Gaya Prasad Singh: Will the Honourable Member kindly give a reference to that?

The Honourable Sir Malcolm Halley: I will look it up;—I have spoken to the best of my recollection.

Mr. Gaya Prasad Singh: I should like to have it placed on the table.

Mr. Chaman Lal: When will Government make known the results of the decision arrived at by His Excellency?

The Honourable Sir Malcolm Halley: I am afraid I can give no information as to that, Sir.

Mr. Chaman Lal: Is it a fact, Sir, that another gentleman in Bengal has been arrested?

The Honourable Sir Malcolm Halley: I believe that one additional arrest has been made.

BERAR REVENUE.

768. **Mr. Gaya Prasad Singh:** Will Government kindly state what is the yearly revenue derived out of Berar, and how is it administered at present?

The Honourable Sir Malcolm Hailey: The average total annual revenue of Berar for the last 8 years for which actual figures are available was rupees one crore ninety-five lakhs and thirty-five thousand. Berar was leased in perpetuity to the British Government in 1902. It is administered as part of the Central Provinces by the Governor in Council as regards reserved subjects and by the Governor acting with his Ministers as regards transferred subjects. They administer Berar under Foreign Jurisdiction powers conferred by the Governor General in Council by a notification issued on the 17th December 1920, under the Indian (Foreign Jurisdiction) Order in Council, 1902. The Home Department will supply the Honourable Member with a copy of the notification if he wishes to receive one.

Mr. K. Ahmed: With regard to the administration of Berar, will Government be pleased to lay on the table the terms and conditions under which in 1902 Berar was leased out to the Government?

The Honourable Sir Malcolm Hailey: My impression is that they have already been made public.

Mr. K. Ahmed: Are Government aware that His Exalted Highness the Nizam of Hyderabad asks for the restoration of the province of Berar as it was leased out to the British Government for a certain period owing to pressure, undue influence and coercion and without his consent, implied or expressed?

The Honourable Sir Malcolm Hailey: Government have of course received a copy of the memorial which has been so widely published in the newspapers.

Mr. K. Ahmed: But are Government going to restore it as Government are having a bad reputation, and the position of the Government is becoming very precarious, inasmuch as there is involved the question of coercion, and undue influence and pressure being used by them. The matter is now under the consideration of the Government for some time and it has gone so far as across the Mediterranean and Europe?

The Honourable Sir Malcolm Hailey: I think the Honourable Member is taking us much further than the question really warrants.

Dr. H. S. Gour: May I just ask the Home Member if it is not a fact that a Treaty was entered into by the British Government with His Exalted Highness the Nizam in 1902, that it finds a place in the collections of treaties and *sanads* known as Aitchison's Treaties and that for a period of 24 years no protest of any kind was received regarding coercion and the rest of the allegations which have been made for the first time in the memorial published in the newspapers and submitted to the Government of India?

The Honourable Sir Malcolm Hailey: I am quite willing to take the facts from my Honourable friend.

Mr. K. Ahmed: What is the amount that the Government of India pay to His Exalted Highness the Nizam of Hyderabad for keeping the country of Berar in their possession by way of lease?

Mr. President: Order, order. I recommend the Honourable Member to read Rule 8 of the Indian Legislative Rules.

Mr. Chaman Lal: Will Government, Sir, before coming to a final decision on this matter place all the facts before the Assembly for the decision of the Assembly?

The Honourable Sir Malcolm Hailey: In my own capacity I am unable, Sir, to give any undertaking to that effect. I would add, equally in my own capacity, that I do not think it is at all likely.

POLICE FORCE EMPLOYED ON STRATEGIC RAILWAYS IN THE N. W. F. PROVINCE.

764. *Mr. Gaya Prasad Singh: (a) Will the Government be pleased to state what are the strategic railways in the North-Western Frontier Province, and whether any police force is employed in the defence of such railways; and what is its annual cost?

(b) Is it not a fact that this police force came to be entertained during the great war, and that its cost was borne by His Majesty's Government up to April 1922? If the answer to the above be in the affirmative, will the Government be pleased to say why the cost has now been debited to the Indian Civil estimates?

(c) If the strategic railways in the N. W. F. Province are mainly intended for military purposes, will Government state the reason why the cost of protecting them is not debited to the military estimates?

(d) Do the Government propose to consider the desirability of withdrawing the force, or at least reducing its strength to the minimum point of requirement?

The Honourable Sir Malcolm Hailey: (a) The following railways classified as strategic lie in the N. W. F. Province:

- (1) Khushalgarh-Kohat-Thal.
- (2) Nowshera-Dargai.
- (3) Peshawar-Jamrud.
- (4) Khyber (under construction).
- (5) Tank-Kaur-Khirgi.

A police force of 102 men is employed for their protection. The annual cost of the force is Rs. 41,410.

(b) The answer to the first part of the question is in the affirmative. As the police force in question is under the control of the civil authorities the charge has, in accordance with the principles governing the classification of expenditure in public accounts, been treated as "Civil" with effect from 1st April, 1922.

(c) The railways in the N. W. F. P. above referred to are intended mainly but not entirely for military purposes, but the force employed for the protection of the line is doing police duty and is under the control of the civil authorities. The charge has therefore to be treated as "civil" in accordance with the rule of account that expenditure is debited to the department which incurs it irrespective of the object.

(d) The question has already been very recently considered by the Government of India and the conclusion reached is that the entertainment of a special police force for the defence of the railways is an absolute

necessity. Certain reduction in the force employed is, however, under contemplation, but the present situation on the Frontier does not justify its being given effect to before the end of June, 1924, when the position will be reconsidered.

Nawab Sir Sahibzada Abdul Qaiyum: May I know why the Mari-Kalabagh-Bannu section should not be considered as a strategic line, because it goes straight to the Tonk and Waziristan border and the line conveys troops for operations on that border?

The Honourable Sir Charles Innes: The reason is that the line was originally constructed on account of its commercial possibilities.

MALPRACTICES OF CERTAIN EMPLOYEES ON THE EAST INDIAN RAILWAY.

765. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the "Lakshman" newspaper of 23rd July, and 23rd September, 1923 and the "Bharat Jivan" of the 26th November, 1923, giving an account of the circumstances relating to the malpractices of certain Railway employees of the E. I. Ry.?

(b) Will the Government kindly state if it is a fact that third class tickets No. 92, No. 93 and No. 94 from Kyalahat to Raghunathpore were re-sold?

The Honourable Sir Charles Innes: If the Honourable Member will supply me with copies of the articles he refers to, I will pass them on to the Agent.

Mr. Gaya Prasad Singh: Why is it that the Honourable Member does not keep himself posted with facts of public importance?

The Honourable Sir Charles Innes: In the first place, the Railway Board have not taken these papers and, in the second place, we could not obtain them from the Director of Public Information. That is what I understand, Sir.

CASE OF PANNA LAL GOPI, LATE ASSISTANT STATION MASTER OF KARBIGHWAN STATION ON THE E. I. RAILWAY.

766. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state the circumstances which led to the discharge of Panna Lal Gopi, who was employed as an Assistant Station Master of Karbighwan station on the E. I. Ry.?

(b) Are the Government aware that this man's gratuity has also been forfeited along with his order of discharge?

The Honourable Sir Charles Innes: (a) and (b). Government have no information on the subject.

Mr. Gaya Prasad Singh: What objection has the Honourable Member to ask the Agent for the true facts of this case?

The Honourable Sir Charles Innes: Because I am not prepared to enlarge my responsibility in regard to the staff of Company Railways.

Mr. K. Ahmed: Do Government propose to bring the Agent to confront the Members of the Assembly?

DEMobilISATION OF MILITARY ASSISTANT AND SUB-ASSISTANT SURGEONS.

767. *Mr. K. G. Lohokare: Will the Government be pleased to state:

- (a) If they have issued any orders or circular for demobilisation of the Military I. M. D. class?
- (b) If so, what is the scale of retiring pension, and the amount allowed in consideration of the unexpected discontinuance of the remaining term of service to the class?
- (c) On what principle, is the scale laid down for the Sub-Assistant Surgeons and Assistant Surgeons of the Class?
- (d) What was the scale allowed to covenanted service officers desiring to retire before full term of service on introduction of reforms?
- (e) Was the scale based on the same considerations as the one now laid down for the I. M. D.? If it differs in ratio, what considerations led Government to make this difference?

Mr. E. Burdon: (a), (b), (c) and (e). Final orders have not yet been issued for the demobilization of any members of the Indian Medical Department. Certain terms of discharge have been provisionally communicated but the terms to be actually given have not yet received the final approval of the Government of India and the Secretary of State.

(d) The attention of the Honourable Member is invited to the Gazette of India of the 1st March, 1924, in which the rules regarding premature retirement on proportionate pensions have been published.

HISTORICAL MONUMENTS IN THE VICINITY OF DELHI.

768. *Maulvi Miyan Asjad-ul-lah: (a) Will the Government be pleased to state:

- (i) the total area of lands originally attached to (1) Humayun's Tomb, (2) Safdar Jang, (3) Babar Tomb, (4) Kutab Minar:
- (ii) the total area of land now attached as Wakf property?

(b) Will the Government be pleased to state the amount annually spent in order to maintain the buildings and tombs mentioned above?

(c) Will the Government be pleased to state the income if any from the wakf properties attached to each of the said memorials?

(d) Will the Government be pleased to state whether Moulvi Abul Kaseem's Wakf Property Act has been enforced in Delhi?

(e) Will the Government be pleased to state whether there are any Mutwalis appointed for each of the said properties? If not, will the Government be pleased to state how the properties are managed?

The Honourable Sir Malcolm Hailey: (a) (i). There is nothing on record to show what lands, if any, were ever attached to Humayun's Tomb, Safdar Jang or the Kutab Minar, outside the enclosures in which they stand. It is presumed that by "Babar Tomb" is meant the building known as "the tomb of the Barber" in the enclosure of Humayun's Tomb.

(ii). There is no waqf property attached to these historical monuments.

(b) The annual expenditure varies with requirements, but in 1922-23 the amounts spent on upkeep and maintenance of gardens was :

	Annual and special repairs.	Garden.
	Rs.	Rs.
Humayun's Tomb	968	14,351
Safdar Jang	3,323	5,958
Kutab Minar	1,906	12,240
Total	5,597	32,549

(c) Nil.

(d) Not as yet.

(e) There are no mutwalis or any property for them to manage. The buildings and grounds were Royal property and now belong to the State. They are maintained by the Archaeological and Public Works Departments.

ENTITLED PASSAGES TO THE UNITED KINGDOM.

769. ***Mr. Bhabendra Chandra Roy:** Will the Government be pleased to state the names of the different ranks of officers and men of the British troops in India who are granted entitled passages to the U. K. by private steamers?

Mr. E. Burdon: When free passages to the United Kingdom are admissible under rule, such passages are provided by private steamer as follows :

- (a) Officers holding substantive rank higher than that of Colonel are always despatched by private steamer irrespective of whether they leave India during the trooping or non-trooping season.
- (b) In the case of all other ranks, Government vessels are utilised to the utmost extent possible, passage by private steamer being only permissible during the non-trooping season, or, during a trooping season, when special circumstances, e.g., reasons of health, lack of accommodation in transports, etc., necessitate despatch by private steamer.

The relevant rules on the subject will be found in paragraph 12 of Army Regulations, India, Volume X.

SUPPLY TO THE ASSEMBLY LIBRARY OF CERTAIN ARMY PUBLICATIONS.

770. ***Mr. Bhabendra Chandra Roy:** Will the Government be pleased to state whether they have any objection in placing copies of the Army Instructions, Army Orders and Army Regulations in the Members' Library?

Mr. E. Burdon: Arrangements will be made for the supply in future to the Library of copies of all Army Instructions (India) and Indian Army Orders. A set of "Army Regulations, India" will also be placed in the Library.

VARIOUS ALLOWANCES OF MARRIED AND UNMARRIED BRITISH OFFICERS AND SOLDIERS.

771. *Mr. Bhabendra Chandra Roy: Will the Government be pleased to state the different kinds of allowances an officer or an ordinary soldier of the British troops is entitled to, (a) when a bachelor, (b) when married?

Mr. E. Burdon: The only allowances admissible to married officers and other ranks of the British Service that are not also admissible to unmarried officers and other ranks are:

- (1) the marriage allowance admissible to certain subaltern officers under the conditions prescribed in Army Instruction (India), No. 919 of 1923, and
- (2) the marriage allowance admissible to British soldiers under Army Order No. 357 of 1920, which was published as an appendix to Army Instruction (India), No. 1 of 1922.

For information regarding other allowances admissible to officers and other ranks of the British Service, I would refer the Honourable Member to the publication entitled "Pay and Allowance Regulations of the Army in India."

COST OF CONSTRUCTION OF DIFFERENT CLASSES OF RAILWAY CARRIAGES.

772. *Mr. Bhabendra Chandra Roy: With reference to the reply given to my starred Question No. 392 on the 18th February, will the Government be pleased to state the total amount spent in the construction of III class and inter class carriages taken together inclusive of composites and the total cost for the construction of 1st and 2nd class carriages taken together inclusive of composites in the year 1922-23?

Mr. C. D. M. Hindley: The information asked for is not available. The stock includes units embodying many different combinations of compartments 1st, 2nd, 3rd, intermediate and luggage, and it would be a matter of great difficulty to divide even approximately the expenditure in the manner asked. Moreover programmes overlap from year to year so that the information for a single year would be misleading.

SPEECH OF MR. P. C. MITTER.

773. *Mr. Bipin Chandra Pal: (a) Has the attention of the Government been drawn to the speech of Mr. P. C. Mitter, Member, Bengal Legislative Council, who held the position of Minister in the last Council on the Bengal Budget, in course of which he said "so long as the Finance Minister was to look to Parliament for guidance, it was his duty to convey to Parliament that this kind of thing would not do. If they (Government) went on in this way hardly any co-operator would be left. If this state

of things continued it would lead to only one result, namely, obstruction. If there be obstruction followed by a revolution, the responsibility would be the responsibility of the Secretary of State."

(b) Have the Government of India considered the implications of this speech and do the Government intend to take any steps in connection therewith?

The Honourable Sir Malcolm Hailey: (a) Government have seen a newspaper report of the speech referred to by the Honourable Member.

(b) They have taken due note of the contents of the speech, but do not propose to take any special action in connection with it. The Honourable Member will recollect that Mr. Mitter continued as follows: "You have pinned your faith in obstruction. You ignore the logical consequence of obstruction, namely, revolution, and I cannot possibly join you."

Mr. K. Ahmed: Is it not a fact that Mr. P. C. Mitter had tried his level best to get a nomination from Lord Lytton as a Minister of the Province of Bengal and, being disappointed, he is trying now to bite the Government?

Mr. President: The Government of India are not concerned with that matter.

EMPLOYMENT OF INDIANS IN THE FOREST RESEARCH INSTITUTE AND COLLEGE.

774. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state:

(i) the present strength of the gazetted staff of the Forest Research Institute and College, of (1) research section, and (2) educational section;

(ii) the number of Indians in the Imperial Service in the research section and the educational sections, respectively.

(b) Will Government be pleased to state how many research sections including sub-sections, are there at the Forest Research Institute and how many of them are in charge of Indians?

(c) Will Government be pleased to state how many officers are serving at the Forest Research Institute on "short term contracts;" and what steps are being taken by Government for training suitable Indians to take up their positions after the present contracts expire? If no steps have been taken in all the sections, will Government be pleased to make a statement as to what steps they propose to take in the matter?

Mr. M. S. D. Butler: (a) (i) and (ii) and (b). Statements giving the information required are laid on the table. There is no Indian at present in charge of any of the research branches or sections of the Institute. In so far as these are posts which are filled by officers of the Indian Forest Service it should be noted that it is only in comparatively recent years that Indians have been recruited to that service. The Government of India are anxious to find opportunities for duly qualified Indians and such officers will get their chance as they attain the necessary seniority and experience.

(c) There are seven such officers including one Indian. Two Indians have already been appointed to understudy the Paper Pulp Expert and

the Wood Preservation Expert, respectively, and arrangements are being made to appoint an Indian Assistant to understudy the Timber Testing Expert.

STATEMENT I.

	Posts sanctioned.	Filled.	Indians.	Others.
<i>Research (excluding President, Forest Research Institute).</i>				
Indian Forest Service (deputation from provinces)	11	6	...	6
Special (permanent)	6	3	2	1
Special (temporary), mostly from abroad	10	7	1	6
Provincial Forest Service
Upper Grade Assistants	11	7	7	...
TOTAL	38	23	10	13
<i>Instructional.</i>				
Indian Forest Service (deputation from provinces)	5	5	...	5
Provincial Forest Service (deputation from Provinces)	4	4	3	1
TOTAL	9	9	3	6
GRAND TOTAL	47	32	13	19

STATEMENT II.

1. Botanical Branch.

2. Economic Branch. Under the Economic Branch are the following sections:

1. Minor Forest Produce Section.

2. Wood Technological Section.

3. Paper Pulp Section.

4. Seasoning Section.

5. Timber Testing Section.

6. Wood Preservation Section.

7. Workshops.

8. Sylvicultural Branch.

4. Entomological Branch.

5. Chemical Branch.

APPOINTMENT OF INDIANS IN LEAVE VACANCIES IN THE FOREST RESEARCH INSTITUTE.

775. *Mr. N. M. Joshi: Will Government be pleased to state whether they are aware that at the Forest Research Institute, when an Imperial officer of one section goes away on leave, an Imperial officer of any other section, not necessarily technically qualified, is given the charge and allowance of that post of that section, although fully qualified Indian assistants can and do carry on the work of the section? If so, do they propose to stop this practice and allow qualified Indians to officiate during the absence of their superiors? If not, why not?

Mr. M. S. D. Butler: The work in a section of the Forest Research Institute is of two kinds—research and administrative. When the officer in charge goes on leave it sometimes happens that there is no other officer available who is fitted to carry on his research work. In that case it is the practice to hold the research work in abeyance and to entrust the administrative duties to the head of another section who performs them in addition to his own. Such an arrangement is both efficient and economical and the Government of India do not propose to make any change.

APPOINTMENT OF AN INDIAN TO BE IN CHARGE OF THE WOOD WORKSHOPS OF THE FOREST RESEARCH INSTITUTE.

776. *Mr. N. M. Joshi: (a) Will Government be pleased to state what is the nature of the work turned out in the wood workshops of the Forest Research Institute so as to justify the maintenance of one European Superintendent on Rs. 750—50—850 plus free house, and one European carpenter on Rs. 450—50—550 plus free house? (b) Do Government propose to take necessary steps to place the workshops under a suitable Indian after the expiry of the present contract of the present incumbent? If not, why not?

Mr. M. S. D. Butler: The duties of Superintendent of the Wood Workshops include supervision of complicated machinery and high technical knowledge of specialised uses of timber and necessitate the employment of an officer with lifelong experience of the work. No Indian with the requisite qualifications was available and it was necessary to import an officer from Europe on a contract. By the time his contract expires it is hoped that a suitable Indian will be forthcoming to take his place. The appointment of a Carpenter terminates in November next, and he will be replaced by an Indian who is now under training. As I have already stated in answer to another question, the Government of India are anxious to give Indians every opportunity of qualifying for posts at the Institute, and it is their policy to understudy the specialist posts now held by imported experts on short term contracts with Indians.

APPOINTMENT OF INDIANS TO THE NEWLY SANCTIONED IMPERIAL POSTS IN THE FOREST RESEARCH INSTITUTE.

777. *Mr. N. M. Joshi: Are Government prepared to consider the question of filling up all the new Imperial posts at the Forest Research Institute which have been newly sanctioned but which remain to be filled up yet, by (i) promoting qualified Indians of the provincial grades and (ii) by direct recruitment of suitable Indians?

Mr. M. S. D. Butler: Ten new posts were sanctioned of which three have been filled, in each case by an Indian. The others will be filled as money becomes available. The claims of duly qualified Indians will in every case be considered when appointments are made.

RELEASE OF SARDAR KHARAK SINGH.

778. *Sardar Kartar Singh: With reference to the Resolution re the release of Sardar Kharak Singh passed by the Assembly on 26th February, 1924, will the Government be pleased to state what action they have taken on that recommendation?

The Honourable Sir Malcolm Hailey: I have had a letter sent to the Punjab Government in the terms of the undertaking that I gave in the Assembly on the 26th February last.

Sardar Kartar Singh: How long will it take to receive a reply?

The Honourable Sir Malcolm Hailey: That I cannot say, Sir.

MOTIONS FOR ADJOURNMENT.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I beg to move the adjournment of the business of this Assembly in order that a matter of urgent public importance may be discussed. The House is aware, Sir, that on 21st February 500 Akalis were going to a Gurdwara at Gangsar and that on that day, owing to the occurrences that took place, according to the statement of Government 14 of these men were killed and 34 wounded, 5 of whom have subsequently died. Another Akali Jatha of 500 started on the 28th February from Amritsar after having taken a vow before the Akal Takth, which is the most sacred place for the Sikhs at Amritsar, that they would proceed to the same Gurdwara at Gangsar, and they are due to arrive there to-morrow, the 14th instant. On the last occasion it was said that the officers of Government there had informed the Jatha that they were free to go to the Gurdwara in the number of 50 and that they must promise to return after they had completed their reading of the Holy Granth. The Jatha before starting from Amritsar, from which place they walked on foot to Jaito, had taken a vow that they would all go to the Gurdwara to read the Granth Sahib. But, owing to the conflict between the views of the authorities and the Jatha, the deplorable occurrences of the 21st February took place. Again the same situation has arisen. The Jatha after having taken a similar vow of going to the Gurdwara at Gangsar for the purpose of reading the Granth Sahib has started and is now approaching the place. I do not know that the Government have withdrawn the order restricting the Jatha to go to the Gurdwara in fifties and also the order requiring them to leave the place as soon as their recitation was finished. If the Government have withdrawn that order, the House will be very grateful to be informed about it. If the Government have not withdrawn the order, it is necessary that the House should draw the attention of the Government to the seriousness of the situation. I am sure no one, neither on the Government side nor on the unofficial side, would for a moment wish that there should be a repetition of the most deplorable occurrences of the 21st February. (*The Honourable Sir Malcolm Hailey:* 'Hear, hear.') The situation then is that the Sikhs having started from their place in Amritsar are proceeding to the Gurdwara.

They have started under a vow that they would go to the Gurdwara which is their place of religious worship and they have made it quite clear that their object is nothing except to recite the reading of the Granth Sahib and to complete it. In a pamphlet which was published on behalf of the Shiromani Gurdwara Prabandhak Committee and a copy of which has been sent to me I find it is stated that the *Jathadar*, the leader of the *Jatha* of 500 men, has stated in the clearest terms that their object is nothing except to read the Granth Sahib. On page 4 of the pamphlet I find the following statement:

"Your sole aim is to keep yourselves perfectly non-violent. Your sole aim is to pay homage to the Gurdwara of Gangsar and resume the recitation of the Akhand Path. From the moment of your departure from Akal Takht and on the way feed your body, mind and soul on the life-giving words of the Gura and do not harbour ill against any person in thought, word and in deed."

With this declaration they have shut out any possibility of it being urged that they had any other object in going to the Gurdwara than the one they have proclaimed. It is well known, Sir, that the Sikhs are very strongly devoted to their religion. Even in the matter of this trouble about the *Jatha* Gurdwara from the 15th of September up to this date they have gone in batches of 25, but no one has alleged that a single member of the *Jatha* has made any political speech or has joined any public demonstration.

Mr. President: The Honourable Member is now embarking on the merits of the question. I shall be obliged if he will make a definite statement of the precise subject on which he desires the adjournment of the House.

Pandit Madan Mohan Malaviya: The definite point on which I desire the House to ask for an assurance on behalf of the Government is that the order which has been issued to the *Jatha* that they shall not enter the Gurdwara in the numbers in which they have started should be withdrawn, and also the other order which requires that they should leave the place as soon as they have finished the reading of the Granth Sahib. I submit, Sir, that it being recognised that the Gurdwara is a religious place to which the Sikhs are entitled to go and it being recognised by the Government that there is no objection to their going in the number of 50, there is no reason to keep up a quarrel with the Sikhs on this question and to make it possible that there may be a conflict which may lead to a loss of life or of suffering. This object can only be gained if the Government will be pleased to consider the matter now and assure the House that the orders would be withdrawn. I am afraid that, if this is not done, the position is so delicate that we may very well apprehend a repetition of some at least, if not all, of the horrors that took place or the evil acts which took place on the 21st February last. I was only endeavouring to point out the attitude of the Sikhs themselves and I want to make that very clear because the only thing that I have heard said against the permission being granted to the Sikhs to go to the Gurdwara in the numbers in which they are going has been that they might make political speeches or make political demonstrations. Now, on that point I submit that the assurance contained in their declaration is quite ample and I hope it will be accepted as such by the Government.

Mr. President: Order, order. I have given the Honourable Member a good deal of latitude which he is now proceeding to abuse. The Honourable Member desires to move an adjournment of the business of the Assembly to discuss a matter of urgent public importance, namely, the situation which has arisen owing to the departure of the Akali *Jatha* from

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Amritsar and its imminent arrival at Jaito Gurdwara. I consider that nothing which he has laid before me in any way alters the ruling which I gave on the last occasion and I must hold that this matter is not one which can be discussed.

Pandit Madan Mohan Malaviya: Will you allow me, Sir, to make another statement for your consideration? Of course, I must bow to your ruling, but may I make another statement now on this question?

Mr. President: If I allow the Honourable Member to make a statement, he must make it in terms which can be addressed to me and not in terms of the merits of the case to which he would address himself, were the opportunity of debate this afternoon provided. I have ruled in principle that, failing further considerations which he may be able to supply and which I doubt his ability to supply I must rule the matter out of order.

Pandit Madan Mohan Malaviya: Sir, I will address myself strictly to that question. Now, Sir, the question is whether I can or cannot refer to a matter which relates to the administration of the territory of an Indian Prince. It is on that point that you have been pleased to repeat your ruling. Now, I submit, Sir, that a similar case, a case of the deposition of a Maharaja, arose in 1896. The Maharaja of Jhallawar was deposed and Lord Sinha, then Mr. S. P. Sinha, speaking on that subject at a meeting of the Indian National Congress, observed as follows:

"It might seem at first sight that the subject of this Resolution is somewhat beyond the scope, the sphere, the limits which this Congress has hitherto set to itself. But I venture to think that upon closer inspection it will be found that this view rests upon a misconception . . ."

He said, if the relationship of the Indian States either is that of subjection or of equality, in any event every British subject has a right to discuss this matter because it affects him and his fellowmen and it affects him in British India also. He says:

"If, on the other hand, the relationship is one of friendship and subordinate union, then I ask who are more interested than ourselves in the preservation of good relationship and good feeling, and above all for the preservation of that peace which is vital for the welfare and prosperity of our country?"

The forces and troops of the Government of India are to be used on an occasion like this. That will cost money, Sir, and that will cause responsibility. And Mr. Sinha urged and I urge the same, that every British subject of His Majesty is interested in having the question raised and there is no other place in British India except this place where a question like this can be raised and particularly when it affects the lives of His Majesty's subjects living in the Punjab. I hope, Sir, that you will be pleased to reconsider the matter and to give us the opportunity which I have sought for the second time now of ventilating this matter in the only place where it is possible to ventilate it, namely, in this House. I beg you to consider the consequences. If this question is not considered to-day in this House, there is no other place where it can be. Over 42 Members of this Assembly sent a letter to the Home Member some time ago requesting that an inquiry might be made. We have not been favoured with a reply. The incident of the visit is going to repeat itself. I request your permission to-day, 24 hours before that occurrence, to have the whole matter considered by this House in order that the Government might give us some assurance in order that something might be done to avert this

calamity which we apprehend. If you shut me out, Sir, of course I must bow to your ruling, but I have done my duty in bringing the matter before this House. I should add, Sir, that at present they are in British territory.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I should like to add a few words to what has fallen from my friend, Pandit Madan Mohan Malaviya. On the last occasion, Sir, when you ruled the question as beyond the jurisdiction of this House, you ruled it because it related to an incident which took place in Nabha territory, which is an independent Indian State in alliance with the British Government. But at the present moment we are dealing with a question which affects British territory. A party of men have started from Amritsar and my friend the Pandit regards this as a question of sufficient public importance to be discussed in this House. They have not yet reached the territory of Nabha. They are still in British territory. And I think, Sir, that there is nothing in the rules that we should contravene if the situation as it exists to-day is permitted to be discussed. As I have submitted, if these people had gone to Nabha and then my friend the Pandit had raised the question, there would have been the same objection to his motion as you raised, Sir, on the last occasion. But here we are dealing with a matter entirely concerning the British administration in British territory. And I submit, therefore, Sir, we are not contravening any rule of business contained in the Standing Orders and I therefore submit, Sir, that you will reconsider your ruling.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, may I draw your attention to May's book in Parliamentary Practice which I understand is very often followed in this Assembly. On page 810 of May's Parliamentary Practice, we find:

"In ordinary cases the breach of order is obvious and is immediately checked by the Speaker; in other cases, if his attention is directed to a point of order at the proper moment, namely, the moment when the alleged violation or order occurred, he at once gives his decision and calls upon the member in fault to conform to the rule as explained from the Chair. Doubtful cases may arise, upon which the rules of the House are indistinct or obsolete, or do not apply directly to the point at issue; when the Speaker, being left without specific directions, refers the matter to the judgment of the House."

Now, Sir, my submission is that on the first occasion when the Honourable Pandit Madan Mohan Malaviya raised this question, you yourself said that, as you were in some doubt about the admissibility of this question, you allowed discussion to go on. To-day also, Sir, from the trend of opinion as expressed this morning, it can be seen that some doubt exists in the minds of Members as well as yourself. Now, may I, Sir, ask you to follow this practice which is mentioned at page 810 of May's book on Parliamentary Practice, which you have very often followed, and, following this, to refer the matter to the decision of the House?

Mr. President: That Honourable Member does not seem to be aware that in the House of Commons the maintenance of order rests on the close association between the House and the Chair and that the House has certain duties and the Chair has certain duties. Under our Rules and Standing Orders, the entire responsibility of maintaining order and interpreting the Rules and Standing Orders unfortunately rests with the Chair. I advise the Honourable Member to read the book he is looking at.

I address myself now to the point raised by Dr. Gour. In so far as he informs the Assembly that a matter is now proceeding in British territory.

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he is drawing attention to something which has not arisen, and, if the departure of the *Jatha* from Amritsar were a matter on which public opinion was likely to attach great importance and to anticipate results, the place in which, in the first instance, it should have been raised was the Punjab Legislative Council. For the Government of the Punjab is in the first instance responsible for law and order within the limits of the province.

On the major point to which both Dr. Gour and the Pandit addressed themselves, I fear that they have not supplied me with any sufficient reason for holding that the ruling I gave on the previous occasion is not applicable now. The opinion given by (the then) Mr. S. P. Sinha was given, as he pointed out, in the Indian National Congress and not in any official capacity.

Pandit Madan Mohan Malaviya: It was given in a non-official capacity.

Mr. President: The Honourable Member will himself acknowledge that a public man may make a speech in a non-official capacity which he would hesitate to endorse in an official capacity. I hope the day is not too far off when the Honourable Member himself may experience that change of mind!

Mr. M. A. Jinnah (Bombay City: Muhannmadan Urban): I wish to move an adjournment of the House. I entirely accept your ruling with regard to the previous proposals. I wish to move an adjournment, and I want to give a definite statement within the terms of our rules. Rule 40 says:

"The right to move an adjournment for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions."

Sir, the statement that I wish to place before the House is this. The matter is definite and urgent. We desire that the Government do take immediate steps with regard to the Sikh *Jatha* now on its way to Jaito so as to prevent the recurrence of deplorable results such as those that ensued on the 21st February 1924. I submit, Sir, that we are entirely in order in asking the Government of India to take steps with regard to this *Jatha* which is now proceeding, and which is within British India.

The Honourable Sir Malcolm Hailey (Home Member): As the Honourable Member has kindly yielded his place to me, I make one remark on the question of fact; otherwise I do not wish to take any part at all in this discussion. I assured the House the other day that we are not averse to discussing the matter at all. But when the Honourable Member says that the *Jatha* is within British India, I can only say that, if they observe their programme, they would be to-day in Faridkot State.

Mr. M. A. Jinnah: Sir, is the Honourable the Home Member in a position to make a definite statement that this *Jatha* of 500 Sikhs is no more within British territory? I am entitled to move for an adjournment on that definite ground that I have stated, and I should like the Honourable the Home Member therefore to state as a fact if the *Jatha* is no longer in British India.

Sardar Kartar Singh (East Punjab: Sikh): They are in British India to-day, Sir. They are at Banahia Bhai in British India.

Mr. President: That matter is entirely irrelevant to the Chair. They have been, I understand, in British India moving across a certain province for the last ten days, and it was the business of those who anticipated

trouble to endeavour to raise the matter in the Punjab Legislative Council. I do not know whether they have done so or not; I have no official cognisance of it. So long as they are in British territory, the matter must, in the first instance, be raised in the Punjab Legislative Council.

What Mr. Jinnah has added to the discussion I am afraid does not in any way move me to relax the ruling which I have given. The matter is one which is definitely ruled out by the rules governing Resolutions, and as the rules governing Resolutions govern also motions for adjournment, I am afraid I must rule it out of order.

Pandit Madan Mohan Malaviya: On a matter of fact, Sir, I am informed that the Members of the Punjab Legislative Council sought an adjournment of the House there and it was not allowed. 42 of us sent a letter, as I have said, to the Home Member asking for an inquiry and we have received no answer and this was our last attempt to ask for some action being taken by the Government of India, having found that none was taken so far. We thought that this was the moment when the matter should be brought before this House.

The Honourable Sir Malcolm Hailey: I think that the motion in the Punjab Legislative Council was, if I may correct my Honourable friend, on another matter. It related purely to the incidents which had taken place at Jaito.

Pandit Madan Mohan Malaviya: It related to the death of His Majesty's subjects at Jaito. That was how it was taken up.

The Honourable Sir Malcolm Hailey: Again I wish to assure the House that when I said that according to the best of my knowledge they would be in Faridkote State now, I was referring to their programme. They may be still in British territory. I am not prepared to make a definite statement on the point.

Pandit Madan Mohan Malaviya: Will the Honourable Member tell us whether he is not receiving instructions regarding the approach of this *Jatha* to Jaito and whether he is not even now issuing instructions on the subject from Delhi?

Mr. B. Venkatapatiraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Can we raise this question under General Administration to-day? Can we discuss this question under General Administration?

Mr. President: If the Honourable Member raises the point later, I will tell him.

Before we proceed to resume the debate on the Demands for Grants, I wish to draw the attention of the Assembly to the fact that a day allotted for debate on non-official Resolutions is Thursday, the 20th March. As the following day is a holiday, I have a little doubt as to whether it is a convenient day. Members of the Government of India, so far as I know, have left it open to the Assembly whether we keep to that day or not. I want to warn Members as to the programme for next week, but Thursday the 20th March will be devoted to non-official Resolutions as already announced, and unless representations are made to me at once, I propose to adhere to that day.

There is a further matter to which I should like to draw the attention of the House. As those who were present yesterday will realise, the debate on the Post Office vote profited largely by the experience of the somewhat disorganised debate that we had on the Railway Board the previous day and I would like to throw out a suggestion, while the matter is fresh in the minds of Members, that on large votes such as the Railway and the

[Mr. President.]

Post Office,—and here I ask for the co-operation of the Governor General in Council—we should begin the debate by discussing, in the case of the Railways, for instance, a reduction of, say, Rs. 100 on the establishment of the Railway Board, it being understood that the discussion be devoted to large questions of railway policy. Speeches should be restricted to such subjects of large import and that part of the debate will close with the reply of Government to these speeches. I put this suggestion in the following form:

SKETCH OF COURSE OF BUSINESS DURING DISCUSSION ON DEMANDS FOR GRANTS.

Railways:

- (1) Reduction of Rs. 100 on Establishment of Railway Board.

Discussion of policy of the Board with a number of non-official speeches followed by the Government reply.

- (2) If a big reduction is to be moved, it should be moved immediately after this general discussion is over; but it is to be hoped that the finances of India will shortly assume a normal aspect, in which case the discussions on the Budget should proceed on the assumption that the Demands for Grants present the Legislative Assembly with its annual opportunity for criticising and reviewing the administrative action of the Government of India, and not for effecting large economies in the Budget for the forthcoming year.

- (3) Reduction of Rs. 100 under General Administration of the Railways;

Subject of debate: "Indianization".

- (4) Reduction of Rs. 100 on Stores.

(Subject of debate: Stores Purchase.)

- (5) Reduction of Rs. 100 on Traffic Department;

(Subject of debate: "Grievances of users of railways.")

- (6) Reduction of Rs. 100 under some appropriate heading;

(Subject of debate: "Labour questions on Railways.")

A similar course should be pursued on the Post Office vote.

The General Administration vote does not seem to me to be so clearly susceptible of the same treatment; for it seems more advisable to treat each Department of the Government of India as a separate Demand, taking, for instance, a general discussion on the policy of the Home Department on the first reduction moved, and thereafter dealing with other matters, e.g., Staff Selection Board, or Bureau of Central Intelligence, under subsequent motions for reduction.

I need hardly add that these suggestions, which are by no means exhaustive, are merely thrown out for consideration by the Government of India and by the House, in the hope that their consideration may lead to more effective Budget debates in the future.

STATEMENT OF BUSINESS.

Mr. President: Is the Honourable the Home Member in a position to give us a statement of business for next week?

The Honourable Sir Malcolm Hailey (Home Member): If you will allow me to do so, I will make it after Lunch.

THE BUDGET—LIST OF DEMANDS.

SECOND STAGE—contd

Expenditure from Revenue—contd.

DEMAND NO. 12—INDO-EUROPEAN TELEGRAPH DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 33,58,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1925, in respect of the 'Indo-European Telegraph Department'."

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): I rise to move:

"That the provision for Working Expenses under the head 'Indo-European Telegraph Department' be reduced by Rs. 100."

This motion is made by me particularly with a view to raise a general discussion on the administration of the Indo-European Telegraph Department. Under the Budget head, the Department comes under Post Office and we had a very full discussion on the Post Office generally yesterday; but this has been treated for all practical purposes as a separate department though under the Post Office. I wish to point out and touch upon a few important aspects of the administration of this Department, and I hope that what I say here will meet with the approval of the House.

In the first place, it will be useful to point out that the control of this Department is being exercised not from India and not by the Director General of Posts and Telegraphs, here, but from London directly by the Secretary of State. Page 40 of the Detailed Estimates and Demands for Grants shows that the working expenses which total Rs. 28,18,000 are divided somewhat as under:

	Rs.
India	27,70,000
England	30,000
Exchange	13,000

This shows that of the working expenses a little over one per cent. is being spent in England. The bulk, therefore, of it is all being spent in India. In spite of the bulk of the working expenses being spent in India the whole control of the Department at present has been vested in the Secretary of State's Office in London. The headquarters, Sir, of this Department have been in England ever since 1888. Two reasons have been given for this. One is that:

"questions arising under the agreements with the Persian Government coming through His Majesty's Minister at Teheran involve discussion and decision through the Foreign Office with the Treasury,"

[Sir Purshotamdas Thakurdas.]

and it is contended that "such questions are regarded as most conveniently conducted by means of the India Office machinery." There are also questions arising in connection with what is known as the Joint Purse, matters which are said to be very conveniently handled from London. I feel that questions of the nature that I have mentioned and which apparently appear to be the reason for retaining control of this Department in London can be very conveniently handled from India now; but my main reason is that, in view of the fact that the bulk, the largest bulk, of the working expenses is being spent in India, in the interest of efficient management and better control over expenditure the control of the Department should be transferred to India. I do not know if the Honourable Member in charge of the Department is satisfied with the Budget that may be sent out from the Secretary of State's office in London in this connection. But I, at any rate, working on the Incheape Committee, found that we had to rest satisfied with the statements supplied presumably, of course, in reply to the first questionnaire which we sent out but any further information and explanations which we wanted could only have been obtainable by means of the more costly method of communication, namely, telegraph, and even at that it can be neither as full nor as detailed as one would have liked it to be. I hope that the Honourable Member will be able to make available in reply to the points I raise the detailed information that I want. But, if he is not able to do so, I do not propose in the slightest degree to criticise him for it. I can fully sympathise with the reasons which would disable him from giving the information which should be necessary to this House before passing the vote for Rs. 27 or 28 lakhs.

There are certain liabilities which have been incurred by that Department during the war period and even before that. The cost of upkeep of the Meshed-Seistan-Duzdāp telegraph line was in 1921-22 Rs. 1,12,000 and in 1922-23 Rs. 1,22,000. It was a section which was made over to the Indian Post Office and Telegraph Department after the armistice and, so far as I am aware, it has proved to be unremunerative. The House would like to know what the cost is estimated at of the upkeep of that section of the line in Persia, and how long the Government of India propose to continue to work this section which has proved at any rate till 1922-23 to be absolutely unremunerative. There are also three wireless stations at Bahrein, Bushire and Henjam half the cost of which is shared with the British Government. The Department I understand also continue to pay for these. Naturally these wireless stations have still to be there for long, before they become remunerative. I should like to know whether they have turned the corner and are now already remunerative at all, or whether there are any other special reasons why the Indian tax-payer should pay for these wireless stations. I feel, Sir, that, if the Indian tax-payer is to pay the cost of this section of the Indo-European Telegraph Department, it is very necessary that every detailed item should be gone into, for it is an open secret that in Persia the allocation of expenditure between His Majesty's Treasury and the Indian Treasury is more or less an elastic matter. I think this Assembly would hardly be unreasonable if they wanted to have complete figures before they sanction any further expenditure in that part of the world. I have a recollection that there are certain agreements regarding the

Joint Purse which entail some extension or restriction on the activities of the Department in Persia. Is the Honourable Member in charge of the Department in a position to tell us as to whether any further extensions are intended, or indeed have been made, in connection with this Department since the Budget was submitted to the Assembly last year, or whether there have been any restrictions put on the activities of the Department especially in connection with the unremunerative section of this Department in Persia?

There is also, as the House knows, a suggestion that this Department as it is known should be leased or sold outright to some British company. The majority of the Incheape Committee made this recommendation. Unfortunately, I could not agree with them and I am still confirmed in the opinion which I then expressed by a note of dissent from the majority report of the Committee. I wonder if the Government of India have now come to some decision in connection with this difference of opinion that was submitted to them well over a year ago. I would not be surprised if I was told that the matter is still under consideration, because that is the general reply one does get (The Honourable Mr. A. C. Chatterjee: "I have already told you so.") I am now expecting something more which would compel the Honourable Member to be more definite. I would like to point to paragraph 18 of the Incheape Committee report on page 120. After making a recommendation (that is, the majority report) that any sort of avenue of good bargain by sale or lease may be inquired into, they go on to say:

"We recommend that until a decision has been arrived at on this proposal, no expenditure of a capital nature should be incurred."

May I ask the Honourable Member if the Government of India have rejected this majority recommendation of the Incheape Committee? If they have, may I be favoured with the Government of India's reason for its rejection? If they have not, may I ask the Honourable Member why a capital outlay of Rs. 5,45,000 has been budgeted for? I feel, Sir, that, irrespective of the minor details of retrenchment or cut in this department which perhaps may be dealt with under my Honourable friend, Mr. Raju's amendment which follows mine, this amendment of mine for a reduction of Rs. 100 has been put on paper particularly with a view to getting information on the various points that I have mentioned, and I hope that the Honourable Member will be able to give a reply which will satisfy the House.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Before the Honourable Member replies, I would like to refer to Sir Purshotamdas Thakurdas' remarks about the spending of additional capital before a decision has been reached on the Incheape Committee's report. I find on page 2 of the Government's statement showing "the recommendations of the Indian Retrenchment Committee which have not been accepted or are still under consideration," page 2, item 8, column "action taken":

"It has been ascertained that the only cable company which has a steamer near is the Eastern Telegraph Company whose steamer cannot be spared for the maintenance of the cables of the Persian Gulf. The Standing Finance Committee has agreed to the inclusion of 7.50,000 in the next year's budget for the replacement of the existing steamer of the Indo-European Telegraph Department, Volume III, No. 4, page 91."

[Mr. W. S. J. Willson.]

I should like the Honourable Member to deal with the question as to why this expense of Rs. 7,50,000 is contemplated until a decision has been reached? I would further like to ask his kind attention to page 72 of the Postal Budget in which I find that the expenses on the steamer "Patrick Stewart" for next year are budgeted at the amount of Rs. 2,57,000. It seems to me, Sir, that that is a very large amount of money to spend on running a steamer for that department. I have looked carefully through the estimate. There are no items there which I can reasonably take exception to, but my fear is that they are likely to be a great deal more, because running steamers is a most costly business. It having been the view of the Inchoape Committee that the steamer herself should not be replaced and that Rs. 1,00,000 should be cut in the budget, I should like to ask the Honourable Member whether these are the only possibilities that have been explored? I should like to know whether the Eastern Telegraph Company is the only Company with a steamer? I should like to know whether Government have explored the possibility of offering some contribution to the Eastern Telegraph or any other Company; that they might build another steamer, that they may own it and that they might let it out to Government when they want it? *

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadian Rural): I gave notice of a motion similar to that which has been moved by my friend Sir Purshotamdas Thakurdas. Mr. Willson has referred to the Standing Finance Committee as having agreed to expenditure on the steamer which has been referred to by him. Sir, the Standing Finance Committee are under considerable disadvantage in that we know nothing practically of the reasons for which expenditure under this department is being asked for. The headquarters of this department are in London and, when I raised this question in the Standing Finance Committee, we were informed, to the best of my recollection,—I am speaking subject to correction by Mr. Clarke—that estimates of expenditure are received from the India Office and placed before us. The Government of India have no more materials before them than the estimate forwarded by the India Office at the instance of the Indo-European Telegraph Company. All these difficulties arise from the fact that the headquarters of this company are in London for the reason stated by Sir Purshotamdas Thakurdas and we in this House are asked year after year to vote expenditure about which we know absolutely nothing except the statement forwarded by the India Office. We are not in a position to criticise the details of that expenditure or to offer any useful suggestions for cutting down the expenditure of this department. The only conclusion that can be come to on these facts is either that we exercise control here and exercise it effectively by having the headquarters of this department removed to India or we do not do so; but to ask us to vote year after year funds for the maintenance of this department without scrutiny, which must inevitably be undertaken either by the Standing Finance Committee or this House, is a position which is absolutely untenable, and that is where the whole question now stands. These are the difficulties that we are now feeling in regard to this department. It has been pointed out in the Inchoape Committee's report that only one per cent. of the expenditure on this department is incurred in London and the rest of it is incurred either in Persia or in India. Under these circumstances the

whole question of the control of this department is one on which we must have a definite assurance from my Honourable friend Mr. Chatterjee. Either the House is responsible for its votable expenditure or it is not and, so long as we are asked to give our approval to expenditure under this head, it seems to me that the only thing to do is to remove this department as early as possible to Delhi and to put it under the control of the officers of the Government of India and under the Standing Finance Committee and this House.

Mr. Darcy Lindsay (Bengal: European): As a member of the Standing Finance Committee I should like to tell my Honourable friend Mr. Willson that very full information was accorded to us with reference to the proposed purchase of a steamer to replace that ancient relic the "Patrik Stewart", 45 years old. It was explained to us that attempts have been made to enter into an arrangement with the Eastern Telegraph Company. They could not spare their cable steamer and even if they were able to do so the cost would be very heavy. Attempts were made to hire a steamer. They did hire a steamer, the S.S. "Gallia", which was not a very great success. It was further pointed out that, if a steamer were now purchased and if at a later stage the whole system were handed over to a company,—why my Honourable friend Sir Purshotamdas Thakurdas should desire a British company and not an Indian company to purchase this line I do not know. We are all out for Indianisation and to obtain as much capital as we can in India for concerns that relate to India—however as I say it was pointed out that the steamer could be sold without loss to the purchaser of this line, further that a steamer is absolutely necessary for the work and by a substantial majority the Committee decided to pass this demand. The only one point I would like to suggest to the department as regards the purchase of a steamer is that they might go to the United States of America. I noticed in the papers recently that the United States having found that a mercantile marine was not quite as successful a venture as some of us would like to believe have decided to dispose of their whole fleet and therefore steamers are doubtless available at a low rate.

There is one small matter on which I should like elucidation from the department that is referred to on page 60 of Appendix A, capital outlay on the Indo-European Telegraph Department. There are two minus figures one of 56,300 "Adjustment in recoupment of the cost of the Central Persian Telegraph Line" and the other 1,00,000 for "Adjustment on account of the amount written off by system of amortization from capital account on account of the cost of Telegraph lines in Persia." I must admit that I do not quite understand what these items refer to and any information which the department can give me on the subject I should be very grateful for.

Mr. W. S. J. Willson: On a point of order, Sir. Is the Honourable Member who is a member of the Standing Finance Committee justified in asking questions of the Member across the House? Should he not have asked these questions in the Standing Finance Committee?

Mr. Darcy Lindsay: The matter was not before us in the Standing Finance Committee.

Mr. B. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Sir, the Indo-European Telegraph is a concern in which the Government of India have invested very nearly two crores of rupees. The Standing Finance Committee was asked to give their approval to the expenditure of 7½ lakhs of rupees referred to by my Honourable friend Mr. Willson. As my Honourable friend Diwan Bahadur Ramachandra Rao pointed out, we wanted some information from the Department concerned about the actual working of this Indo-European Telegraph Department, not merely in connection with this capital expenditure of 7½ lakhs of rupees but with regard also to certain other items, such as compensation given to certain officers employed in this Department. We were told that the officers of the Secretariat here were practically unable to give us any information beyond what they had got from the head office in London. One of the reasons why we were asked to grant this 7½ lakhs for capital expenditure was on the ground that after all this Department is a very paying concern; so much so that in one year, 1913-14, it yielded to the Government of India a return of nearly 14½ per cent. So we were told that to maintain a Department like this it was absolutely essential to incur some capital expenditure. It was such consideration which induced the Finance Committee finally to agree to sanction this amount. But, Sir, as Honourable Members are aware, the Retrenchment Committee in their majority report have recommended that Government should explore the possibilities of selling this concern to some private company. I do not know under what circumstances this huge capital outlay on this Department came to be incurred by the Government of India. I have absolutely no information on that point. Nor do I know what the considerations were which induced the majority of the Retrenchment Committee to recommend to Government to explore the possibilities of getting rid of this concern. If the figures that we find mentioned in the Retrenchment Committee's report are correct, this Department still seems to be a very paying concern, and my Honourable friend Sir Purshotamdas Thakurdas in his dissenting note has pointed out that he at least is not satisfied that this concern should be taken out of the hands of the Government of India. Well, Sir, I do not know what practical difficulties there are for the transfer of the control of this Department from London to the Government of India here in Delhi. We are asked to vote an expenditure of very nearly 80 lakhs of rupees without our being in a position to understand how this money is being spent, and with the officers of the Government of India here on the spot absolutely unable to give us the information that we are in need of. If it is in contemplation to sell this concern to a private company, may I ask, Sir, whether it is due to the fact that owing to practical difficulties it is not possible to transfer the control from London to Delhi and therefore it has been decided to get rid of the concern? Is that the reason on which this plea for selling off the concern is maintained? I would like to have some information from the Honourable Member in charge as to the action which Government propose to take on the majority recommendation of the Income Committee, and, if they propose to sell this Department, what are the considerations which induced them to come to that conclusion?

Mr. K. Rama Aiyangar (Madura and Ramanad *cum* Tinnevely: Non-Muhammadian Rural): Sir, I would only point out one or two passages in the Retrenchment Committee's report which show how this management

from England must affect the position. At page 119, we have the statement made:

"We have also examined the log of the "Patrick Stewart" for the period from September 1918 to July 1922 inclusive and found that during these 47 months the vessel was lying at her moorings in Karachi harbour for no less than 968 days, and that, apart from the time spent going to and from the various places where repairs were required, the actual time spent on repairs was only 115 days. We consider that the possibility of coming to a favourable arrangement with some commercial cable company which has a steamer near at hand for the repair of the Department's cables should be explored before any steps are taken to replace the existing steamer."

I only place before the Assembly the idea underlying that criticism. Of course this change of the place of the controlling authority necessarily effects the required improvement. There will be a real good outturn of work and less expenditure.

The Honourable Mr. A. O. Chatterjee (Industries Member): Sir, the main question in connection with the Budget of this Department is a recommendation which was made by the Retrenchment Committee about the future of the Department. As my Honourable friend Sir Purshotamdas Thakurdas has mentioned, the Retrenchment Committee were divided in their views in the matter, and since we received the report we have been ourselves exploring the various possibilities. The majority of the Retrenchment Committee were guided by certain considerations; but very weighty considerations on the other side were put forward in the minority report by Sir Purshotamdas Thakurdas. As a matter of fact it is very doubtful from the inquiries that we have hitherto been able to make whether we could persuade any company to take over this Department. The operations of this Department will practically cease in 1945 under the terms of our agreements and treaties with the Government of Persia, and in these days of trade depression and difficulties in finding money, I doubt whether any company would undertake to finance this business on any terms which would be really profitable to the Government of India. At the same time, as has been evident during the discussion this morning in this House, there are very serious difficulties in managing this concern either from the India Office in London or from Delhi. Yes, there are such difficulties although my Honourable friend (Sir Purshotamdas Thakurdas) may shake his head. As a matter of fact we did try to manage the Indo-European Telegraph Department from India many years ago and we found, at least the Government of that time found, that the difficulties were very great. The Government of India have no officers of their own to deal direct with the Persian Government and we have to go through the British Foreign Office in many matters. There are other difficulties also which I am not in a position now to lay before the Assembly. At the same time I fully sympathise with the House in their view that management from the India Office places both the Government of India and the Assembly in a very difficult position. It is not quite true that we know nothing about the items which are included in the Budget this year. At any rate we have had very full information given to us from the office in England. Also we had an officer of the Indo-European Telegraph Department up from Karachi to explain to us the various items. I shall try later on to enlighten the House on the various points that were raised by Sir Purshotamdas Thakurdas. What I want to say is that we fully realise that the present position is not satisfactory, and we are exploring other methods of management; I am sorry I am not in a position at this moment to give further particulars to the House. As I said in answer to a question, as soon as we come to a decision on that point, I shall certainly lay the facts before the House.

Sir Purshotamdas Thakurdas: After the decision is taken, is it?

The Honourable Mr. A. C. Chatterjee: Yes. You will have an opportunity of criticising the decision after it has been taken.

Sir Purshotamdas Thakurdas: Would you welcome criticism after the step is taken, without being able to remedy it, I take it?

The Honourable Mr. A. C. Chatterjee: Next, the Honourable Member asked for information regarding the Meshed-Seistan line. As regards that line, I gave some information in answer to a question; this line has now been made over to the Persian Government. The only question that was pending was with regard to the apportionment of the cost of maintenance of this line, whether it should be debited against the Posts and Telegraphs Department or against the Indo-European Telegraph Department. The Retrenchment Committee had been misinformed on the subject, and they were under the impression that this cost should be borne by the Posts and Telegraphs Department. We went into the matter very carefully, and we found that the cost was really bearable by the Indo-European Telegraph Department and it has accordingly been debited against that Department. As a matter of fact that makes no difference because in any case the cost had to be borne by the Government of India. We have at the same time pursued the suggestion that was made that we should try and obtain a portion of the cost of maintenance from the British Government. The matter is now under consideration, and I regret that, I cannot give the House at present the decision on the point. Sir Purshotamdas Thakurdas also wanted to know why the Indo-European Telegraph Department maintained three wireless stations. Well, so far as two are concerned, Bushire and Bahrein, the reason is that we would have absolutely no communication with Bahrein, an island in which the Government of India are very greatly interested, unless we had this wireless system. As regards the third place, Henjam, I regret very much that I have no personal information, but I shall try to ascertain the information and furnish it to the Honourable gentleman.

Sir Purshotamdas Thakurdas: I suppose the Honourable Member means that his Department here has no information?

The Honourable Mr. A. C. Chatterjee: No, I have no personal information. I have not had an opportunity of consulting my Department, because Mr. Clarke is not in charge of this Department and the other officers of the Department are not Members of this House. Sir Purshotamdas Thakurdas further asked whether any extensions of the activities of the Department had been undertaken since the Retrenchment Committee's Report. I can give him an assurance on that point. No extensions whatever have been undertaken. Now we come to the question of the "Patrick-Stewart".

Sir Purshotamdas Thakurdas: Before the Honourable Member leaves the question, will he kindly say whether he has been able to curtail any of the activities in connection with unremunerative lines?

The Honourable Mr. A. C. Chatterjee: As I said before, we have made over the unremunerative section, the Meshed-Seistan line, to the Persian Government. The rest of the lines, so far as my information goes, are remunerative. Now, as I was going to say, my Honourable friend, Mr. Darcy Lindsay, who is a member of the Finance Committee, has tried to

explain the facts with regard to the replacement of the "Patrick-Stewart". I am very much indebted to him, but perhaps Honourable Members would like to have some more detailed information. As Mr. Darcy Lindsay said, this ship is about 44 years old now, and the Director of the Royal Indian Marine reported as far back as two years ago that she would be serviceable only for a further period of two years.

Mr. W. S. J. Willson: I quite accept the fact that she is only fit for the scrap-heap, but I would like the Honourable Member to deal with the advisability or otherwise of building another ship.

The Honourable Mr. A. C. Chatterjee: As we explained to the Standing Finance Committee, we explored the possibility of getting some other shipping company to lend us a ship for this particular period, and those efforts, I can assure my Honourable friend, have been fruitless. We have not been able to get hold of any ship from any Company which will be of any practical use for the purposes of cable-laying or cable-repairing. Now the question is whether this ship should be replaced at once, or whether we should stop all work. I think Honourable Members will acknowledge the fact that the Department is a very paying concern, and it would be a very mistaken policy to let the Department be handicapped for want of a ship; as has already been explained, the replacement is absolutely imperative because we have had reports that it is very doubtful whether this ship will last till the next monsoon.

Mr. Darcy Lindsay: I think, Sir, it was pointed out that the loss to Government or to the Department would be Rs. 2,000 per day if a broken cable was not repaired.

The Honourable Mr. A. C. Chatterjee: Yes.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): What is the reason for disposing of it to a private Company?

The Honourable Mr. A. C. Chatterjee: I have already, I think, stated that there was no likelihood of a Company taking it.

Mr. R. K. Shanmukham Chetty: What is the reason for disposing of this concern? Why was it contemplated to dispose of it?

The Honourable Mr. A. C. Chatterjee: I believe it was the Retrenchment Committee who suggested it.

Mr. R. K. Shanmukham Chetty: You must have laid some facts before them to enable them to come to such a conclusion?

The Honourable Mr. A. C. Chatterjee: I did not place any facts before the Retrenchment Committee with regard to this matter, Sir. I think perhaps Sir Purshotandas Thakurdas will be in a better position to answer the Honourable Mr. Chetty's question.

Sir Purshotandas Thakurdas: I am afraid the lead came from the Government of India, Sir.

The Honourable Mr. A. C. Chatterjee: At any rate, Sir, all I can say is that I was not concerned in the proposal. As I have explained, it is very difficult for the Government of India to be concerned in a commercial business carried on within the territories of another Government. That is really at the root of the whole difficulty.

Sir Purshotamdas Thakurdas: Since what year has the Department existed, Sir?

The Honourable Mr. A. C. Chatterjee: I cannot say.

Mr. G. R. Clarke: Since 1874.

The Honourable Mr. A. C. Chatterjee: 50 years. Well, it has always been a source of trouble. Only, the trouble was not so acute in the old days when questions were not asked in this House. (Laughter.) I think the House will decide that it is good business to replace the ship because, if we in any way dispose of this concern, lock, stock and barrel, we shall get a good price for any ship which we may have to purchase now; if we do not purchase a ship, we shall have to close down this business. I do hope, in view of the explanations given by me, that my Honourable friend will not press his proposal.

Mr. President: The question is:

"That the provision for Working Expenses under the head 'Indo-European Telegraph Department' be reduced by Rs. 100."

Sir Purshotamdas Thakurdas: Sir, I am not anxious to press the motion if the Honourable Member will explore further avenues of economy and see that the ship he is now getting is not laid up as often as the "Patrick-Stewart".

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

Mr. President: The question is:

"That a sum not exceeding Rs. 33,58,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1925, in respect of the 'Indo-European Telegraph Department'."

Mr. B. Venkatapatiraju (Ganjam cum Vizagapatam: Non-Muhammadian Rural): There is my amendment, Sir.

Mr. President: What does the Honourable Member want to discuss? The Honourable Member does not seem to have borne in mind what I said to-day and yesterday.

Mr. B. Venkatapatiraju: Sir, I understood that the Honourable Sir Purshotamdas Thakurdas referred to a particular branch of the administration in moving his motion. I just wanted to ask the Honourable Member in charge as to how far the Government were able to accept the recommendations of the Retrenchment Committee in the matter of economising expenditure.

Mr. President: Order, order. We had a discussion of the Incheape Committee. The Honourable Member ought to have risen on the reduction by Rs. 100.

Mr. B. Venkatapatiraju: I want to invite the attention of the Member in charge to the fact that though, as he stated, it is a paying concern, giving us a profit of Rs. 6,12,000, still I do not find sufficient explanation of the cryptic statements made in this House as to how they are unable to carry out the recommendations with reference to reducing expenditure. With reference to the suggestion to reduce one lakh of rupees expenditure on cables, they are able to reduce only Rs. 4,000. Next with reference to the

suggestion to reduce Rs. 66,000 in cable repairs, they are able to reduce only Rs. 4,000, and in conclusion they have stated that the provision of the current year has been reduced to Rs. 89,29,000, though the recommendation was that Rs. 7,34,000 be reduced and it has not been found practicable to reduce it further to the limit proposed by the Committee as originally intended, and that they have only reduced Rs. 4,12,000 and have not reduced the balance. I find, Sir, again that for next year their estimated expenditure has increased from what was reduced previously. In page 58 of the General Abstract, you will find, Sir, that in 1923-24 the total is Rs. 29 lakhs. For the next year it is Rs. 39 lakhs, which includes also about Rs. 5,45,000 wanted in order to purchase a steamer which they propose to do for about Rs. 7,18,000 mentioned in page 80. My submission is that when they have stated that they originally intended it to be met from Capital expenditure, which was necessitated, whether there is any difficulty in adhering to the recommendations suggested by the Retrenchment Committee with reference to current expenditure. I suggest to the Member in charge whether it is not possible to economise the expenditure, because, I am sure, they are not anxious to spend a pie more than what is absolutely necessary. If so, what is the difficulty in reducing it as recommended by the Committee? And they themselves admit that they once agreed to reduce. I, therefore, move the motion standing in my name which runs as follows :

"That the demand under the head 'Indo-European Telegraph Department' be reduced by rupees one lakh."

The Honourable Mr. A. C. Chatterjee: Sir, the Honourable Member has asked what the difficulty is in effecting the retrenchments that were recommended by the Retrenchment Committee. As a matter of fact, Sir, there is no difficulty whatever. We have effected a bigger retrenchment than the Retrenchment Committee recommended. As a matter of fact in the actuals of 1922-23, the revenue was Rs. 46 lakhs and the working expenses a little over 31 lakhs, and the surplus in that year was Rs. 14,79,000. In the Budget of 1923-24 the revenue was estimated to be Rs. 40,84,000 and the working expenses Rs. 29,87,000; and in the Budget for 1924-25 the revenue is Rs. 46,00,000, and the working expenses Rs. 33,68,000. The account dealt with by the Retrenchment Committee was found to be on a different basis from the above, as items shown as deductions from revenue were transferred by the Committee to the expenditure side. On the same basis of accounting, as I mentioned above, the Budget estimate for 1922-23, on which they worked, was Rs. 36,85,000. On this they recommended a net reduction of Rs. 6,12,000. The Budget for the current year showed a somewhat larger saving in working expenses. The revised Budget of Rs. 33,68,000 shows an increase of 8.8 lakhs compared with the Budget of the current year. But of this Rs. 1,92,000 is due to the final adjustment under this head of the cost of the maintenance of the Meshed-Seistan line, and Rs. 50,000 is due to the inclusion for the first time of the pensions under this head. The balance of the excess is due to the provision for urgent repairs to cables and to restoration of provision for certain allowances due to the continued high prices and compensation for the appreciation of the kran. Therefore, I have shown that as a matter of fact we have carried out a larger reduction than was recommended by the Retrenchment Committee.

Mr. B. Venkatapatiraju: May I take it, then, that the statement made in this House is not correct?

The Honourable Mr. A. C. Chatterjee: Which statement? I have given the facts.

(At this stage Mr. President vacated the Chair which was occupied by Colonel Sir Henry Stanyon.)

Mr. Darcy Lindsay: Sir, there are certain matters on which I desired the department to give information. Not having received the same, I ask the Honourable Member in charge to let me have that information.

Mr. G. R. Clarke (Director General of Posts and Telegraphs): Sir, the Honourable Member has asked for an explanation of the two items, Rs. 56,300 and Rs. 1,00,000, mentioned on page 60. The explanation is this, that for the Central Persian Line which goes from Karachi to Teheran, we pay the Persian Government a rent of Rs. 56,300 a year. Now, there are certain debts due from the Persian Government to the Government of India and our method of recovery of these debts is by withholding the rent and crediting it to the accounts of the Government of India shown as *minus* account in the capital. As for the Rs. 1 lakh, there are certain lines concerning which there are special treaties between the British Government and the Persian Government. These lines will have to be restored to Persia in 1945 in perfect working condition and the value of these lines is estimated at Rs. 25 lakhs. They have to be restored without any *quid pro quo* to Persia. The way in which the department arranges for that is by amortisation, that is, they put aside Rs. 1 lakh per annum for the payment, for the amortisation of the capital value of these lines.

Mr. Chairman: Against Demand No. 12, Rs. 33,58,000, the Indo-European Telegraph Department . . .

Mr. B. Venkatapatiraju: Sir, I do not press my amendment.

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

Mr. Chairman: I take it that the debate has already covered the other three amendments before the House for the reduction of the Demand by Rs. 100. Therefore the question I have to put to the House is:

"That a sum not exceeding Rs. 33,58,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1925, in respect of the 'Indo-European Telegraph Department'."

The motion was adopted.

DEMAND NO. 18—INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 21,06,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1925, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

"That the provision for Annuities in Purchase of Railways be omitted."

* "That the demand under the head 'Indo-European Telegraph Department' be reduced by rupees one lakh."

This demand relates to the annuities in purchase of railways. I should like my Honourable friend Sir Basil Blackett to give a clear statement of the position in regard to the spending of these annuities in view of what has taken place already. Sir, I understand that the purchase of railways is done in three ways. The first method is by the payment of cash. The second method is known as purchase by payment of India stock and the third is by means of terminable annuities payable to the companies for a certain number of years. I understand from what I could gather that the first course, namely, purchase by the payment of cash, was adopted in the case of certain railways in India. As an instance, I may give the case of the Nilgiri railway. Even in that case I gather from the previous statements on this subject that the amount was debited to capital. In the case of those companies which were purchased by the issue of India stocks, the amount covered by the India stock was debited to capital in the past years. That was the case in the case of a number of Railways, for example, the Bombay Baroda and Central India Railway. In the case of those railways the second method was adopted, namely, the system of issuing the India stock, but at the same time the amount was debited to the head of capital. As I have already said, the third method is the method of issuing terminable annuities payable for a certain number of years. Now, Sir, in this third case, I understand that the Honourable the Finance Member wishes the amount covered to be debited to revenues. I ask him why he proposes to debit the amount covered by these annuities to the head of revenue and why does he not propose to debit it, as has been done in the case of the other two methods of purchase, to the capital account. Sir, I am aware that this is a matter which has formed the subject of discussion in the past and the Honourable Sir Malcolm Hailey, who was then Finance Member, referred to this matter in the proceedings of the Assembly on the 15th of March 1922 in the following words:

"The sum provided annually for redemption of the capital payable is, we hold, in the nature of a sinking fund and according to all commercial practice would be rightly discharged by revenue. I think any commercial man here will agree that as a pure matter of accounting it is rightly charged to revenue and could not rightly be charged to capital. I admit of course at the same time that, in view of our money difficulties, we might consider whether another course could not be taken with this particular sum but I hold that as a matter of accounts it has been rightly charged to revenue."

This statement shows, Sir, that the answer to my question is that in the case of purchases of these railways by annuities the Finance Member in the past regarded it as a legitimate charge against revenue. But my point is that, when you debit the amount to the capital account when you purchase railways by cash payment, as has been done in the case of the Nilgiri Railway, why in this particular matter should railway annuities be debited to the revenue account. That point has not been answered. On the other hand, the Honourable the Finance Member said that, in view of the peculiar difficulties of that year, he might have to consider whether another course could not be taken with regard to this particular item. I think in the peculiar circumstances of this year my Honourable friend Sir Basil Blackett ought to take a different course with regard to these railway annuities. Here we are faced with the difficulty of satisfying, at least to some extent, the claims of the provinces. If my Honourable friend thinks that even in a year such as this, when the amount of discontent has been swelling year after year, this method which is capable of being applied should not be adopted, then I consider that he is not meeting our wishes in a way in which we desire him to meet them. Anyhow, I do not see

[Diwan Bahadur M. Ramachandra Rao.]

any other explanation except some occult reason why this amount covered by the annuities payable every year should be debited to revenue and not to capital. Sir, this year we are committed to a policy of borrowing of 80 crores of rupees every year for capital expenditure. I suggest, Sir, that this amount and the annuities should be debited to the head of capital so that we may relieve to some extent the tension in the provinces. I know that the amount that will thus be available is not very much, because I see it is only Rs. 21,06,000 under this head. But I think if the Honourable the Finance Member applies this principle and saves some amount which will be available for distribution to the provinces, it would be a satisfactory way of meeting our wishes.

There is another matter and that is that some portion of these railway annuities are non-votable. I should like to know why a portion of the same head is placed under the heading 'non-votable' and another under the heading 'votable'.

Sir P. S. Sivaswamy Aiyer: Is not there a decision of the High Court about this?

The Honourable Sir Basil Blackett (Finance Member): I am quite ready to answer in due course.

Mr. Chairman: Amendment moved:

"That the provision for Annuities in Purchase of Railways be omitted."

The Honourable Sir Basil Blackett: I rise on a point of order, Sir. The provision for Annuities is a non-votable item. I did not understand the Honourable Member to move that amendment because I think it would be out of order. I am quite willing to answer on the subject but I should like to have your ruling, Sir, whether the amendment itself is not out of order. It relates to a non-votable item and it exceeds the total amount of the vote.

Mr. Chairman: That is a point which I think I must reserve for the President to decide.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): But we cannot proceed with the debate without a ruling from the Chair.

Mr. Chairman: Then I will assume that the amendment is in order.

Mr. Jammadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, the interest which we have to pay every year in respect of loans and other commitments and liabilities is regarded as a matter of course and most of it falls under the head 'non-votable'. Nevertheless, Sir, the insidious and baneful effect of the tremendous figure of interest which is charged on the finances of this country is very burdensome. I say, Sir, that the administration of our loans and interest services is not such as inflicts the minimum burden on the tax-payer but is, on the contrary, managed with more or less laxity that should be avoided. First of all, I will take these recent loans for railways. I do not want to deal at length with this question as the Railway Budget is not before us; I would simply make some passing observations on this 80 crores annual railway loan. Sir, the Legislature was, it seems to me now, in a great hurry in committing itself to give 80 crores annually for railway purposes. It seems to me that, when a person or a body of persons has got more money in hand than he or they can spend, there is

found to be a waste which could very well be avoided; and we find that the railway administration is incapable of spending these 80 crores of rupees annually in spite of the best possible efforts to do so. And naturally, under such circumstances, they will spend as much as they can, in as much of a hurry as they can, and therefore not as well as they ought; with the result that, while the interest is charged to the tax-payer, the tax-payer does not get the best advantage out of the expenditure. We are told by way of explanation "Oh we cannot spend these 80 crores of rupees because you do not give us some 12 crores every year simultaneously to spend on renewals." That, I think, Sir, is an after thought and was never brought in a pointed manner before the Railway Finance Committee on whose recommendation we granted these 80 crores annually. Sir, I am not referring here to that matter because it pertains mainly to the Railways. But I do want to point out that this manner of voting money, which cannot be spent by those who are being given it unless you guarantee a further expenditure of 2 crores for every 5 crores voted, is extremely undesirable and not very satisfactory. There is an Indian proverb, Sir, that the one thing that does not sleep is interest. People sleep at night, but interest sleeps neither by day nor by night, and we find that, while we pay interest, we do not get interest for the money which we lend. The other day I had tabled a question about the amount which we lent to the War Office—money during the war and thereafter—and I asked for information regarding the interest which the War Office paid to us. My Honourable friend, Mr. Burdon, told us in reply that day that this country had spent as much as 510 crores of rupees on behalf of the War Office and it received that money back from time to time but that no interest was being paid as there was no arrangement to that effect. Why was there no arrangement? Why was so much money of the Indian tax-payer granted to the War Office? Was it because India is so rich that it could afford to pay 510 crores of rupees without any interest? I do not know. But it seems to me that, even now, there are certain moneys which we are spending on behalf of the British Government, which are being recovered in due course but on which no interest is charged. We pay money to the Iraq Government on which no interest is charged. Why is it that the Indian moneys are given so cheap? While we have to pay interest to the tune of 7 per cent. on some of our loans, we get no interest on crores upon crores of rupees which are lying invested with other people from year's end to year's end.

The Honourable Sir Basil Blackett: Would the Honourable Member tell me where to find these crores, because I should like them?

Mr. Jambadas M. Mehta: I refer my Honourable friend to page 664, Volume IV of the Legislative Assembly Debates, No. 18. The answer given by my Honourable friend, Mr. Burdon, was that the total disbursements made by the Government of India, on behalf of the War Office, (I am referring to past history, and I am not referring to the present year) were £842 million, which come to 510 crores of rupees. Well, Sir I think we are entitled to demand an explanation as to why no interest was charged. Even now the thing is being done. The Iraq Government is receiving our moneys; we are paying in India and we are receiving in London. What the arrangement is I do not know, but the fact remains that we are receiving no interest. Then, Sir, there is another mischievous and pernicious practice which is that of sending money from here to England far too early in anticipation of requirements there. .

The Honourable Sir Basil Blackett: Sir, on a point of order, this vote has nothing to do with the question of remittances.

Mr. Jamnadas M. Mehta: Interest is lost.

The Honourable Sir Basil Blackett: This vote has nothing to do with the question of remittance of money to England. I suggest, Sir, that the Honourable Member's remarks are entirely out of order.

Mr. Jamnadas M. Mehta: Will you hear me, Sir? I am now considering the question of interest in connection with the grant for which this Demand is made, and I say, Sir, we are losing interest as a result of making remittances too early.

Mr. Chairman: The particular instance of this remittance does not seem to me to be relevant and open to discussion.

Mr. Jamnadas M. Mehta: Then I need not pursue the matter at all. All that I can see is that we are sending crores on which we get no interest and, although this is an important question, it is a pity we cannot discuss it and I only want the Finance Member to enlighten me as to when we can discuss it.

The Honourable Sir Basil Blackett: Under "General Administration," I think.

Mr. Jamnadas M. Mehta: Does that refer to Interest? I am quite at a loss. I obey your ruling, Sir, that the loss of interest which this country is suffering cannot be discussed under this head,—I am discussing the main motion, Sir. Where then can it be discussed? I get no answer.

Mr. Chairman: You have already had it once.

Mr. Jamnadas M. Mehta: You mean from the Honourable the Finance Member, Sir. Very well, Sir, then there is another thing about Interest, namely, that we are further losing interest on—I do not know whether again that would be outside this motion, but I will mention it for the purpose of information. I tabled another question to the Honourable the Finance Member on the 3rd March 1924, from the answer to which we find that there was in England a sum of nearly 15 lakhs of pounds in the month of December last year, lying without interest. (*The Honourable Sir Basil Blackett:* "No, Sir.") Yes, Sir, it is your own answer. Here is the answer on page 1136 of the Legislative Assembly Debates this year. The total amount of 129 lakhs of pounds during 9 months lying idle.

Then, Sir, there is one thing further. We are paying interest of 2 crores and 80 lakhs on the Treasury Bills which are issued to the Indian Paper Currency Reserve; for that amount really we cannot take credit to revenue. This interest is shown as paid to the credit of our revenue. Why? Is it earned by the Government from any of their revenue-earning departments? Not at all. These 2 crores and 80 lakhs of rupees is interest for the security of those who own the Paper Currency of this country. It is their money. This amount of interest does not belong to the revenue of the Government. This does not belong to the Finance Member's ordinary expenditure. This 2.80 crores belongs to the holders of the Paper Currency to whose reserve it should be credited.

Mr. Darcy Lindsay: Sir, I rise to a point of order. 'Did I understand you to rule that we could have a general discussion on the whole question of Interest on Ordinary Debt, etc.

Mr. Chairman: My ruling only had reference to one particular instance. I do not think that a general discussion on this Demand, which is a Demand for Interest on Ordinary Debt, is out of order where the object of the debate is to question policy.

Mr. Darcy Lindsay: But I point out, Sir, that the amendment before the House is that, the provision of Annuities in Purchase of Railways be omitted—Annuities only.

The Honourable Sir Basil Blackett: Sir, I did not rise to a point of order before because it seemed to me that so little of the Honourable Member's speech was in order that he might as well make it. But there is a heading "Currency" under which some of the points he has raised would be in order. Others of them would be in order under "General Administration." I cannot see that the interest that we do not receive has very much to do, Sir, with the question of a vote for interest which we desire to pay.

Mr. Jannadas M. Mehta: Well, Sir, if I am to follow the Honourable the Finance Member, I must discuss part of the question of interest under currency and part under another head and not the question as a whole. That is the effect of the ruling which the Honourable the Finance Member has given. Then, I was going to discuss the arrangements which the Honourable the Finance Member has suggested in his Budget speech about the Reduction and Avoidance of Debt. I do agree with him that in a country like India, the amount of unproductive Debt, as it is to-day, is too large, although my Honourable friend has tried to show as small a figure as possible for unproductive debt; he has put it at 228 crores but he forgets to add 49 crores Treasury Bill and the strategic railway lines. In fact, if the total amount of unproductive debt on which we pay interest were taken into account, it would come to nearly 400 crores and not 228 crores as the Honourable the Finance Member has said. We are to-day naturally confronted with the great necessity of avoiding and reducing this debt. If we can, Sir, I agree with the Honourable the Finance Member that it is necessary to hit upon some plan of an early reduction by the process he has suggested. But there again, while I agree with him as to the principle, I say that until that principle is worked out, and we have reduced the total amount of our unproductive debt to a negligible quantity, the annual burden on the taxpayer will continue to be extremely heavy for practically a generation,—a very heavy burden indeed.

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

Then, Sir, I come to the 18 crores 97 lakhs of interest that we have annually to pay on the unproductive debt of the country and which is in fact the result of the military policy under which India is governed. I do not want to deal with this question to-day because the military policy is not under discussion now. But at the same time I cannot forget the fact that this 18 crores 97 lakhs which is the annual burden of unproductive debt, is the result of the military policy,—the result of the deficits due to the military policy and the Afghan war and the Waziristan war and many other wars and the great war. This heavy interest burden of 18 crores and 97 lakhs is entirely and exclusively and wholly due to the military

[Mr. Jammadas M. Mehta.]

policy of the Government of India for which the Indian tax-payer has to pay without murmur. Therefore, it was, Sir, that I added this 18 crores 97 lakhs to the military expenditure in addition to the 68 crores shown in the Budget estimates for the next year. I am sorry I was not here when the Honourable the Finance Member replied. He said that the idea that this military expenditure could be reduced was an "opium dream." I do not know whether it is an opium dream or a Utopian dream. I read in the newspapers that he said that it was "an opium dream." Naturally the opium revenue is so much on his head. But whether it is an opium dream or a Utopian dream, the fact is that we must reduce this extravagant burden of 18 crores 97 lakhs as soon as possible by economics—not by fresh loans, not by fresh taxation, not by taxing the people in one direction and reducing it in another direction—but by real economy and by real retrenchment. It is not right to say that you must have fresh taxation for this purpose. That is not the kind of finance which I would welcome. Any reduction of debt must be the result of a deliberate policy of retrenchment and economy, not of fresh taxation in other directions or fresh borrowings of a suspicious nature. That is all, Sir, I have to say, and, according to my Honourable friend, I will have to discuss the rest of my points when the other sub-heads come up for discussion.

The Honourable Sir Basil Blackett: Might I now raise a point of order? Might I ask you if you would now give us a ruling on a point which I understand was left to the Chair by Sir Henry Stanyon when he was temporarily occupying your seat. The original motion before the House was that a sum not exceeding Rs. 21,06,000 be granted to the Governor General in Council to defray the charge in respect of Interest on Debt. Mr. Ramachandra Rao got up and made a speech. I was not quite sure whether he moved the motion that the provision for Annuities in Purchase of Railways be omitted.

Diwan Bahadur M. Ramachandra Rao: Yes.

The Honourable Sir Basil Blackett: The question that I asked your predecessor was whether that amendment could be regarded in order. It refers to a non-voted amount which exceeds the total of the sub-head.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I question whether it is non-votable.

Mr. President: A motion for reduction cannot be made in respect of a non-voted item. I may explain the matter a little further especially for the benefit of Honourable Members who were not here last year. When the Governor General issues his Order in Council throwing open for discussion certain subjects during the debate on the Budget, the agreement arrived at between the Chair and the Governor General in Council last year was that that meant that the non-voted items were open for discussion but that it is not in the power of the Chair to permit motions for reduction in relation to non-voted items. The distinction therefore is between the discussion of these things and the voting upon them. If the vote upon an item is not open to the Assembly, it is not open to the Assembly to move reductions in that item. It is not clear to me from the way in which it is printed that this is a non-votable item and if this is a printer's error, the Honourable Member from Madras and the Chair suffer in common.

The Honourable Sir Basil Blackett: In defence of the printer and of the Department I would point out that practically the whole of this grant is non-votable. We have therefore put in a note A against the four items in the vote which are votable.

Mr. President: The only course open to the Honourable Member is to move a reduction, in order to raise the question, on the portions which fall under the voted portion, and not on that portion which is not open to actual reduction by the vote of the Assembly. I presume the Honourable Member appreciates that.

Diwan Bahadur M. Ramachandra Rao: That is exactly what I did.

Mr. Jamnadas M. Mehta: Do I take your ruling, Sir, to be that, while amendments cannot be moved, the discussion can range over the whole field of Interest administration?

Mr. President: Yes.

Mr. Jamnadas M. Mehta: Thank you, Sir.

Mr. A. Rangaswami Iyengar: Mr. President, your ruling has quite clarified the position so far as the figures entered in the estimates are concerned. But although it may be that not having this figure of Rs. 1½ crores under the votable head we cannot vote on it, I desire, Sir, to draw attention to the fact that, as a matter of fact, this sum of 1½ crores ought to be made votable. You will find, Sir, that this item of 1½ crores is for Annuities in Purchase of Railways. The capital portion of it is 1 crore and 25 lakhs. In the Railway estimates also we find that there is another sum put down for Annuities in Purchase of Railways in respect of the interest portion thereof, of about 2 crores and 97 lakhs. Under the rules which have been framed under section 67-A of the Government of India Act, it is not within the power of the Governor General to make non-votable charges out of revenues which do not come under any of the heads excepted in clause (8) of section 67-A.

Section 67-A (8) says:

"The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion."

In other respects, as section 67-A (1) says:

"The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year."

Moreover, sub-section (2) of the same section says:

"No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor General."

Therefore, this has to be laid before us and the vote of this House has got to be obtained. The clause under which this is sought to be excepted is "(i) interest and sinking fund charges on loans"

The Honourable Sir Basil Blackett: On a point of explanation, Sir, as it might save a little time—I would point out that though it is a possibly debateable question whether this is interest and sinking fund charges on loans, it comes clearly under the second head "expenditure of which the amount is prescribed by or under any law." The point was raised a year ago and a full explanation was given. I think that if the House will accept that as a statement we should save the trouble of discussing it.

Mr. A. Rangaswami Iyengar: I would certainly like to peruse that debate, but I am not prepared to accept the conclusion that the debate has exhausted the question beyond the possibility of decision again. My desire to raise this question and to make it votable in this House is based on the fact that this payment of annuities out of the ordinary revenues of this country is certainly a procedure in finance which is unsound in principle. I think that these appropriations of revenues towards the capital account have been made repeatedly in these estimates this year with a view to swell the revenue expenditure head of the Budget so as to arrive at a deficit which will make it possible to maintain the salt duty at Rs. 2; and to allow remissions in provincial contributions to be made only on that basis, that is, so as not to enable this House to vote a reduced salt duty and also to make provision for a remission of Provincial Contributions. I had occasion to point out yesterday that two items of such expenditure under the Railway Budget were so included under the expenditure side which ought to have been put down under the capital side. This is also a sum which has been similarly treated and I object to the whole procedure by which such large slices of the revenues of the country are appropriated towards the re-payment of capital. That is all I have to say on this point.

The Honourable Sir Basil Blackett: Sir, I might perhaps begin by dealing with the question whether this ought or ought not to be voted. I am delighted to find my Honourable friends taking such an interest in the question whether a sum is voted or non-voted. On Monday, as far as I understood, their view was that it did not matter.

Mr. A. Rangaswami Iyengar: It did certainly. If all the items are made votable, we are here.

The Honourable Sir Basil Blackett: As I understood the discussion on Monday, the Honourable Member said that Parliament made a mistake in passing the Act of 1919 and in thinking that he was a fit person to be responsible for voting on any item and that it did not matter whether a thing was voted or not. But I am very much delighted to find that he is taking a different view to-day. The answer as to whether it is votable or non-votable is quite simple. It is an amount "prescribed by or under any law." There are Acts of Parliament in connection with the purchase of these railways. So that one need not enter into the other question whether it is an interest or sinking fund charge on loans which would be debateable, though it might finally be decided under clause 67-A (4) which says that the decision of the Governor General in Council in such matter is final. So much for the question whether this ought to be voted or not.

The Honourable Members from Madras who are taking an interest in this subject are clearly moved by the interests of Madras with which I sympathise. They are trying to find some means of both eating their cake and having it too, or having their salt and eating it too. The Honourable Member who first spoke made a plea that in the peculiar circumstances of this year we should raid the sinking fund, that is what it amounts to. I have now attended something over 20 Budget debates in different parts of the world and I have never heard one in which the peculiar circumstances of the year were not mentioned as an excuse for doing something that ought not to be done. (A Voice: "On both sides.") Possibly on both sides. I do not quite know what the peculiar circumstances of this year are. I understand the peculiar position of some Madras Members. (Mr. A. Rangaswami Iyengar: "The position in which we have been placed by

you.') I am in full sympathy with them in their claim, but that is not what is now in question. Last year this sum was provided under the head of Railways and we had a considerable discussion on the question whether it was properly chargeable to revenue or properly chargeable to capital. At the time, if Honourable Members will look at the debate, they will find that I said that in my opinion it was in the nature of a provision for reduction of debt. Whether you should provide a sinking fund or not was a question which you might discuss. Whether this was a capital charge or a revenue charge was not really a debateable question. It is a provision for paying off capital. You can pay off capital either by re-borrowing or by providing money out of revenue. So that you cannot really usefully argue whether or not it is properly chargeable to capital or properly chargeable to revenue. It is a provision for reduction of debt which you may or may not re-borrow. But last year I went on to say that in a year in which for the first time for some years we were struggling to balance our Budget we should not make a good impression throughout the world if we did it by deciding arbitrarily to borrow for a purpose for which we had hitherto provided money out of revenue. In view of that discussion, during the year I devoted and the Finance Department devoted quite a considerable time to the question of our total debt and the proper way of dealing with it. Some of the results of that consideration were given in paragraphs 27 to about 38 of my Budget Speech in which I tried to suggest principles which should govern our provision for debt redemption and the application of those principles. Now, the principles there laid down, when applied to our existing debt, suggested that something like Rs. 4 crores was a reasonable provision to make in the current year for reduction of debt. If I am to believe the Honourable Member from Bombay the amount of our unproductive debt is very much larger and therefore the provision ought to be very much larger, but I do not believe him. The view that I suggested there was that something like Rs. 4 crores was a suitable sum to charge this year to revenue for debt reduction and it is on that basis that our estimates are prepared. If we were to accept the Honourable Member's suggestion that instead of providing the capital portion of this annuity out of revenue we should provide it out of capital, it would make a reduction of over one crore and 25 lakhs, to take the annuities only, and reduce the total provision to something like 2½ crores of rupees. The view that I take is that 2½ crores is an insufficient provision to make in this year or at the present time for reduction or avoidance of debt.

Mr. A. Rangaswami Iyengar: You have a windfall, Sir.

The Honourable Sir Basil Blackett: Regard being had to the size of our total debt. So far as concerns the windfall, that part of it which becomes available will serve slightly to reduce the aggregate of the accumulated deficits of the previous five years.

Mr. A. Rangaswami Iyengar: You have brought down the floating debt enormously.

The Honourable Sir Basil Blackett: It has been brought down, but the debt itself has not been extinguished. The floating debt which has become a long term debt still remains an obligation. The view that I hold is simply that we shall not be justified in providing less than 4 crores this year.

Diwan Bahadur M. Ramachandra Rao: Why this year, Sir?

The Honourable Sir Basil Blackett: I have answered that in four pages of print and I do not think the Honourable Member wishes me to repeat that. I say the circumstances of this year are not peculiar or, if they are peculiar to any particular extent, the peculiarities point in the direction of making it desirable that our provision for avoidance of debt should be rather larger than smaller, in view of the additions which we have been making to our debts in recent years. So I am not willing therefore to accept the view that we should charge these annuities to capital if it means that we should reduce our total sinking fund by that amount. I do not think the Honourable Member is really interested in suggesting that we should charge these annuities to capital but include in this vote a provision for reduction or avoidance of debt of an equivalent amount. That would not help Madras or anybody else as far as I can see. I would like just to add that, even if we did decide this year to reduce our sinking fund, I do not think it would really serve Madras purposes because it would be a suitable thing to have a surplus in hand this year with a view to dealing with the deficit which would face us on present indications were we to reduce the salt tax to 1-4-0. That is the double argument with which I have to meet the Honourable Member.

Mr. A. Rangaswami Iyengar: That is where the shoe pinches.

The Honourable Sir Basil Blackett: Mr. Mehta raised a good many points. I am always interested in his speeches. My reply to his last one was evidently not correctly reported in the papers. What I said was that it was his speech that suggested the opium dream, because it was such a beautiful dream. We were going to have an army which would cost us at most a crore if not *minus* a crore and no taxation for anybody and a gift was to be made to Bombay in place of our present Provincial contribution from Bombay. He went on to deal with a good many points which I am afraid are not strictly in order on this vote. I should like to attempt to answer one of them, so that it may be cleared out of the way.

Mr. Jamnadas M. Mehta: I ask your ruling, Sir, and you gave it in my favour. Still the Honourable Member says that I was irrelevant. You did rule that, although the whole item may not be votable, the discussion can range over the whole debt administration.

Mr. President: The point put to me was what was open for discussion in a demand some items of which were votable and some were non-votable. Everything that is included in Demand No. 18, "Interest on Ordinary Debt and Reduction or Avoidance of Debt" is open for discussion, but is not open for vote except in the four points mentioned under footnote A.

The Honourable Sir Basil Blackett: That was my point. The Honourable Member will presumably have another opportunity on the Finance Bill for covering wider ground. But, if I am now allowed to travel with him a little beyond this vote, I shall be very glad to do so. He suggested that crores of rupees were left in the hands of the British War Office without interest. There is a good deal of misconception on that subject. During the war large payments were being made by the British Government on behalf of India and large payments were being made by the Indian Government on behalf of the United Kingdom and, large sums sometimes on one side and sometimes on another became due each way. As a matter of fact an arrangement was made for monthly payments in

advance which still continue under certain circumstances. I went very carefully into this matter last year in view of a statement which had been made that we ought to have made a claim for interest against the British War Office and I came to the conclusion that had we made such a claim we should have had a counter claim for a very much larger amount which we could not have resisted, so that in weal or in woe we have had rather more in the interest which we have saved by not raising that question, than we should have gained had we asked the British War Office to pay interest on the sums that were lying from time to time at the credit of India with the War Office. The subject of exchange and remittance into which the Honourable Member entered would raise such a long discussion and we should so clearly differ that I think I must be excused from following Mr. Mehta into that. The difference between his views and mine is fairly well known and the House would I think rightly be unwilling to listen to a debate between us on that subject which might last for a very large part of the afternoon.

Sir P. S. Sivaswamy Aiyer: About the explanation which has been given by the Honourable the Finance Member with regard to the capital portion of the annuities on purchase of railways under the head of interest, I do not feel very much enlightened by the explanation which he has been good enough to offer us. It is expressly put down capital portion. Why is it entered under the head of interest?

The Honourable Sir Basil Blackett: Will the Honourable Member read the whole of the title—Interest on Ordinary Debt and Reduction or Avoidance of Debt?

Diwan Bahadur M. Ramachandra Rao: The Honourable the Finance Member has not really given me any satisfactory explanation to my remark as to why a particular portion of these railway purchases should be paid for by cash. For example the Nilgiri Railway was purchased by cash and the expenditure involved was debited to capital account. Then in the case of those railways which are purchased by payment of India stock they were debited to the capital account of the railways. Now I ask why in regard to these annuities payable on various productive public works the amount involved should not be debited to the capital account under the railways. That was the question which I raised. It is not a question of payment of interest on these annuities. It is a question of that portion of the capital which, as my Honourable friend himself suggested, has to be paid by borrowing again for a productive public work. That is the point that I want to raise under this vote and if my Honourable friend proposes to do this this year, it means there will be a saving under revenue of 1½ crore which would certainly meet his wishes and our wishes. My Honourable friend of course made some remarks about the peculiar circumstances. He seems to be also in the peculiar position of avoiding what I may call a deficit by putting us into the dilemma of consenting to a most unpopular tax. I give him a chance here of taking this out of the revenues of this year, and I am frankly of opinion that this amount which will have to be paid year after year for productive public works will have to be paid out of the capital account of the railways; and the annuities will have to be included in the annual account of the year for productive public works. I would ask why that policy should not be pursued. On that matter I regret that my friend has not given a satisfactory answer, because it was followed in the case of railways which were purchased by the issue of India Stock and by the payment of stock. Why has he introduced this new policy of

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adding to railway revenue expenditure under the head of Avoidance of Debt? That is the question which I have raised by this motion and there is no answer to me in regard to that matter. I should like my Honourable friend to think over it, and I would ask you, Sir, to adjourn the House for lunch now to give my Honourable friend a chance of thinking over it.

The Honourable Sir Basil Blackett: I think I can answer that point which I did not before answer in full in a few minutes. The Honourable Member is quite right in saying that we have purchased and paid for railways in three different ways. But he is not right in saying that when we have purchased a railway by means of an annuity we have not included in the capital charge on railways the total capital value of annuities. What we have not done—and this is the only point in which there has been any difference this year—is that we have not hitherto included in our statement of total debt the outstanding capital which has not yet been repaid by the annuities. This year in order to get a complete statement of our debt I have included the capital value of liabilities undergoing reduction by way of terminable railway annuities at a total of about 90 crores. The only difference therefore is that hitherto, so far as our public statements have been concerned, there has been an understatement of our total debt by 90 crores. But there is no change in the policy of charging year by year the annuity in repayment of that sum to revenue. No change has been made at all except that it is being charged now under the head where I think it does properly come "Appropriation for Reduction or Avoidance of Debt" instead of under the head "Railways." The provision for reduction or avoidance of debt in this year's Budget is as a matter of fact some 60 lakhs less than it was last year, because we have omitted the special provision of 80 lakhs for additional depreciation fund for the reasons explained in my Budget speech. What is now suggested by Madras is that having already reduced our sinking fund by 65 lakhs, we should reduce it further by something like a crore and a quarter, and that is what I suggest we ought not to do.

Mr. A. Rangaswami Iyengar: Sir, may I know whether this payment towards the repayment of capital in the form of annuities comes from railway revenues or general revenues?

The Honourable Sir Basil Blackett. One cannot earmark the particular rupee which pays a particular sum. It possibly comes out of the Honourable Member's pocket, but we propose to charge it in future on the general revenues. It is only a method of showing your accounts, whether you show it as chargeable to railway revenues or general revenues.

Mr. A. Rangaswami Iyengar: May I ask one more question? The difference between charging the repayment of capital on the railway revenues or on the general revenues, I think, is patent, and I am sure the Finance Member does not mean to say that there is no difference. What we want to know from him is this. Why should he put down as a liability against the general revenues and as a part of the general revenue expenditure the capital that is repayable on account of the purchase of railway property, which ought to be met not merely by finding the interest for it from the railway revenues, but also by finding the payment of that share of the capital which is represented by the annuity? Why should that policy be departed from and this item now be entered under the head of Interest, under what is now a non-voted item. I say, Sir, as regards that, we are entitled to know why this amount has been shifted to this new head.

The Honourable Sir Basil Blackett: It has always been non-voted and as for the reasons for shifting this charge from the Railway to the general Budget, if the Honourable Member will look at paragraph 81 and the succeeding explanation in my Budget speech, he will find them stated in full.

Diwan Bahadur M. Ramachandra Rao: In view of the fact that a portion of this demand is non-votable, I trust that my Honourable friend will consider all we have said to-day and will be able to meet our wishes.

Mr. President: I must point out to the Honourable Member that there is no motion before the House except the original motion, as the motion he proposed to move is *ultra vires*.

Diwan Bahadur M. Ramachandra Rao: It is so.

Mr. President: The point is that the Honourable Member attempted to move a motion which was *ultra vires*. As that motion could not be moved it therefore does not exist.

The question is:

"That a sum not exceeding Rs. 21,06,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1925, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

The motion was adopted.

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

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Sir Chimantal Setalvad in the Chair.

DEMAND NO. 14—INTEREST ON MISCELLANEOUS OBLIGATIONS.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 3,62,92,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1925, in respect of 'Interest on Miscellaneous Obligations'."

Mr. B. Venkatapatiraju: Sir, I just wanted to get information about "Interest on undrawn balances of capital deposited by Railway Companies" (*vide* item No. 85, page 48). I should like to know whether any railway company deposited any capital with Government, and whether any interest was paid.

Mr. A. V. V. Aiyar (Finance Department: Nominated Official): Sir, I would first explain that this particular entry is a more or less obsolete one. No figures in any of these years relate to this particular entry which has been carried on from the previous years' volumes, and the last year in which this item occurred was in 1919-20. The nature of the item is this. The Secretary of State at times raises funds through railway companies. The particular company which raises a certain amount does not use the whole of that sum for capital expenditure; there is a surplus left, and interest on that surplus is paid by charging the amount to this head and crediting a corresponding amount to the earnings of railways. That is what the transaction represents.

The motion was adopted.

DEMAND No. 15—GENERAL ADMINISTRATION.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 72,05,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1925, in respect of 'General Administration'."

Diwan Bahadur M. Ramachandra Rao: Sir, in the first place I should like to ask you as to the limited scope of the discussion under this Grant. So far as I understood the President, he said that there might be a general discussion of the whole of the Grant on a Rs. 100 motion. I should like to know, in view of that statement, whether I should move the motion standing in my name under the head of Foreign and Political Department and whether the discussion would range over the whole subject of the Departments under this grant. I should like to know whether I should have to confine myself to this particular item covered by the affairs administered by the Foreign and Political Department.

The Honourable Sir Malcolm Hailey (Home Member): Sir, without derogation from any ruling which you may give, might I suggest that, as the question of order was put to the President himself by Mr. Ramachandra Rao, it might be convenient to pass on to some of the succeeding items and allow the President himself on his return to answer the somewhat difficult question which Mr. Ramachandra Rao put.

Diwan Bahadur M. Ramachandra Rao: Then, Sir, in view of what the Leader of the House has stated, I would confine myself to the Department whose vote I wish to reduce to Rs. 100. I take it, Sir

Mr. Chairman: You are moving No. 74?

Diwan Bahadur M. Ramachandra Rao: Yes.

Mr. Chairman: If you are moving No. 74, inasmuch as it relates to the subject of the Foreign and Political Department, you must confine your remarks to that part of the General Administration.

Diwan Bahadur M. Ramachandra Rao: I take it, Sir, subject to your ruling, that there would be an opportunity of making general observations on the whole of the Grant No. 15 when it comes under discussion?

The Honourable Sir Malcolm Hailey: It might be convenient to the House, if Mr. Ramachandra Rao would move No. 75 and defer No. 74 till the return of the Honourable the President? That is my suggestion.

Mr. B. Venkatapatiraju: May I request, Sir, as the President has stated that in raising this discussion which would roam over the whole subject instead of being confined to a single subject, that you might find it possible to permit Dr. Gour to move his motion under the head General Administration so that all these general observations might be made under that head, and that that would facilitate matters, as otherwise we would find it difficult to decide where to stop with reference to our general observations?

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I rise to a point of order. Only a few hours ago the President ruled that under each head there might be a general discussion, and after that general discussion on that head the subsequent motions dealing with the reductions of specific amounts might be directed to particular issues. Now

in that view I think Mr. Venkatapatiraju is right that there should be a general discussion on the policy and character of the General Administration under this head covered by my Amendment No. 86; and then I submit it will be open to the other Members to draw the attention of Government to particular heads and sub-heads and criticize the policy of those Departments. I therefore suggest that you should order, Sir, that the general criticism of the Administration covered by my amendment be taken up first.

The Honourable Sir Malcolm Hailey: It will be within the recollection of the House that in making that observation the President was making a suggestion to the House and not a ruling. The President expressly excluded General Administration, which he said was a head providing for a considerable number of departments, and he specifically suggested that criticisms relating to the work of each Department should be taken up separately.

Dr. H. S. Gour: But, Sir, if we are dissatisfied with the General Administration, including all the Departments,—the main underlying policy of the Administration?

The Honourable Sir Malcolm Hailey: That is quite unthinkable!

Dr. H. S. Gour: I submit I am entitled to press, Sir, for pre-audience under my amendment No. 86.

Mr. Chairman: I think the Assembly will be quite in order, and also it would be convenient to my mind to proceed to No. 75.

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

“That the demand under sub-head ‘Home Department’ be reduced by Rs. 100.”

Sir, I should like to make a few preliminary observations in regard to the points that I wish to raise for discussion under this head.
A.P.M.

I take it, Sir, that the question of a discussion of the events which happened at Jaito appertain to the department which is now under consideration.

The Honourable Sir Malcolm Hailey: They have no reference to the Home Department at all.

Diwan Bahadur M. Ramachandra Rao: I was in doubt myself.

The Honourable Sir Malcolm Hailey: If they refer to any department, it would be the Political Department. No orders proceed from the Home Department at all.

Mr. Chairman: We are now concerned with the Home Department.

Diwan Bahadur M. Ramachandra Rao: The point that I wish to raise under this amendment is the position in regard to the recommendations of the Lee Commission. Sir, it has been said that this Assembly possesses considerable financial powers. One of the things that has happened during the last three years is that scheme after scheme which imposed financial burdens on this country was accepted by the Secretary of State. Schemes relating to the pensions, allowances, salaries, compensation on premature retirement, and various schemes of a like character have been discussed on the initiative of the Secretary of State by the Government and between the Government of India and the Secretary of State and

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between the Government of India and the Local Governments. All these schemes, Sir, have imposed considerable financial burdens on this country, the non-effective charges have been increased, salaries of certain of the officials have been raised, the allowances have been revised; and in every way it is a matter for extreme regret, so far as this Assembly is concerned, that these schemes have not been considered in this House. We have been told that we have a parliamentary system in this country. We ask the Honourable the Home Member whether any Parliament would tolerate the imposition of burdens on the country to which it is responsible from a body which is outside the country and which is itself not responsible to the Legislature of that country? That is the position which we are in at the present day, and I ask, therefore, for a definite assurance whether, in view of the appointment of a Commission, namely, the Lee Commission, which has been appointed against the express wishes of this House, we in this House will have an opportunity of discussing the financial and administrative proposals with which that Commission is now dealing. We have been told, Sir, that the report of this Commission, being a Royal Commission, is likely to be presented, either to the Secretary of State or to the Houses of Parliament, and that the activities of that Commission are likely to come to an end by the end of this month. Now, I should like first of all to suggest to the Honourable Member that this report should be simultaneously published in this country and in England. The second suggestion that I should like to make is that no orders should be passed by the Secretary of State without the whole of the report in all its aspects being examined by this House. (*Dr. H. S. Gour*: "That has been promised last year.") My friend says that it has been promised last year. I do not wish to charge the Government with breaking their promises.

* **Mr. Jamnadas M. Mehta**: With what will you charge it then?

Diwan Bahadur M. Ramachandra Rao: I do not wish to charge it with anything at present. I shall wait and see. But I would ask the Honourable the Finance Member and the Honourable the Home Member to take steps for its simultaneous publication and to make arrangements for its discussion as early as possible before the Government of India and before the Secretary of State proceed to pass orders on this matter. It is a matter of common experience, Sir, in these Councils that the Executive which is not responsible to the Legislature proceeds to deal with these large questions without any reference to the Legislature and after it once takes up this position, it generally sticks to it and says that the matter is now too late and there can be no further reconsideration of the subject in view of any remarks which the Legislature might make on the proposals. Therefore, with a view to avoid this contingency, I ask the Honourable the Home Member to arrange either at the May meeting or at the September meeting for the definite consideration of the recommendations of the Lee Commission and to get an expression of opinion of this House on those recommendations before either of these two authorities or the Local Governments, who are also concerned in this question, proceed to deal with them. The control of the all-India services is now a central subject and it is for that reason, Sir, that I am making this request. There have been difficulties during the last three years in regard to the control of the all-India services. Honourable Members are aware that each of the Provincial Governments had appointed Retrenchment

Committees. Those Retrenchment Committees had definitely recommended the abolition of some of the appointments which are in the cadre of the all-India services, which are under the control of the Central Government and the Secretary of State. I will mention one class of appointments—the Executive Councillorships. The Madras Legislative Council, I believe to the best of my recollection, discussed this matter more than once and it recommended that the number of Executive Councillors should be reduced from 4 to 3. My predecessor in office, the gentleman who represented the constituency which I represent here to-day, asked in this House about 18 months ago as to what became of that recommendation. The matter was then said to be under consideration. I believe the matter is still under consideration, because the four Members of the Executive Council are still holding office in Madras. Then, in regard to Bengal, I have a recollection also that the Legislature recommended that the Executive Councillors should be reduced from 4 to 2. I do not think that recommendation has been given effect to as yet and the Bengal Retrenchment Committee said definitely that the expansion of the Executive Council administration from 8 Members to 7, including the 3 Ministers, was a great anomaly. Then, again in the Central Provinces, the Retrenchment Committee suggested the reduction of one of the Members of the Executive Council, and transfer of his duties to one of the Ministers. I am sure my friends from the Central Provinces will support me in that statement. (*The Honourable Sir Malcolm Hailey*: "Are there still Ministers there?") Of course the Honourable Member is referring to recent events in the Central Provinces. I dare say he will say something on that matter also during the course of this discussion. Then, there are various other recommendations as regards the provincial executive officers. These recommendations have been under consideration during the last two or three years, and whatever may be the justification for the expansion of the Executive Government at the time when the reforms were introduced, the consideration being at that time that there were gentlemen who were then in service whom it would be hard to turn out of office at that time, I think, Sir, that this expansion of the provincial Executive Government to undesirable lengths has created the most unsatisfactory impression throughout the country, namely, that the reformed Governments do not care for economy, that the Governments are top-heavy; and no attempt made by any Legislature has succeeded on account of the impression that the services would lose these highly paid appointments. Sir, for this reason, I think that the whole question of the organisation of the all-India services has to be thoroughly threshed out in this House; and if the reference to the Lee Commission covers the whole ground, I think it is absolutely essential that, before adding any further burdens on the tax-payer in this country, we should have an opportunity of testing by discussion in this House the results of the efforts of the Lee Commission. Therefore I would ask for a definite assurance on this score and I would suggest that the Honourable Member should definitely announce either to-day or before the end of the session that an opportunity will be provided for the discussion of this subject. That is one matter on which I should like to ask for an assurance.

Sir, there is another matter about which I am not quite sure whether it comes under the department which I am discussing. That is the question of the Moplah prisoners of the Madras Presidency. In answer to an interpellation by me at the beginning of this session the Honourable the Home Member stated that there are 204 men in the Andamans at the

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present day. I should like to ask the Honourable Member to consider whether, in view of the fact that this Moplah rebellion is now more than three years old, it is still necessary to pursue this policy of keeping out men who undoubtedly did commit breaches of the peace and order, whether a more humane policy should not now be undertaken and whether the Government of India, in virtue of their powers of supervision and control, would reconsider the whole policy of releasing as many men as possible who are now under detention in regard to this Moplah rebellion. The matter has been discussed very many times in the Madras Council and also during the course of the sittings of the last Assembly. The question as to whether all these persons should be released irrespective of the offences committed by them is certainly not my suggestion. But there are many men who are under detention, whom it is no longer necessary to detain in custody, and that is a matter which requires consideration.

Sir, on the subject of political prisoners which has also been so often discussed in this House I will ask the Honourable Member to make up his mind to pursue a different policy from that which has been pursued in the past. During the last three years several men have been sent to jail and it has been the complaint of my Honourable friend Mr. Patel that, since the introduction of the reforms, 40,000 to 50,000 men have been sent to jail. I can say from my personal experience that several young men, who would not plead guilty and who would not certainly recognise the courts before whom they were brought up, went to jail for want of defence. It is true that at that time this attitude was taken up but I should like to know whether it is still necessary for the Government of India or even for the Provincial Governments to pursue a policy of locking up persons who I do not think are the persons who disturbed the peace in any substantial manner. I should like to know whether it is necessary, as is being still done in Madras, to detain under custody persons who have been engaged in what they call peaceful picketing of liquor shops. I should like to know whether in these circumstances, when the political conditions in India have changed, the Government will revise the instructions, if any, that they have issued, to the Local Governments in this respect. These are the three matters on which I would ask the Honourable the Home Member to make a statement to this House.

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

Mr. M. K. Acharya (South Arcot cum Chingleput: Non-Muhammadan Rural): Sir, the sweet reasonableness with which the Honourable Mr. Ramachandra Rao has put forth the grievances with respect to the organisation of the services, and so on, ought to be a matter of congratulation, I dare say, to all of us. If sweet reasonableness is a virtue, sometimes a frank candour in the statement of what we feel becomes no less a virtue, when we have to state once in a year what we do feel, or rather what those whom we represent here feel. Sir, in dealing with this almost all-powerful department, the Home Department, I would draw the attention of the Government to the great discontent which is prevailing in the country not merely on account of the manner in which the services are manned, and to other definite items in the administration, but to what may be called the general policy of that administration. I do most ardently desire to take this opportunity of putting before this House as the feeling of the great mass of the people in this country that the time has come when the Government ought to initiate a more humane policy.

a more sympathetic policy, by which people will be drawn in larger numbers to co-operate with the Government, as the Government say they do desire us to co-operate. I hope that the officers of the department concerned, and the officer in charge of the Home Department here would issue instructions to the provinces and make it clear to them that a new line of policy should be adopted in regard to matters which are put down in vague terms to-day as the maintenance of law and order, of peace and tranquillity. In those matters a much more careful policy ought to be pursued in the future and that is the chief point which I desire, with all the earnestness at my command, to lay before this House and the Home Department.

Looking into the figures of the Home Department, I find, for instance, that there is one big branch of it which is called the Central Intelligence Department. It takes away probably about one-half of the total Demand under that particular head, about 6 lakhs and odd. I do not know if this Central Intelligence Department is a twin brother of the old Criminal Intelligence Department. I will be the last person to deny that the Government should not have its own officers who will keep Government fully conversant with what is going on in the country. But, I want to know, how that department is administered at the present time. I want to know, whether it is administered in the best interests of the people concerned and, whether all the intelligence that is being conveyed by the Central Intelligence Department to the officers of the Home Department happens to be intelligence which is well based, which is reliable and on which the verdict of the people will be a verdict of confidence. These points ought to be carefully taken into account, for we believe that in many cases the right intelligence is not placed before the highest officers of the Government, who in their turn do not take care to sift all the information that is placed before them. Often it happens that these officers either do not possess the time or they do not possess the necessary facilities for sifting the intelligence which is placed before them, before they issue orders to the various subordinate officers.

Take, for instance, the case for the reference of which permission has, I think, been given, namely, the Jaito affair. I would like the Honourable the Home Member to inform himself as to what exactly is taking place not only through the departmental sources but, if possible, through other sources. Departmental reports, as we all know, are mostly written after the events have taken place in order to keep up the prestige of the department. And what is written to keep up the prestige of the department is not always what is absolutely true as matters of fact. Therefore, Sir, though I am keenly alive to the fact that more Indians should be employed and retrenchment should take place in the top services and so on; yet, that aspect is a subordinate consideration in respect of many of us. We would rather like—whether the administration is, as we commonly put it, by the Brown Bureaucracy or the White Bureaucracy—we would rather like that the administration and policy of the Department—whether manned by Indians or by Europeans,—should be guided by considerations of equity and justice; for indeed the great work for which His Excellency the Viceroy came to India was to administer the country, as he himself said, in accordance with the principles of justice and equity. He came, he said, to heal the wounded heart of India. But here I feel bound to say that as yet the wounded heart of India has not been healed. Rather the wounds have been made more sore than they were before His Excellency came. I do not deny that His Excellency is taking every trouble

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that he can possibly take, that he has got the energy and probably the will—I shall say doubtless he has the will—to heal our wounded hearts; but as yet the fact is there and I should be failing in my duty if I did not say it with all the bluntness that I am capable of—the fact is there that the wounded heart of India has not yet been healed. May I hope that His Excellency the Viceroy and the Governor General, with the help of the distinguished officer who now presides over the Home Department, who is going to have his well-deserved promotion to a higher place, and with the help of other distinguished officers who will come in his place will, at least during the remaining tenure of his office, do all that he possibly can, to keep the pledge that he made not only to India but to the whole of the civilised world? The pledge is still unredeemed. May we hope that he will not leave these shores without that pledge being fulfilled; that he will not add to the many pledges that have been broken in this land? But His Excellency is a distinguished statesman, though I suppose, while he happens to be the Viceroy and Governor General of India, he has to adjust himself to the Liberal or Conservative or other politicians in England! Although, therefore, His Excellency's policy in India might have departmentally changed with the changing Governments in England, I trust that he is still a Liberal at heart; and that with respect to India he will do his best not simply to maintain peace and order—for we are a peaceful and law-abiding people, Sir; and indeed I would take up the gauntlet thrown down by anybody who says that in his opinion we are either lawless or wanting in the capacity to be peaceful and law-abiding. Therefore, in this law-abiding country, it is unfortunate that the lacerated and wounded heart of India bleeds so woefully to-day; and that is what draws the tears from the eyes of my Honourable friend, Pandit Madan Mohan Malaviya, and of everyone of us, when we contemplate that the most liberal Viceroy and the most liberal and experienced Home Member are yet unable to find out a cure for this Akali affair which has been going on for the past six months and is probably going to be repeated. God forbid it, within the next few hours perhaps! Therefore, Sir, I appeal to the Honourable the Home Member, I appeal to His Excellency the Viceroy, who, I dare say, has more to do with the Home Department perhaps than with any other Department, and I would appeal to all those who are in charge of the Foreign and Political Department which specifically I hear had something to do with the deposition of the Maharaja of Nabha.

Mr. President: The Honourable Member is getting out of order now.

Mr. M. K. Acharya: I thank you, Sir, I appeal to them to do all that they can to see that the Akali grief is righted as soon as possible so that we may have the fullest chance of congratulating the Home Department upon having found a proper and satisfactory solution to this great, pressing, urgent wound of ours. I have very few more remarks to make and I would once more press this point that the general policy in the administration of this General Administration Department is a matter which requires to be overhauled root and branch, and a more humane and more just and more righteous policy requires to be adumbrated by the officers concerned.

Dr. H. S. Gour: Sir, may I inquire whether under your ruling we shall be allowed to criticise the general policy of the administration under Amendment No. 86, the general amendment for the reduction of Rs. 100 from the grant for General Administration, or whether we have to confine

ourselves in dealing with each item and each head separately? I wish really to know, Sir, because, when you were absent, during the incumbency of my friend, Sir Chimanlal Setalvad, I raised this question, but no decision has been come to. I understood you to mean that in dealing with this question, first of all you would permit one general discussion traversing all the ground of General Administration, and afterwards a certain number of amendments will be allowed to deal with detailed criticism of the different Departments comprised under the general head of Administration. If that is so I ask for leave that I should be allowed to move my motion first which deals with the whole question of General Administration. But if it is permissible to Members to criticise the policy of the General Administration while dealing with this particular motion of my friend, Mr. Ramachandra Rao, then I submit there will be no object, Sir, in moving amendment No. 86 at all, which deals with the whole question of Administration. I want your ruling, Sir, on this question.

Mr. President: The motion before the House is that the Demand under sub-head Home Department be reduced by Rs. 100, by Mr. Ramachandra Rao. Once that motion is moved, the discussion is restricted to the subjects under the direct administration of the Home Member and his Department. What Dr. Gour has said is quite true that a general discussion of policy is ruled out under that head and could only come under a general reduction under the head General Administration.

Dr. H. S. Gour: Yes, Sir, that was exactly my view and I therefore insisted upon a general discussion on amendment No. 86, and, if I mistake not, the Honourable Mr. Ramachandra Rao acquiesced in that decision. If it is not too late, I would still ask you, Sir, that the general discussion should proceed on that motion and we should take up the other Departments afterwards.

Mr. President: Well, the motion standing in the name of Diwan Bahadur M. Ramachandra Rao having been moved, the debate must proceed within the limits of the subjects entrusted to the control of the Home Department.

The Honourable Sir Malcolm Hailey: Sir, I only wish to obtain your orders in order that we may know what we have to deal with. I am quite prepared at this stage or any other stage for a general discussion on those aspects of the General Administration which affect my Department. But, if the discussion which Dr. Gour wishes to initiate is to range not only over General Administration as affecting my Department but over those in the charge of my Honourable Colleagues, in fact over the whole sphere of Government work, we should like to know in advance, because it is necessary for me to give my Colleagues some intimation in order that they may be able to take up those subjects of the discussion which refer to their Departments. And perhaps I might suggest that, were the discussion to range over such a wide field as that, it might become so wide as to become a little infructuous; and I would merely as a matter of advice suggest that general discussions of this nature be taken departmentally; then we shall all know exactly where we all stand.

Dr. H. S. Gour: Sir, I think it is within the recollection both of yourself and the Honourable the Home Member that during the last three years we have been directing our attack upon the policy of the General Administration and during the last two years not without effect. The Honourable

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Member will remember that we made cuts on the ground of General Administration which we disapproved of and I do not think my Honourable friend the Home Member can say that he will be taken by surprise if we launch a general attack upon the policy of the General Administration covered by the amendment of which I am the author.

The Honourable Sir Malcolm Hailey: No, Sir, nothing would surprise me; but I wish our discussions to be fruitful, and I merely suggest that they would be more fruitful if the method I propose were adopted. Indeed, Honourable Members opposite would find that they will then be able to make their remarks more pointed and their attacks if they so desire, more severe. For instance, if my Honourable friend, Dr. Gour, were to range over the whole subject of our administration, then other Members of the House, speaking in their turn, will attack no doubt different aspects of it, and the general result will be that it will be almost impossible to distinguish the particular points which are of the greatest importance. It is purely a matter of convenience and advice that I spoke; nothing else.

Mr. President: The Honourable Member is aware that we have already had one discussion—as a matter of fact, we have had two,—on the general policy of the Government of India, one on the Budget debate and one by agreement on the motion to omit the Demand under Customs. He is also aware that a further opportunity of criticising the policy of Government arises on the motion that the Finance Bill be taken into consideration. It seems to me appropriate to continue as we have begun with this motion on the Home Department for the reasons advanced by the Honourable the Home Member, namely, that by taking each Department *seriatim*, the opportunity for criticising the Department is thereby made more effective.

Dr. H. S. Gour: Sir, I wish to crystallize my remarks against the Home Department in the following words. You are aware, Sir, that, during the last three years, this House has been asking for a reshuffling of the portfolios and that during the last session, we pointed out how the Honourable the Home Member was growing thin and my friend the Honourable Mr. Chatterjee was getting stout. One was over-worked, the other was in charge of subjects like Mycology, Museums, Fisheries, and Ancient Monuments, and a few allied subjects of that character. Now, Sir, the progressive realisation of self-government in this country is only possible if an honest and sincere effort is made to educate the people in the art of government. When we met here during the last session, we asked the Government of India to appoint Standing Committees attached to the various Departments, such as Home, Education, Finance and the rest. During the early days of this Session I interpellated the Government as to how many sittings these Committees had and what work they performed. The reply is the most illuminating document. It was said that the Home Department convened so many meetings merely to consult Members as to whether the Government should support or oppose certain private Bills. I beg to ask if this is the sole function of a Standing Committee appointed by this House for the purpose of studying the arcana of the Home Department. We had hoped that when this Committee was put on foot, as we did put it on foot, in spite of the opposition of the Treasury Benches, the Government would take this Committee into complete confidence and the Members thereof would be let into the secrets of the working of that most important of all Departments of the Government of India. At the time when we

debated this Resolution, we were told that the Home Department had to deal with matters of great confidence. We were told that we could not instal such Committees because these Committees would have to meet much too often and it would be a waste of the time of the Members of the House if they were called into service from time to time. Well, Sir, Members of this House overcame all these objections and they decided that it was absolutely necessary in order to fulfil the pledge made in 1917 as to the progressive realisation of self-government in this country and the greater association of the representatives of the people with the Government of India, that these Committees should be appointed. Now, Sir, I have already depicted to you the tale of last year when these Committees were functioning, and I think I need not labour this point, because I am sure there is no one on this side of the House who will be satisfied with the work that has been entrusted to these Committees, work of a most mechanical and subordinate character while other work has been withheld from the cognisance of these Committees. I have said that the Home Department is one of the most important Departments of the Government of India dealing, as it does, with the whole question and policy of the internal administration of this country. This important portfolio might undergo a change, and as we have got three Indian Colleagues adorning the Treasury Benches, I should have expected that, out of deference to the almost unanimous wish from the non-official benches in the late Assembly, the Government of India might have given an Indian Member a trial as Home Member. It would not have been an unprecedented trial. In my own province, the office of Home Member is held by an Indian, a fellow member of my Bar, and I ask the occupants of the Treasury Benches whether he has not given entire and complete satisfaction. I have no doubt that the Home Members in other provinces are also Indians. If this is so, I beg to ask why it is that the Governor General in Council has not thought fit to placate public opinion, as voiced by the representatives of the people in this Assembly, by making a start and inviting one of my three fellow-countrymen who adorn the Treasury Benches to apply his mind to the department of internal administration. I speak, Sir, with absolutely no reference to the distinguished occupant of the Treasury Bench, your present Home Member, whose elevation to the Governorship of the Punjab we all approve and applaud. But what I do say is that when there is a vacancy and an opportunity is offered to the Governor General in Council, a trial should have been made by giving an Indian Member a chance to work in that Department.

The Honourable Sir Malcolm Hailey: The Governor General in Council?

Dr. H. S. Gour: Well, Sir, we know all these fictions. We are getting accustomed to them. I do not think the Honourable the Home Member need seriously detain us over the difference between the Governor General and the Governor General in Council.

The Honourable Sir Malcolm Hailey: There is in this case a very real difference.

Dr. H. S. Gour: I pass on to the next question. The Honourable the Home Member is in charge, as I have said, of the internal administration of the country. Consequently, the question of reforms is in his own portfolio. During the last session of the Legislative Assembly we passed two Resolutions, one after the other, for further reforms. I do not know, Sir, how far Sir William Vincent, who was then Home Member, was responsible for the unanimous vote recorded by this House in favour of further

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reforms before 1929. That question has been debated on several occasions in this House and we have contended, on the strength of the official debates, that the amendment was moved, or at least approved by the Government, and unanimously passed. I wish to ask what effect the Home Department have given to that amendment which was unanimously passed for further reforms by the late Assembly, and if the recommendations of the Government of India have been thrown into the waste paper basket, what action the Government of India have taken to vindicate their own action and their recommendation. Only the other day we passed a similar Resolution for the third time and I was hoping that the Government of India have used all their pressure in support of this Assembly and recommended an advance towards self-government. But if the newspaper report be correct, Honourable Members will be disillusioned, for I read in the papers to hand this extremely pessimistic dialogue in the House of Commons. Mr. Craik asked :

"Do the Government intend to adhere to the provision of the Act of 1919 for deferring the constitution of the Committee for a decade?"

Mr. Richards : That is exactly the position."

Well, Sir, if that is exactly the position, then I think the Honourable the Home Member need have no doubt as to what would be the position of the occupants of the non-official benches on this side of the House.

Mr. Devaki Prasad Sinha : May I ask the Honourable Member if his contention is that the response made by the Government at home is unsatisfactory?

Dr. H. S. Gour : I am making a speech and not answering questions. Now, Sir, I wish emphatically to state for the information of the Honourable the Home Member that, he will have over-ried the patience of Members on this side of the House if he ever thinks that we shall complacently submit to the position enunciated in the House of Commons. (A Voice : "You want to remain neutral.")

Mr. President : Order, order. I cannot allow the Honourable Member to turn this debate on Administration into a constitutional debate. As I have pointed out, we have already had two debates on the subject and a further opportunity will arise on the Finance Bill.

Dr. H. S. Gour : I was coming nearer home. I was referring to the position of the Honourable the Home Member as in charge of law and order. You, Sir, have heard the plea of my esteemed friend Pandit Madan Mohan Malaviya this morning. He pleaded in eloquent terms for the intervention of the Home Department in the interests of law and order. He pointed out that a procession of pilgrims was on its way from Amritsar at . .

Diwan Bahadur M. Ramachandra Rao : On a point of order, Sir. I may point out that item No. 74 in the agenda relating to Foreign and Political Department has been passed over. I intended to raise this question of Jaito under that issue. I am trying to protect myself by asking for a ruling from you if I would be in order in discussing this matter under the item which has been passed over.

The Honourable Sir Malcolm Hailey : This is not a matter for the Home Department. The orders which are issued to the Administrator in Nabha are not issued in my Department but in the Political Department.

Diwan Bahadur M. Ramachandra Rao: What I am troubled about is this that my Honourable friend is discussing Jaito under this head and I may be prevented from bringing it up under item No. 74.

Mr. President: I may at once say that Dr. Gour is not in order in discussing Jaito here.

Dr. H. S. Gour: Nor am I discussing it. I am discussing the question of law and order in British India for which the Honourable the Home Member is primarily and directly responsible not only to the Government of India but to this Assembly. Therefore I am entitled to ask this House that the Honourable the Home Member should preserve law and order within the limits of British India.

The Honourable Sir Malcolm Halley: I am trying to do it.

Dr. H. S. Gour: That is the question with which we are concerned. We are not concerned with the administration of any Foreign State. We are here concerned with the administration and strict enforcement of law and order within the territories ruled by His Majesty and his representative, the Government of India. Now, Sir, I say, when you find a body of men collecting together and marching in a procession, and in this case, a peaceful procession, and when you find, as the Government of India know from past experience, that there is likely to be collision and bloodshed (A Voice: "Elsewhere.") and that the lives of these peaceful pilgrims are imperilled, are we not entitled to ask the Honourable the Home Member what precaution he has taken, what action he proposes to take for the purpose of preserving the lives of these people? That, Sir, is a question which does not concern any administration, foreign or otherwise. It deals directly with the Home Department and it is the primary duty of the Honourable the Home Member to assure this House as to the means and measures which he has adopted or proposes to adopt for the purpose of protecting the lives of our fellow-countrymen. If we are satisfied, the motion will be withdrawn. If we are not satisfied, the motion will be pressed to a vote and if possible, to a division. I submit, Sir, that that is a question which cannot be over-looked.

Then, Sir, my Honourable friend Mr. Ramachandra Rao raised certain questions dealing with the Indian Services and the Lee Commission. If I remember aright, we raised this question last year and we were assured by the Honourable the Home Member that the report of the Lee Commission would be placed before this House and that without an expression of opinion of this House no further action would be taken. I can only think that my Honourable friend, Mr. Ramachandra Rao, wants a re-statement from the Honourable the Home Member to that effect. I have no doubt that the Lee Commission, when it submits its report, will recommend certain changes involving the country in financial liability. I have been told by persons well versed in provincial finance that orders have already been issued to the different Local Governments that they should set apart several lakhs of rupees for the purpose of meeting the pay that might be increased in consequence of the recommendations of the Lee Commission.

The Honourable Sir Malcolm Halley: Does the Honourable Member suggest that orders have issued from us to that effect, or from the Provincial Governments?

Dr. H. S. Gour: I did not issue the orders, nor am I a Local Government.

The Honourable Sir Malcolm Hailey: Are you making a suggestion that we have issued these orders?

Dr. H. S. Gour: I make this statement that Provincial Governments have been asked to make

The Honourable Sir Malcolm Hailey: By whom?

Dr. H. S. Gour: That is the question which I ask the Honourable the Home Member to answer.

The Honourable Sir Malcolm Hailey: Excuse me. Let us have plain dealing in a matter like this. The Honourable Member makes a suggestion that orders have been issued to Local Governments that a certain sum should be set apart in order to give effect to the recommendations that may be made by the Lee Commission. Now, those orders, if issued at all, can only have been issued by us. I ask him definitely, does he state that orders have been issued by us? Let us have no insinuations. Does the Honourable Member suggest that those orders have been issued by us?

Dr. H. S. Gour: I ask the Honourable the Home Member categorically to deny that fact. Is it a fact?

The Honourable Sir Malcolm Hailey: If you make that suggestion yourself I will give an answer. I want you, if I may put it in so many words, to take the responsibility of making that suggestion.

Dr. H. S. Gour: I have been assured that the various Local Governments have been asked to hold themselves in readiness in order to meet the demand that might be made upon them in consequence of increased salary to be recommended or that might be recommended by the Lee Commission.

The Honourable Sir Malcolm Hailey: Will you take the responsibilities, Sir, I ask you again, of fathering that statement? You say you have been assured. Who has assured you? I ask you if you will put that suggestion forward as your own, instead of taking shelter behind a vague suggestion made by somebody else.

Dr. H. S. Gour: I have absolutely no authority to say that the Government of India have passed the orders. I have no authority to say that the Local Governments have passed the orders. I will therefore say that nobody has passed the orders.

The Honourable Sir Malcolm Hailey: In that case the Honourable Member is perfectly correct. I do not wish to have any difference with the Honourable Member, nor to allow any heat to come into our discussion. I merely wish to enter a protest against a vague suggestion being made on the floor of this House which might be very embarrassing to us and which might, if I had passed it unnoticed at the time, be construed as having been assented to by us. I can say very definitely, and I know the Honourable Member will accept my assurance on the matter, that no such orders have issued from the Government of India at all.

Dr. H. S. Gour: I am very glad to hear that no orders had been issued at all. Now, Sir, I wish to ask what opportunity the Honourable the Home Member proposes to give to this House to discuss the financial and other proposals that may be made by the Lee Commission and does he

propose to await the decision of this House before formulating the views of the Government of India as to their own recommendations upon the report of the Commission? I suggest, Sir, we suggested it last year, that the Government of India should first consult this House, take it into confidence and afterwards formulate its own views and send up recommendations after due deference to the recommendations of this House. I want the Honourable the Home Member to assure the House that this will be done. If I understood him aright last year we had an assurance that this House would be consulted and the report would be laid before it.

Another point dealing with this particular department is this. The Inchcape Committee had made certain cuts. I want the Honourable the Home Member to inform this House how far the cuts recommended by the Inchcape Committee have been given effect to and, if they have not all been given effect to, what is the reason for it. On this point I invite the attention of the Honourable the Home Member to the recommendations of the Inchcape Committee and the small pamphlet issued dealing with the cuts that have been given effect to and I want the Honourable the Home Member to inform the House as to what was the total amount of the cuts recommended by the Inchcape Committee and what is the amount of the cut that the Home Department have not been able to give effect to. These are the points upon which I should like information from the Honourable the Home Member and I may say in passing that when I tabled my Resolution under head 86 I intended to address these remarks in connection with that amendment and I shall withdraw that amendment if I get a satisfactory reply upon my friend Mr. Ramachandra Rao's motion.

Sir P. S. Sivaswamy Aiyer: I wish to ask the Home Member whether he would give us some information about the large anticipated increase in Secret Service charges by 50 per cent. The Budget estimate for the current year is 1,70,000 and for the next year 2,60,000.

Mr. R. K. Shanmukham Chetty: Sir, my Honourable friend Mr. Ramachandra Rao in the course of his speech drew the attention of the Honourable the Home Member to the way in which political prisoners are being treated in jails. I need not remind this House that for the last three years both the Government of India and the Provincial Governments have been reminded of the fact that the way in which political prisoners are being treated in jails was not worthy of any Government which might be called a civilised Government. I must frankly confess that I for one have not yet been able exactly to find out a definition of the term "political prisoner." I must confess that; but I can at the same time say that, though I cannot define what a political prisoner is, I can recognise one when I see him. That is all I can say about the political prisoner. Judging from that category I say that during the last three years especially the great number of prisoners that come under this category have been treated very inhumanly in the jails. I might draw the attention of this House particularly to one case which occurred in Madras quite recently. It was some seven or eight months back that a well known public worker of South India, Dr. Varadarajulu Naidu, was to preside over a provincial Conference in one of the districts. An order was issued upon him that he ought not to preside over that Conference. He honestly thought that such an order was absolutely unjustifiable. But despite . . .

Mr. President: Will the Honourable Member tell me who issued the order?

Mr. R. K. Shanmukham Chetty: Some Magistrate, I suppose.

Mr. President: Under whose authority?

Mr. R. K. Shanmukham Chetty: I do not exactly know under whose authority.

Mr. President: Does the Honourable Member suggest that it was under the authority of the Government of Madras?

Mr. R. K. Shanmukham Chetty: It might be under the authority of of the Local Government. My point was not to argue whether that order was unjust or unjustifiable. That was not the point of my argument. What I was driving at was that for this technical offence he was convicted for six months' rigorous imprisonment and the treatment that he was accorded in the jail during the last six months was something of which any civilised Government must be ashamed of. I know, Sir, that the management of prisons is purely under the province of the Local Governments but I am also aware of the fact that the management of prisons is one of those subjects which are under the control of provincial Governments subject to the authority of this Assembly and the Government of India, and therefore, I think we are perfectly in order if we draw the attention of the Government of India to the fact that they have not taken any steps to see that the political prisoners of India are treated in a better manner than they are treated at present. It might be asked what exactly is the kind of treatment that we want political prisoners should get. In this connection I might refer to the way in which such prisoners are being treated in the English prisons. Persons who are convicted of sedition are classified as prisoners of the 1st division and the English prison regulation prescribes the precise manner in which such prisoners ought to be treated:

"They must be kept separate from convicted persons and from each other and may be allowed by the visiting committees on payment of a small sum to occupy a special room furnished with private furniture. They may be relieved of domestic work and may be allowed to exercise apart or with selected untried prisoners. A prisoner of this nature may have note books, papers, documents or other articles in his possession when arrested that are not to be used as evidence against him and are not connected with his case or incompatible with prison discipline. They also have such books, newspapers and other means of occupation as are not considered objectionable. They may provide themselves with food, clothing, bedding and other necessities. If they do not provide their own food they receive the diet provided for prisoners awaiting trial. They are not required to have their hair cut except in the interests of cleanliness and hygiene."

That is the English prison regulation which prescribes the treatment meted out to what might be called political prisoners. Comparing that with the treatment meted out to the same class of prisoners in India, I ask, Sir, whether the Government consider themselves justified in continuing the miserable treatment meted out to them. To add insult to injury, some of the imputations made against these political prisoners by high responsible officers are indeed very deplorable. In the case of the gentleman about whom I spoke just now, Dr. Varadarajulu Naidu, when a question was asked about him in the Madras Legislative Council the reply was that the Government had ample evidence that this gentleman invited the Japanese Government to come and invade India. Now I say, Sir, that for any Government official, be he a Provincial Government official or an official of the Government of India, to make such a statement is nothing short of cowardice. If really the treatment that was meted out to him can be explained on this ground, then I would not wish to comment any further. If Government have in their possession any evidence against their political prisoners to charge them with such high treason, the proper thing for them to do is to put the prisoners on their trial on those charges

and then give them proper treatment. But instead of doing that, to prosecute them for technical offences and then give them the treatment which you ought not to give even to some of the most heinous criminals is, I think, very deplorable indeed. I might say that one of the tests for judging whether a Government is civilised or not is the way in which the prisons of that Government are administered. It is now recognized on all hands that prisons are meant to be reforming institutions, to turn the thoughts of criminals from violence and crime and make them better citizens of the State. Instead of fulfilling that function, for the State to shut up in its prisons most respectable citizens who have the courage of their convictions and have the boldness to expose some of the actions of Government, and to treat them like criminals is not, I say, worthy of a civilized Government. If I were to judge the Government of India by that standard, the standard which they maintain in their prisons, I would unhesitatingly say that they deserve to be called only a semi-civilized Government.

Bureau of Public Information.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, with your permission, I shall withdraw my motion* No. 77 and ask permission to speak on the Bureau of Central Information on this motion No. 75.

Sir, the Budget estimate for this Department this year is Rs. 1,37,900. I notice that last year the Budget estimate was Rs. 1,49,200 and the Incheape Committee recommended a cut of Rs. 42,000. In other words, on the recommendation of the Incheape Committee, a reduction of Rs. 42,000 was effected and the Budget ought to have stood at Rs. 1,07,200. As a matter of fact it stood at Rs. 1,13,660. I would ask for information as to why the estimate has gone up again to Rs. 1,37,900.

In the second place, Sir, there are certain items which I feel I ought to criticise, or rather about which I should like to ask for information. I see a substantial amount of money, a sum of Rs. 2,000, is placed to the credit of 'cables.' May I ask, Sir, for what purpose these cables are sent; are they for purposes of the administration of the Department, or is the money meant for purposes of propaganda or for sending information to other countries with regard to events here? I see also a further charge of Rs. 9,000 for publicity purposes. We should all be grateful in this House for information as to how this money is spent.

There is one further point, Sir, with regard to this Department. The public are not yet clear whether this Department is actually a department of publicity or whether, as it arose out of the war, it is a department of propaganda. I think most Governments will recognize that, during peace time at least, no Government ought to have anything to do with propaganda. If it is purely publicity, we should desire to have information. Some little time ago I was in the United States and in Canada, and I was told by a number of friends whom I met that there was an agent of the Indian Government in the United States and Canada who was speaking on Indian administration and on the Indian Government. I was told by a very high political personage in the Canadian Government that he had gone to hear this gentleman speak, and the lecturer so applauded the Indian administration that he said to himself, "I believe this man must be really a paid agent of the Government of India." I would like to know if any money of this Department goes to the upkeep of people of this kind. So much for the Bureau of Public Information.

* "That the provision for 'Bureau of Public Information' under the sub-head 'Home Department' (page 48) be reduced by Rs. 40,000."

[Dr. S. K. Datta.]

There is another point which I would raise here. I take it that the police regulations relating to the entry of people into India are under the control of the Home Department. It is amazing to me the treatment which Indians leaving India for Ceylon or returning from Ceylon to India get from the police officials. I was returning the other day from Ceylon—I had arrived as a matter of fact on a boat from Australia with a large number of Australians and New Zealanders which landed us at Colombo. They also travelled across to India and as we passed the Indian police officials, the Australians and New Zealanders were allowed in without further inquiry; but I was an Indian and the police official signalled to me and asked me where I had been, what I had been doing and my address in Melbourne, which I told him was that of a hotel. He asked me, which one, and I am afraid I had to fabricate the name because I did not remember it. Further than that he went on to ask me various questions, until finally I said, "you did not ask those other people about these things." "No," he said, "our instructions are to make close inquiries about foreigners and Indians entering India. I have been classed as a foreigner in many other countries, but this was the first time I had had that term applied to me in India. These are the small things, Sir, which in the working out of police regulations help to irritate a very large number of Indians. A little imagination would immediately set them right. When you are entering England every one is given a form and asked to fill it up, but not so here. We are selected for differential treatment in our own country.

Well, Sir, with these words and my requests for information, I beg to support the motion which was presented to this House by Diwan Bahadur Ramachandra Rao.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I support the motion that the Demand under the head General Administration be reduced by Rs. 100. Enough has been said by the speakers who have preceded me to justify that proposal. But if further arguments are needed, there is no difficulty in furnishing them abundantly. In view of the shortness of time and of the fact referred to by you, Sir, that there will be another occasion to discuss some of the larger questions when the Taxation Bill comes up, I will confine myself to those matters strictly appertaining to General Administration; and under this heading I will first draw attention to the necessity for a reconstitution of the Governor General's Council. That reconstitution is desirable from two points of view, firstly, from the point of view of political advantage, and secondly, from the point of view of the financial advantage which under my proposals will accrue. I will first take up the latter. So far as the financial advantage is concerned, it is a well-known fact that salaries in India are excessively high. (A Voice: "No.") I hear somebody saying "No;" I do not agree with him. Probably if he compares salaries in this country with those in England and other civilized countries, he would not so lightly say "No." Well, the Governor General of India I find gets a salary of Rs. 2,50,800 a year. Now, Sir, I suggest that the salary of the Governor General should be reduced to Rs. 15,000 a month. I find on the next page that the salary of a Member of his Executive Council is Rs. 6,666-10-8 per month. I suggest that the salary here should be reduced to Rs. 4,000 a month. (Laughter.) There is laughter on the Government Benches, there might well be. Without

those salaries perhaps the state of things would have been different. But, Sir, while there are those who can laugh, there are others who weep; I do not know whether there is more occasion even for Government Members to weep than there is for laughter when the salaries are at Rs. 6,666-10-8 a month for each. I suggest that the salaries be reduced to Rs. 4,000 a month. That is the salary which has been given to Judges of the High Court serving under His Majesty's commissions in the various High Courts of India for nearly 70 years, and there is no man who dare suggest that the Judges of the High Courts, Indian as well as European, have not been men of absolutely honourable character, men above any suggestion of corruption. That being so, if in the most important department of the administration of justice, in the High Courts, Englishmen and high-class Indians have been found willing to serve and serve honourably for years together on a salary of Rs. 4,000 a month, I fail to understand why Members of the Executive Council of the Governor General of India should not be able to do the same on that salary. (*Mr. Darcy Lindsay*: "They are paid for the amount of work they do.") I think Mr. Darcy Lindsay is not sufficiently familiar with matters legal, otherwise he would know that it is recognized that a Judge has to put in more hard work than any other public servant, and that for that reason he is permitted to retire on a pension after 12 years' service, which cannot be said of executive officers. Now, Sir, that I submit is one direction in which reform is needed. That is the financial aspect of it.

I now come to the political aspect. The present system of the Executive Council of India has failed, Sir. I am grieved to say that it has failed miserably. So far as His Excellency the Governor General of India is concerned, he represents His Majesty the King as Viceroy, and he is also the head of the administration as Governor General in Council. I leave him alone. He comes more near to presiding over the Cabinet, over the deliberations of the Cabinet. He ought to play the part of the King in adjusting different conflicting interests and in seeing that justice is done to the demands of the people, to the requirements of the people, over whom the King rules and by whose existence by virtue of being the King-Emperor he is called the Emperor of India. Then, Sir, there is His Excellency the Commander-in-Chief. So far as the administration of the Army is concerned, he must be left to guide and control the operations of the Army. But we want an Indian Member who will be available not on the same salary or a similar salary—for an Indian must be prepared to serve his country on 25 per cent. less than what a fellow-Englishman gets in the service of this country, and I think therefore that if we appoint a Member for Home Defence, that will be a political advantage, and will enable us to begin to build up our national defence. The third Member who is most urgently needed in this re-arrangement is the Home Member. It is an anomaly, something worse than an anomaly, to appoint my friend, the Honourable Sir Malcolm Hailey, to be the Home Member for India. It would be more in keeping with things, with the reality of things, if an Indian were appointed to be the Home Member for India; and I suggest this because the responsibilities of the Home Member are great. I support the remarks of my friend, Dr. Gour, that the most difficult Departments should be entrusted to Indians in this present state of transition. You have got three Indian Members in the Executive Council of the Viceroy. There is absolutely no reason why the Home Department should not be handed over to an Indian. Do not let anybody be under a misapprehension. We are not making any personal comments against any Honourable Member.

[Pandit Madan Mohan Malaviya.]

We know that, so far as representing the views of Government is concerned, so far as standing fast with the Government is concerned, the Honourable Mr. Chatterjee would not allow it to be said that he yielded to any one in his zeal for supporting Government or for standing together with Government. So also is the case with the Honourable Sir Narasimha Sarma; so also is the case with Sir Muhammad Shafi. It is not a personal question, but I suggest this that, because this is a matter in which the closest interests of the people are concerned, the Home Member ought to be an Indian. I say this because the administration of the Home Department under several preceding Home Members, without meaning any disrespect to any particular Member, has not been satisfactory. For years together we have had the administration of law and order in the hands of the Home Department. For years together, from 1897 onwards, we have had numerous complaints of the maladministration of law and order. My friend has referred to some of it in recent times. I shall draw, very briefly, attention to what has happened during the last three years. During the last three years, when there should have been peace after the war, when there should have been harmony after the war, repressive laws have been kept in force and put into use in various parts of the country which have meant a great deal of want of peace, a great deal of suffering, a great deal of tension between the people and Government. It is true, Sir, that such acts of repression have been carried out in practice by the Local Governments, but the policy has been dictated or has been approved by the Government of India. I will refer first to that lawless Act, the Indian Criminal Law Amendment Act, Part II. The House will remember that the Repressive Laws Committee which sat recommended that the repeal of this Act should be taken into consideration at an early date. It was suggested that the Government were thinking of introducing a Bill and that they would repeal the Indian Criminal Law Amendment Act. That Act has not been repealed; it has been put into force in several provinces on the flimsiest of excuses. I submit, Sir, that there is no justification for this law having been put into force in many of the provinces. It is under the operation of this law that it is left to the Governor of a Province to declare any association to be an unlawful association. He is not asked to assign any reason for the declaration he makes. There is no appeal from that declaration; there is no court in which the matter can be tested or tried. He is left free to condemn unheard any association against which he forms an opinion. Under that law, the Congress volunteers were declared unlawful associations, and under that law recently the Shiromani Gurdwara Prabandhak Committee of Lahore has been declared to be an unlawful association, and this is a Committee which the Government itself recognised, not very much before the time that it was declared to be unlawful, to be a representative of the large body of Sikh public opinion. Under the operation of that law a number of gentlemen have been tried and have been sentenced, without any other evidence of any criminality, without any evidence of any unlawfulness, merely, solely, on the ground that they belonged to an association which the Governor of a province had taken it into his head to declare an unlawful association. I ask, Sir, I ask any Member of this House to say whether the continuation of such a law can be justified under any pretext in the present circumstances of the country. If you want to strike down an opponent, if you want to punish a man for having done anything which is really a violation of law, proceed against him according to the law of

the land. There are numerous provisions in the laws of the land. There are many enactments under which the Government can proceed against anybody who may indulge in real sedition or who may be guilty of a real unlawful act. But certainly it does not behove the Government to take shelter under this Act, which should have been repealed when the other repressive laws were repealed, which it was promised would be repealed after no long time, and which cannot be justified under any circumstances. Perhaps the House is aware, Sir, that this Act was passed in 1906 when bombs were flying about in Bengal, when there had been a number of unfortunate murders committed in Bengal by the anarchists during those days, when associations had been created in order to fight the Government, in order to carry out a rebellion against the Government. That state of things is long past now, and this Act was considered to be an obsolete enactment. When it was revived in 1921, and under the evil operation of this Act, under the misguided operation of this Act, many an honourable man among Indians was put in jail and made to undergo imprisonment. Several of these gentlemen to whom this injustice was done are sitting here to-day as the Colleagues of all of us, men as honourable as any Member of this House, and yet they were subjected to this hardship, to this wrong, for no other reason than that such a law exists which permits a Governor of a province to declare an association unlawful without having to assign any reason for such a declaration.

The second maladministration of law that I will refer to is the use of section 144 of the Code of Criminal Procedure. Under that section, Sir, notices have been issued to men of known position, of known antecedents, not to deliver speeches, not to hold public meetings, not to proceed with meetings. I challenge any lawyer to say that section 144 was meant to be used as the Government of India have used, or sanctioned the use of it during the last three years. I challenge anybody to say that that section was meant to be misused as it has been misused during the last three years. Under the operation of that section a Magistrate, a Joint Magistrate, an Assistant Magistrate, takes it into his head to issue an order that a certain person should not deliver a speech. Every sensible man should have disregarded such silly orders. The Commission on the Penal Code, on which Lord Macaulay was a member, said that every order of a Magistrate, every idle order, was not to be obeyed. But people have obeyed them, my friends the non-co-operators particularly obeyed them because they wanted to show how far the Government could go, or allow their officers to go, in maladministering a law. Several times, Sir, more than once, more than half a dozen times, orders were issued against me under that section, and every time, except one, I defied them, and I defy them again to-day. I reach Gorakhpur on a certain day and a young Magistrate writes to tell me that I should not address a public meeting, because there would be danger to public tranquillity. Perhaps the gentleman was not older than my son. Perhaps he had not come to this country when I entered public life, and yet he took it upon himself to say that my speeches, after many years of public life, were calculated to disturb public tranquillity, and therefore I should not address a public meeting. I defied the order, and he had the sense to understand that he could not proceed against me. Similar cases have occurred in other places, but the majority of the men against whom such silly orders were issued obeyed them in order to show, as I have said, that the Government could go so far as that. Now, I submit, Sir, that there is absolutely no justification for action being taken under section 144 in the manner in which

[Pandit Madan Mohan Malaviya.]

it has been, and it is a sad thing to reflect, Sir, that such action has been sanctioned by the Government of India when it has been presided over by a most eminent jurist and when there are several Members in it who are members of the Bar, who had practised at the Bar and who are familiar with law. It is a deplorable thing, but I say now, Sir, let the dead past bury its dead. Let the Government of India now take the correct course and recall these laws by issuing orders or instructions to Local Governments that no further prosecutions shall be instituted under any of these enactments and that those persons undergoing imprisonment should be set free, that their sentences should be remitted, as early as possible. I cannot imagine, Sir, that anybody can justify the misuse of section 144 and I should like to hear—I shall be very happy to hear—that the Home Member has recognised the justice of these sections ceasing to be put into operation and that the sentences which people are undergoing will be remitted.

Another matter, Sir, to which I would draw the attention of the Home Department is the question of the Indianisation of the services. The Home Department is supposed to represent more intimately than any other department the wishes and the aspirations of the people of India. One of my friends who spoke before me has already drawn attention to the need of the Indianisation of the services. Now, Sir, I should like to know what the Home Department has done in this direction. It is high time that the Home Department recognised its responsibility to the Legislature. This Legislature, Sir, is asked to vote taxation. Without the vote of this Legislature no fresh taxation can be imposed, unless it be by certification by His Excellency the Viceroy. When this Legislature is asked to find the money, to vote the money, for expenses, even though the law does not require that every item should be voted upon, every Honourable Member of the Government ought to recognise the moral responsibility of carrying this Legislature with them in the administration of the country's affairs, and one of these affairs is the widespread, almost universal, desire among Indians that more careers should be found for Indians and less for Europeans.

Now, Sir, when responsible Government was declared to be the goal of British policy in India, even though it was stated that it was to be attained stage by stage, every sensible man should be expected to make up his mind that the Government of this country would in the near future be carried on by Indians; and one of the first things which Indians have suggested is that the recruitment for the Indian Civil Service and for the higher civil services should stop in England. That is a measure we have expected the Government to consider. It will mean a natural gratification of the rightful desire of Indians that they should be trained and qualified for rendering all the higher services to their country. It would also mean a large measure of economy, because, though it does not require to be repeated, Europeans are being paid much higher salaries in this country than they would be paid in their own country, and Indians will be willing to serve in their country on much smaller salaries than are being paid to Europeans. Therefore, Sir, if the Government do honestly desire to give effect to the widespread desire of Indians for the Indianisation of the services, it is high time that the Government decided, with the help of this Assembly, not with the help of the Lee Commission or any other Commission like that, but with the help of this Assembly that the

recruitment for the Indian Civil Service shall cease outside India. Not only that, it should also decide to ask the Local Governments to give greater facilities to the Universities to give the necessary training to the young men who are going through the Universities and colleges. I do not know whether Government have given sufficient facilities to any University at this moment with the object of enabling them to give that higher education, that particular kind of education, to its graduates which will be needed to fit them for service in the various departments of the Government of India. It is time, Sir, that the Government take up that question and decide upon a policy which, as I have said, will be in entire keeping with the wishes of this Assembly for the Indianisation of the services. That will mean both economy and national well-being. I hope, Sir, that what I have said is sufficient to show that we are dissatisfied with the general administration of the Government of India. I will not take up further time of the Assembly, but I do hope that the Government will recognise that there are valid reasons for the dissatisfaction which is felt with the administration of the Government of India in the Home Department and that the Government should take the earliest opportunity that may offer itself to remove the defects of administration. It is an opportunity which will arise very soon and I hope His Excellency the Governor General will consider the question and, if possible, appoint an Indian as Home Member in the readjustment of the portfolios that will take place.

I will come now to the question of the Finance Department.

The Honourable Sir Malcolm Hailey: Perhaps a separate discussion on the item relating to that Department will be more useful.

Pandit Madan Mohan Malaviya: I have no objection to that course. I wanted to touch upon it simply because the salaries are included under the heading which I am discussing.

Mr. President: They are not included under the Home Department.

Pandit Madan Mohan Malaviya: They are included under 'General Administration', Sir.

Mr. President: The motion for reduction is 'Home Department'.

Pandit Madan Mohan Malaviya: Then I will stop here, Sir.

Sardar Kartar Singh (East Punjab: Sikh): Sir, under the guise of law and order many innocent and respectable persons have been sent to jail during the last three years. Some people have been sent to jail because they had the courage of their convictions. I submit, Sir, that the Government recently declared the Shiromani Gurdwara Prabandhak Committee as an unlawful association. They also declared the Shiromani Akali Dal as an unlawful association. Now, Sir, by doing so they have practically declared all the Sikhs as unlawful, they have declared, Sir, that any body who helps the Shiromani Committee or the Akali Dal will be prosecuted (*Sardar Bahadur Captain Hira Singh*: "Not all the Sikhs.") It is known, Sir, that Shiromani Gurdwara Prabandhak Committee is in charge of all the important Gurdwaras and it is the duty of every Sikh, whenever he goes to visit a Gurdwara, to offer to Guru Granth Sahib some money. That money goes to the Gurdwara Committee which has been declared unlawful. Therefore, if a strict letter of the declaration were to be

[Sardar Kartar Singh.]

followed, all the Sikhs who go to Gurdwaras under charge of the Gurdwara Committee and make offerings to the Granth Sahib can now be prosecuted under that law. I submit that Government have no right to make such declarations and to make such unlawful laws. Sir, they have made a law and it has been interpreted by courts as such that anybody who offers tea to any of the Sikh *Jathas* allied to, or forming part of, the Shiromani Akali Dal will be prosecuted. I have seen people being prosecuted in my own district because they offered tea to these Akali *Jathas* who were going to Jaito. They have been convicted and they are undergoing imprisonment in jail. If any one were to offer tea to these Sikhs, whatever may be his position, he will be prosecuted. Then, Sir, I have myself seen cases in which people have been convicted because they gave fuel to the kitchen of the Guru at Muktsar Gurdwara. I submit, Sir, and I am sure my Honourable friend Sardar Hira Singh will not deny this, that it is the fundamental duty of every Sikh to give fuel to the kitchen of the Guru and I submit that a person should not be prosecuted simply because he has given fuel to the kitchen of the Guru. I can cite the names of persons who have been so prosecuted. I ask how long this state of things will go on. (Interruption by Sardar Hira Singh) Sir, my friend does not know what he is talking about. I can give the name of a man who is undergoing imprisonment. He comes from my own district and his name is Sardar Jhanda Singh. He is a lambardar of Akal Ghar village in Ferozepore District. He has been sentenced to six months' imprisonment because he gave a cart load of fuel for the kitchen to the Gurdwara at Muktsar. I think my Honourable friend should know better. I think he will take care not to give a cart load of fuel to the kitchen of the Gurdwara at Muktsar, otherwise he too will run the risk of being prosecuted. I submit, Sir, that this state of things should not go on. There is one thing to which I should take strong exception and that is this. Lord Olivier in his statement in the House of Lords has said that the Shiromani Gurdwara Prabandhak Committee is a revolutionary Committee. I submit that wrong information was given to him and the Government are responsible for giving that wrong information. The Sikhs strongly resent it.

Then, Sir, as regards the Criminal Law Amendment Act I would like to say a few words. This law was meant simply for anarchical and revolutionary societies and it was never meant to be applied to valid associations. The Government, I maintain, had no business to apply this law to religious associations. The Shiromani Gurdwara Prabandhak Committee is an association which is a representative religious body. It is an elected body. It is a body which is elected by all the Sikhs. It has been recognised by the Government not only in the Gurdwara Act but in the statement made by Sir John Maynard in the Punjab Legislative Council. He said that the Government have now come to know that the Prabandhak Committee is a representative and a religious body and that he will issue instructions to all the officials that they should consult this Committee in all important religious matters. I submit now it does not lie in their mouth to change that position. They cannot say that a Committee which was religious and which is still religious has become unlawful simply because they have passed a Resolution that they sympathise with the Maharaja of Nabha who happened to be their co-religionist. I submit that, simply because they extended their sympathies to the Maharaja, the Government ought not to have declared that religious

Committee an unlawful association. I would like to draw the attention of the House to an article in the "*Manchester Guardian*" in which it is stated that the Sikhs are well-known for their loyalty to the British Government. I submit that by the methods which are being followed by the Government they are simply alienating the Sikhs. The Sikhs are a most religious people and the Government should not interfere with their religious rights. That is the thing which exasperates them. They have served Government most loyally and in return they expect that the Government should have respect for their religious feelings.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): May I, Sir, begin in the usual way by saying that I did not intend to intervene in this debate? But, as I do not come from Madras, that is not necessarily a prologue to a four hours' speech. Being one of those misguided persons who have assumed an attitude of indifference to this Budget and coming suddenly into this Assembly, I find there is an opportunity of letting loose a little gas. Speaking of unlawful things and unlawful assemblies, I am reminded of what an M. P., a Member of the House of Commons, once said about the Government of India. He said: "The Government of India is an unlawful assembly." (Laughter.) Well, I take it that the Government of India have by this time got quite used to epithets. I think they are unmoved by epithets. I think they have become sufficiently thick-skinned. All sorts of epithets have been used in this House against the Government of India during the last two months and I shall not invent new epithets.

Pandit Madan Mohan Malaviya raised the question of extravagance in the General Administration. He says that the pay of Members of the Executive Council should be reduced from Rs. 6,000 to Rs. 4,000. He said Rs. 4,000 was enough for an honest man; what then is the balance, 2,000, for? (Laughter.) The fact is that the poorest country in the world maintains the most expensive civil service and the most magnificent Proconsulates, upon a scale of reckless extravagance. Talk of retrenchment? I think, if we studied the Budget, if we carefully analysed the figures, we should see what little real retrenchment has been effected by the Government of India. I have been asking some questions and I have been getting answers from Government, and I hope by the time I have spent my three years in this Assembly, I shall have elicited sufficient information about the increasingly expensive tendencies of the Government of India.

Law and Order—you hear that phrase trotted out very often. I think there is no more striking example of the prostitution of a phrase than this as it is used in India. If order does not make for progress, it is a worthless thing; it loses its sanction. With the Government of India "law and order" is the cloak for the most lawless acts of the Government.

I was reassured to find that Dr. Gour has at last regarded, or at any rate begun to regard, the declaration of the Secretary of State as unsatisfactory. We had Gour's Commentary on Lord Olivier's statement. Recently Mr. Richards in the House of Commons has given his commentary on Lord Olivier's statement, and that commentary, which is somewhat different from his own, was quoted by Dr. Gour this afternoon. Well, I am beginning to hope that the case of Dr. Gour and other Members of the Assembly in his position is not altogether hopeless.

The Honourable Sir Malcolm Hailey: I suggest that I gave good advice to the Assembly when Dr. Gour made his motion. I suggested that it would be well to take each Department separately instead of ranging over the whole sphere of our administration. Now, suppose, that to-day's debate had embraced the whole sphere of our six Departments; it would not have terminated here; sometime, to-morrow afternoon, a tired House would be listening to the apologies or the counter-charges of my Honourable Colleagues and myself; and what variety of topics there would be! Look at the number and variety of topics with which I have to deal in regard to my own Department alone. I feel that what I say to the House must resemble what that somewhat unlettered man said after reading a dictionary. Somebody asked him how he liked it; he replied "Very interesting, but just a little disconnected."

I begin on finance for, after all, this is a Budget debate. Dr. Gour asked me several questions regarding the expenditure of my Department, particularly in regard to the recommendations for reduction made by the Inchoape Committee. They proposed a reduction of Rs. 97,000. We have actually effected a reduction of 87,000; but it will perhaps be best to compare our Budget figures as a whole with those of previous years. Our total expenditure, voted and non-voted, for 1924-25 is estimated at Rs. 18,18,200 as compared with the revised estimate for 1923-24 of Rs. 12,22,100. Now, therefore, there is an increase of Rs. 96,100 on the revised estimates for 1923-24. That is almost entirely accounted for by the increase in the figure to which Sir Sivaswami Aiyar referred, namely, Rs. 90,000 for Secret Services. That is a large item and I am aware it looks to the Assembly a suspicious and even a horrible item. But chary as I always am of saying anything about this fund, I may tell the House that the real purpose for which it has been increased is in connection mainly with the importation of arms and other undesirable material from outside India, and it has been necessary to make an increase in our Secret Service Contingencies mainly for that purpose. That, however, does actually account for the increase over the revised Budget. Now, if you take the Department proper, under the head of the Pay of Officers, there is a reduction of approximately Rs. 35,000; under the Pay of Establishment and Allowances, a reduction of something like Rs. 5,000; under Supplies and Contingencies there is, however, an increase over the revised estimate for 1923-24 of some Rs. 28,000. There is a curious explanation for this. At one time the Public Works Department paid for all the electric light current in the Secretariat, but some *pandit* in high place decided that the Home Department should pay for it all. (*The Honourable Mr. A. C. Chatterjee:* "Not for all, for itself.") No, Sir, my Department pays for the whole of the electric current supplied to the Secretariat;—it is no doubt intended as a recognition of the fact that my Department is the sole source of light. Now, if that charge were omitted, the Home Department Demand for this year would be Rs. 5,52,000 as compared with the Budget estimate after the Inchoape Committee's Report, for 1923-24 of Rs. 5,68,000. Therefore, it is Rs. 16,000 down on that and the revised estimate for 1923-24 of Rs. 5,57,000 was itself down Rs. 5,000 on that. The actual for 1922-23 was Rs. 6,22,000. I hope I have satisfied Dr. Gour that, as far as my Department is concerned, we really have observed economy.

A further financial question was raised with regard to our Information Bureau. Dr. Datta asked for certain explanations in that respect. The figures on page 48, I regret to say by one of those mistakes

which I need hardly say never happened when I was in charge of the Finance Department, show a transposition in the printing. The reduction recommended by the Retrenchment Committee, was Rs. 88,000 and not Rs. 42,000. Therefore, you should compare the Budget figure of Rs. 1,16,000 with Rs. 1,18,000 (the revised estimates of 1923-24) and the figure of Rs. 1,37,900 for the Budget estimate of 1924-25. It will be seen that the main increase there—for it is a very small one indeed—is due to the inclusion of travelling and other allowances. By some ruling of our audit masters we have for the first time to pay for the bus fares of those clerks who come from Raisina. The Rs. 9,000 regarding which also Dr. Datta directed an inquiry to me is simply the payment we make to Local Governments for certain publications they issue on our behalf. If there are any further details in regard to that branch of our department, I should be glad to ask Mr. Rushbrook Williams to supply them to the Assembly. But after all, Sir, the sum is very small; and as for our alleged propaganda, we have appointed an Advisory Committee of this Assembly which should be in full possession of the facts of our operations. It met frequently last year. It was of the greatest assistance to us. I see many Members here who belonged to that Advisory Committee, and I would ask them to satisfy the House that our operations are as innocuous as the operations of any publicity department can be.

Now, let me go to graver issues. For, after all, there are graver issues than the spending of a few thousand rupees here or a few thousand rupees there. I shall take, as far as I can, the questions of major importance that have been directed to me in the order in which they were raised. I am told by Pandit Malaviya that the general conduct of the whole Department for some years now has been unsatisfactory. Mr. Chetty said much the same thing. He suggested . . .

Mr. R. K. Shanmukham Chetty: I did not say that the general administration was unsatisfactory.

The Honourable Sir Malcolm Hailey: You can be quite sure of one thing, that, if the general administration of the Government of India is unsatisfactory, the administration of the Home Department must be more than unsatisfactory. The Honourable Pandit suggested that affairs would have been better had the Governor General made the choice of an Indian to fill my post. He regrets that the opportunity of my departing from this (as he thinks) extravagantly paid post was not taken advantage of by the Governor General; one of my Indian Colleagues should have been invited to take my place. For myself, I say frankly that it would make little difference to me, were I a member of the Government of India in any other Department, whether the Home Department was filled by an Indian or an European. I do not myself recognise so great a difference between the Members of a composite Government such as ours. Let me take some of the points which the Honourable Pandit put before us. He said that had the administration of the Home Department been better directed, we should never have seen some of the evils that have befallen India during the last few years. He refers, for instance, to the use of section 144 of the Criminal Procedure Code. But whose name did the Honourable Pandit himself attack in connection with the use of that section? Not, Sir, one of my European Colleagues. Then, again, it was suggested that the Criminal Law Amendment Act, had our ways been better guided, would have been by this time repealed. I do not think that his reference to what is known as our Repressive Laws Committee is quite correct.

[Sir Malcolm Hailey.]

That Committee, I may state, was presided over by one of my Indian colleagues. This is what it said regarding the Criminal Law Amendment Act:

"We regret that we cannot at this juncture recommend the immediate repeal of Part II of this Act. There are too evident indications that its application might be necessary to prevent the formation of secret societies. We were informed that the result of the application of the Act in each case has been that sober-minded people approved the action taken by Government, and that the application of the Act was of the greatest value in preserving public tranquillity."

Dr. H. S. Gour: Will the Honourable Member read a later passage where they say that they hope that during the next Delhi session the Criminal Law Amendment Act and the other Acts will be repealed?

The Honourable Sir Malcolm Hailey:

"In view of the grave situation which exists and which may become more serious, we also think that it would be prudent to defer actual repeal of these Acts . . ."

That does not refer to the Criminal Law Amendment Act.

Dr. H. S. Gour: It says "these Acts".

The Honourable Sir Malcolm Hailey:

" . . . until such time as the situation improves. Many of us hope that it may be possible for the Government to undertake the necessary legislation during the Delhi Session. We can make no definite recommendation on this point at present. We trust that the repeal of these Acts may be expedited by a healthy change in the political situation. The duration of retention rests in other hands than ours."

I honestly believe that under any guidance, whoever was in charge of the Home Department, that Act would still be on the Statute book. Again, we have of course, in our Department all to do with the services, and the Honourable Pandit suggested . . .

Pandit Madan Mohan Malaviya: May I ask the Honourable Member to say whether it is the Law Member who deals with questions of law and order which are referred to the provinces by the Government of India or the Member for the Home Department?

The Honourable Sir Malcolm Hailey: The Home Department, Sir. But then it was the Honourable Pandit himself who referred to my late Colleague's name in connection with section 144.

Pandit Madan Mohan Malaviya: But the responsibility for law and order rests with the Home Department. I always understood it to be so.

The Honourable Sir Malcolm Hailey: That is correct. We consult and take advice; and the action is that of Government as a whole. I continue. It is part of the charge against us that we have not done enough for the Indianisation of the services.

Pandit Madan Mohan Malaviya: Will the Honourable Member tell me whether the Honourable Dr. Tej Bahadur Sapru was not ill at the time when the Provincial Governments introduced the Indian Criminal Law Amendment Act in three provinces, and whether they had the approval of the Government of India with his sanction at the time?

The Honourable Sir Malcolm Hailey: If Sir Tej Bahadur Sapru was ill at the time, it makes it all the more cruel of the Pandit to have mentioned his name in this connection.

Pandit Madan Mohan Malaviya: I know it for a fact.

The Honourable Sir Malcolm Halley: He himself made in his speech a note of regret that during the time that this section was brought into operation, Sir Tej Bahadur Sapru was our Law Member, and it was to that, Sir, that I referred and nothing else. My point is that action in such matters is the action of Government as a whole. With regard to the Indianisation of the services the Honourable Pandit claims that all recruitment of Europeans should have ceased forthwith after the passing of the Government of India Act. That, of course, is a claim far in advance of that which he himself put before us in the old Imperial Legislative Council when we debated the report of the Public Services Commission.

Pandit Madan Mohan Malaviya: How many years ago?

The Honourable Sir Malcolm Halley: That was debated to the best of my recollection in 1917. It goes far beyond what was asked for even a very few years before; but no matter for that—what are its implications? We are told, and we are told repeatedly and I think with all sincerity, that India would be prepared to see Europeans employed in the services; that she desires to see them employed in different ways, in different aspects and perhaps in a different atmosphere, but that India does not desire to see the total disappearance of all Europeans from her services. Yet it would inevitably follow, if you stopped recruitment of Europeans entirely, that you would not be able to recover the position. You would simply have no more Europeans in your services. Stop the regular avenue of recruitment, and you at once break up all the traditions that have previously secured you your recruitment, and the House may decide for itself whether those traditions have served to secure for India worthy and trustworthy recruits or not.

Pandit Madan Mohan Malaviya: We shall select experts.

The Honourable Sir Malcolm Halley: There are no such things as experts in ordinary administration.

Pandit Madan Mohan Malaviya: We do not want the Civil Service, but permanent officials for the future.

The Honourable Sir Malcolm Halley: I do not think you would even get your experts. Occasionally you might get a man of high attainments and great reputation in England such as my Honourable Colleague Sir Basil Blackett, who might come out for one or two of the posts at the head of Government. But if India thinks that she can depend on taking up a man here or a man there, and thereby secure a European element in her services, then that hope will be vain. There are many posts in India for which a long training and a long experience are necessary, and you cannot pick up experts on a five-year contract for posts such as those. If you did, they would be of very little use to you. Supposing that our opinions differ on that point, nevertheless this remains certain, that the reason why we have been unable to contemplate any such step as the immediate cessation of recruitment was that we in our minds did not come to the conclusion and we did not believe that India in her mind had come to the conclusion, that she needed no more Europeans in her services. What we have done is progressively to recruit more Indians. I would remind Honourable Members of the report of the Public Services Commission and the standards, the comparatively small standards, of Indian recruitment laid down by them.

[Sir Malcolm Hailey.]

They were greatly increased by the Montagu-Chelmsford Report. They have again in many cases been increased since then. That is the line we have taken, and by that line we hope to have gained for India an increasing number of young men who will, in a short time, make a real appearance in the higher posts of these services. I know that there is a complaint that we have not gone fast enough. Let that be. At all events, do not bring against us the charge that we have done nothing at all. I ask any one to look at the civil services of the provinces now, and see the large number of young men who are gradually mounting the ladder and think of what the appearance of the service will be ten or fifteen years hence. You will find by that time that you have in every province in posts of the highest distinction Indians, and Indians in numbers; and I have myself no doubt that by proceeding on a method cautious and gradual such as ours you will find these posts occupied by men who will add distinction to them, and give to India service of which she will have reason to be proud.

Now, let me turn to my most recent critic, Sardar Kartar Singh. He told us that law and order in our hands had become law-breaking and disorder. Sir, was it in our hands that this has become the case? Was it in our hands? I ask him to be honest. I ask him whether his own community has preserved the standards of good citizenship. I have been very loath to make any attack on that community. I have tried in addressing the Assembly to put my justification of Government on the lowest terms. But, when one thinks of the innumerable occasions in which they have refused, under what I claim to be a mistaken notion of religious duty, to obey the simplest requirements of law and order, then I think that he should hesitate before he charges us with converting law and order in India into law-breaking and disorder. I look for better days, when they realise that both their political future and their religious rights can be maintained without a disregard of the rights of other communities and other people. If there have been cases in which men have been prosecuted on such charges as the Honourable Member alleges I should regret it; but I cannot think that a man can really have been prosecuted on the simple facts which he puts before us. I am open to correction; but, even if that is the case, that can hardly be laid at the door of the Home Department; for such actions cannot be taken in pursuance of any general policy laid down by the Government of India. Our magistracy, splendid as their services are to the community, may make its mistakes; but individual mistakes cannot be brought against the administrative departments of the Government of India which are responsible only for policy.

Sardar Kartar Singh: There have been many cases of this nature.

The Honourable Sir Malcolm Hailey: The Honourable Member may know cases and I cannot of my own knowledge controvert what he says about them. I would only ask that he should not bring it as a charge against our general administration that such cases occur.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): May I ask, Sir, if the Honourable Member justifies the brutal beatings at Guru-Ka-Bagh under the plea of "law and order"?

The Honourable Sir Malcolm Hailey: That is not one of the charges that have hitherto been laid against our Department. But the House will perhaps excuse me from entering in answer to a question of that kind into

a justification of the Punjab Government, in regard to any incident which we all deplore, but which is long past. I should be willing to do so, but the story is a long one.

There were definite matters of detail raised on which I must detain the House for a few minutes. One was that raised by Mr. Chetty about the treatment of political prisoners. Now he stated that to his knowledge there were political prisoners, to use his term, who had been subjected to inhuman treatment. I should be sorry to think that. I assume that it took place in Madras. I had always understood that the Madras Government was one in which the administration was conducted with the utmost regard to the demands of humanity and I should be sorry to think that there has been any case of inhuman treatment of a political prisoner.

Mr. R. K. Shanmukham Chetty: One case in Madras resulted in the death of a person called Mr. Vajpai—one of the most tragic cases connected with your treatment of political prisoners.

The Honourable Sir Malcolm Hailey: In order to bring a charge home to us it must be clear that it is our regulations or our supervision which has been at fault. I do not desire to place any responsibility on any local Government but there are defined spheres of work. Ours is the administration of the Act and of the Regulations thereunder and to a certain extent general supervision under the Government of India Act. Now, what have we done in regard to "political prisoners"? I adopt his own term. He was incorrect in his statement that all political prisoners in England are treated in a particular way. It is true that the law of 1877 laid down that persons convicted of seditious libel should be first division prisoners, but that law has long gone. It is no longer on the Statute Book.

Mr. R. K. Shanmukham Chetty: What I quoted from is the latest edition of Halsbury in which he says that persons convicted of sedition and seditious libel are treated as prisoners of the first class.

The Honourable Sir Malcolm Hailey: If the Honourable Member will look at the Prisons Act of 1898, he will see that what I am stating is correct. The English law now lays down three classes of imprisonment and it rests with the courts to decide to which class persons convicted shall be assigned. It is no longer prescribed by law, though it may be a matter of practice till, that persons who are charged with seditious libel (which after all is only one class of political offence), shall be placed in the first division. What have we done? I will not detain the House by going through the recommendations of the Jail Committee's report and subsequent history. It will be sufficient to state the bare facts. In August 1922 we attempted to make uniform and to liberalise the rules made by various Local Governments for the creation of a special division. We succeeded in doing so and we came to an agreement with Local Governments regarding the class of prisoners who should be admitted to that special division. It was left to the Local Government in each case to decide who should be assigned to that division and should receive the special treatment to which special division prisoners were entitled. I have with me here the Bengal Rules which I think are the most compendious. I should be very glad to hand them to any Honourable Member who is interested in the subject, and he will see that prisoners of the special division receive treatment very like that which was described to us by the Honourable Member when referring to political prisoners in England.

Diwan Bahadur M. Ramachandra Rao: May I suggest, with your permission, that it would be more appropriate in regard to Mr. Chetty's case to refer to the Madras rules?

The Honourable Sir Malcolm Hailey: I think I can refer to the Madras rules also. I had hoped to explain the whole case to the House in regard to a Resolution which unfortunately never came on. It would take me some time to do so, but I still hope that we will have an opportunity before the session ends to go into this subject at large. I feel that I could justify to the House our action in the matter, and show what great improvements have taken place since 1922. I shall go further and say that it is our intention steadily to pursue this course. Unfortunately (I will not say it is our fault) large numbers of men have sought imprisonment on political grounds; I will put it on the best grounds; they go for conscience's sake, because they believe that they could do good to their country by taking such action. Where such men have not been concerned with acts of violence or have not advocated violence, we have no desire to treat them with hardship. You will find that, as time goes on, the tendency will always be to place such men in the special division, and we are steadily pursuing our efforts to ameliorate the condition of prisoners of that type. I should be unwilling to detain the House longer by a detailed examination of the rules; I can only say that when Mr. Chetty was just now reading the English rules I thought he was reading our own rules regarding special prisoners.

Mr. R. K. Shanmukham Chetty: Is any attempt being made to have a better and uniform system of treatment throughout all the provinces for this class of prisoners?

The Honourable Sir Malcolm Hailey: Certainly. That has been the case. I fear time is passing and I must come to what is an old friend of ours, the Lee Commission. I hope Mr. Ramachandra Rao will excuse me if I come to him late in the day in spite of the fact that the discussion on the Demand was started by him. He asked that we should arrange for simultaneous publication of the report both in England and in India. Reports of this importance are generally published simultaneously both in England and in India and certainly we shall endeavour to see that, when publication takes place, it should be simultaneous in both countries. That of course is a minor point. He really desires that we should consult the Assembly before any action is taken on the report, that being a point with which Dr. Gour dealt and to which both speakers attached great importance. I think the Assembly will agree with me when I say that of late years we have always endeavoured to consult the Assembly before we took action on any of the more important of our reports. I will instance, for example, the Fiscal Commission or the Railway Report or the Racial Discrimination Report or again that on the North-West Frontier or the Bar Committee on all of which the Assembly either has been or will be given an opportunity of discussion. There are some limitations that I must attach to a similar declaration as applied to the Lee Commission report. In July last I said:

"We cannot here, either as an Assembly or as a Government of India, limit the constitutional and statutory powers of the Secretary of State in this respect and, if there are matters pressed upon him by the Royal Commission which require immediate orders, then it will be necessary to recognise his power to take a decision in advance of any discussion by the Assembly. For the rest we shall be quite prepared to allow the Assembly an opportunity of discussing the main recommendations of the Royal Commission; we shall meet any views it may advance in discussion in the usual way and shall forward its recommendations to the Secretary of State."

That was a formal declaration made in recognition of the constitutional powers of the Secretary of State. We cannot tie his hands but I have no doubt that he will endeavour to allow full discussion here before any action is taken on the main recommendations of the Commission. I do not know whether the Honourable Member makes a serious charge against us that so far very little has been done in regard to the recommendations of the various Provincial Retrenchment Committee's reports in respect of high posts. As the Honourable Member knows (he knows as much or more about the Government of India Act and its genesis than I do, though I have studied it somewhat carefully) the question of the strength of the Executive Councils in the provinces is one directly for the Secretary of State and the Local Government concerned. I am well aware of the recommendations that have been put forward by the Local Governments. It is, as he says, the case that both the Bengal and Madras Legislative Councils have suggested reductions. But he is also well aware of the convention established by the Joint Parliamentary Committee, and I think that the difficulty in reduction has occurred mainly owing to that convention. (Mr. Rangaswami Iyengar: "May we know what that convention is?") The convention regarding the composition. (Mr. Rangaswami Iyengar: "The number of Indians and Europeans?") Yes, or rather I would say the number of men with service knowledge. As regards the recommendations of the Central Provinces Committee, the Honourable Member will agree with me that it would be at this moment of very little advantage to abolish a Member and transfer his work to a Minister! (Laughter.) As regards the Moplahs, I do not know whether he desires that we ourselves should do anything towards an amnesty. The Local Government have as a matter of fact, and as he I think will remember, gone through a large number of these cases and reduced the sentences. We have now

Diwan Bahadur M. Ramachandra Rao: I would like to mention the point that several of these prisoners have been sent to the Andamans and their womenkind had to be sent also along with them and considerable trouble has been caused in this matter for one reason or another. I would like that matter to be examined.

The Honourable Sir Malcolm Hailey: I think I can satisfy the Honourable Member. There are 1,219 Moplahs in the Andamans and some advances were given to a certain number of wives to join their husbands which I think were taken up by some 20 or 30 women. I know the Local Government is taking up the question of the necessity of keeping these men in the Andamans; the sentences of a large number of them are about to expire. Advances were given because we hoped that these men might be inclined to settle down and help us in our scheme for colonising the Andamans. But I will ascertain what further facts I can for the Honourable Member.

And now it only remains for me to notice one point, a point to which the House is by this time somewhat accustomed, the unsatisfactory nature of our conduct as a Department in regard to the constitutional Resolutions which have been passed by this House. My department is the mouthpiece of that response; I do not wish to transfer responsibility. I should not like to suggest that the obstinate character of the Government of India is due to my friend Sir Narasimha Sarma or to Mr. Chatterjee or Sir Muhammad Shafi. But it has always been my claim that we have not taken an attitude that could be charged either as reactionary or even

[Sir Malcolm Hailey.]

that we propose to stand still. With regard to the last reply of the Under Secretary of State, to which Dr. Gour referred, I have wired Home, as I knew that the House would ask me about it, to know whether it was correctly reported to us. I think it is possible that the reply has come out in a somewhat abbreviated form, and when I have further information on the subject I will communicate it to the House. But in the meanwhile I would suggest to Honourable Members not to draw any implications until they know the exact nature of that reply. (Mr. R. K. Sanmukham Chetty: "Do I then understand that even Sir Malcolm Hailey is dissatisfied with that reply?") The Honourable Member must not try to look so far into my mind. (Laughter.) I gave this information only in courtesy to the House. I say again that you cannot fairly condemn the attitude we have taken up. If we had really attempted to go back, if we had really intended to put a serious check on the progress of India, then we might have come under the stigma of condemnation; but I put it to the House that it should blame no man for his caution so long as his intentions are good.

Diwan Bahadur M. Ramachandra Rao: Sir, I only wish to say one word with your permission before I withdraw this motion. We have had considerable information on many of the points that have been raised in the debate and, as I do not consider that it is advisable to make any further revision, I propose to withdraw my motion. I am perfectly aware, Sir, of the constitutional position of the Secretary of State in regard to the sanctioning of expenditure. It is for that identical reason that I had to raise this question to-day with a view to seeing that the Government of India informed the Secretary of State that before he exercises any financial power with reference to the Lee Commission we should have an opportunity to place our views before him. On that matter I would again ask the Honourable Member to make a representation to the Secretary of State not to stand on his powers. We should like to have our say on the matter. That is the great difficulty that we always feel with reference to these financial proposals. Certainly he has the last word in regard to this matter and he can exercise it either by consulting the Government of India or without. He may exercise it without consulting this Assembly. I have already pointed out that many of these proposals with reference to pay, pensions, and salaries have been sanctioned in the last three years without, much to our regret, our having any say at all in the matter. That is just the basis of our complaint and I trust the Honourable Member will take steps to inform the Secretary of State of our wishes.

The Honourable Sir Malcolm Hailey: I will convey that view to the Secretary of State.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir I should like to have information on one or two items. At page 45 there are two items of Rs. 4,000 and Rs. 6,000 under the heading "Presents and Charities". And again on page 46 "Payments and presents for services rendered, Rs. 24,000". May I know what these items are and whose charities they are?

The Honourable Sir Malcolm Hailey: Those represent charities to which His Excellency the Viceroy subscribes. Some fall within the office of the Military Secretary, who transacts certain parts of His Excellency's business, and some within the office of the Private Secretary who transacts other parts of His Excellency's business.

Mr. C. Duraiswami Aiyangar: And at page 44 there is an item of Rs. 40,000 for Sumptuary Allowance of the Governor General, Expenditure from Contract Allowance Rs. 1,41,600; State Conveyances and motors, while in Delhi, Rs. 80,200. May I know whether such items are allowed to the Governor General of Canada or Australia.

The Honourable Sir Malcolm Halley: I can explain the reason why the item of State Conveyances and Motors now appears for the first time. The Contract Allowance used to be Rs. 1,56,000. It now stands at Rs. 1,41,000 plus Rs. 30,000 for State Conveyances and Motors. Therefore, both items together stand at Rs. 1,71,000, against the previous figure of Rs. 1,56,000. This is well below the actuals of 1922-23 where the totals came to Rs. 2,22,000. Equivalent reductions were made, when that new item of State Conveyances and Motors was introduced, in the Staff and Household expenditure of the Governor General, and there were further compensating reductions made under the orders of the Governor General under other items which do not appear in our figures here, namely, in those portions of the expenditure which fall on the military Budget. Altogether, though it appears on the face of it that contract allowances have gone up as against last year, there have been equivalent, and I think I am correct in saying much more than equivalent, reductions made elsewhere.

Mr. C. Duraiswami Aiyangar: May I make a further request for information, Sir? We find under the head of Contingencies there is a total sum of Rs. 2,91,180, varying from about Rs. 16,000 to Rs. 66,000 after making detailed provision under postage expenditure, and after every possible provision for details has been made. Why is such a large expenditure shown without any details? You will find them illustrated on pages 45, 46, 47, 48, 49, 50, 54 and 55.

The Honourable Sir Basil Blackett: May I suggest to the Honourable Member that I should be glad to attempt to answer questions of this sort if they are raised in connection with the Finance Department; it is hardly fair on the Home Member that, in connection with the Home Department vote which he is defending he should be suddenly asked questions with which he has nothing to do.

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

The Jaito Incident.

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

"That the Demand under sub-head 'Foreign and Political Department' be reduced by Rs. 100."

Sir, the object of my moving for this reduction is to bring to the notice of the Assembly several facts in connection with what is known as the Jaito incident in regard to which . . .

Mr. E. B. Howell (Foreign Secretary): I rise to a point of order. I submit, Sir, that the subject matter which the Honourable Member proposes to introduce is a matter relating to the administration of the territory of a Prince under the suzerainty of His Majesty and as such is excluded from the purview of this House.

Mr. President: I cannot tell the Honourable Member that yet; I must let the Honourable Member proceed a little further. The Assembly will

[Mr. President.]

have noticed that what is commonly called the Jaito incident has been referred to several times in the course of this debate but in terms which were permissible. The Honourable Member's point regarding the administration of an Indian State is properly taken, and he may rely on the Chair to prevent a debate arising on that subject.

Diwan Bahadur M. Ramachandra Rao: If I may point out to Mr. Howell, the broad facts of this incident have already been referred to in connection with the motion which came up last week in connection with the grievances of the Sikhs. Sir, at that time both the Honourable the Home Member and several other Honourable Members referred in terms to that incident and the latter elicited some information from the Honourable the Home Member, who referred to the reports which had been received from the Administrator and from the military officers on the subject. Sir, under these circumstances it seems to me that the objection of my Honourable friend is one which cannot be entertained. Sir, if I am bringing up this incident to-day, it is not for the purpose of accentuating the already difficult situation which has arisen in the Punjab. I have no desire in any way to say things which would make it difficult for him to bring about a peaceful solution of this very complicated question. I am therefore anxious to inform Honourable Members that my sole desire is to persuade my Honourable friend, Sir Malcolm Hailey, to undertake this task of conciliation which is absolutely necessary at this stage. Sir, if I may say so, I think, Sir, that the Honourable Sir Malcolm Hailey has established in this House a parliamentary tradition; and it would have been quite in keeping with things if, instead of raising objections to the discussion of this matter which undoubtedly he was entitled to raise under the rules, he had followed up his objection by making as full a statement as he could on the whole subject which has attracted universal attention throughout India. Now, Sir, from the accounts which I see in the newspapers it appears that garbled correspondence is appearing with regard to the Jaito affair giving an account, it may be according to their own lights, of this incident to places outside India.

(At this stage Mr. President vacated the Chair which was taken by Sir Chimanlal Setalvad.)

This incident has attracted a good deal of attention throughout India and anybody who reads the papers will see what effect it has on the political situation in this country at the present time. Therefore, Sir, if the Honourable Member had introduced a new practice of making a statement on his own initiative without either being subjected to questions, or without even being subjected to the rules for the discussion of matters of urgent public importance, I think my Honourable friend would have done very well indeed if, during the sittings of the Assembly, he had communicated to the House anything that was worth communicating on this important question. I trust, Sir, that, when the Central Legislature of India is sitting here from day to-day, any information available will be furnished to the House, as otherwise, Sir, it is certain it must lead to considerable dissatisfaction. I am only mentioning this, Sir, because I have some limited knowledge; I think such procedure is sometimes adopted in the House of Commons. I am therefore to-day asking you to establish a precedent; and, though I am moving a motion under this head, I trust that hereafter at least we shall have the fullest possible information on important events such as this, at any rate during the sittings of this Assembly.

Well, having said that, I will now invite his attention to a few facts. Since the event which took place some two weeks ago, I think, Sir, a considerable amount of criticism has appeared in the Press; conflicting reports have also appeared in the Press about this matter and in a pamphlet issued by the Shiromani Gurdwara Prabandhak Committee, it is stated that the Government have taken over the administration of the Nabha State and have openly identified themselves with the policy of repression ruthlessly carried on by the administrator; this punctilious sheltering behind the letter of the law and refusing to discuss the Jaito affair in the Punjab and in the Indian Legislative Council is highly unfair and unreasonable. There is no doubt that there is irritation throughout the length and breadth of the land that an opportunity for discussing this matter either in the Punjab Council or in this Assembly has not as yet been conceded. And, if I am raising this subject to-day, it is for the purpose of eliciting information partly and getting an assurance from the Honourable Member that all that is necessary is being done in this matter. The broad facts of the situation are well known to all of us. In this pamphlet allegations are made to which I would invite the attention of the Honourable the Home Member. One of these is that the casualties are about 800 and the deaths are 90. The Honourable Member told us that the number of deaths was 84. May I ask him in the first place whether this statement at page 170 is correct?

The Honourable Sir Malcolm Hailey: May I interrupt the Honourable Member for one moment, Sir? We are still waiting for the ruling, which we have not received yet, whether this discussion is in order or not. The point is whether a discussion regarding this affair is in order on a motion for reduction of the Foreign and Political Department Grant.

Diwan Bahadur M. Ramachandra Rao: May I point out, Sir, that this objection has been raised by Mr. Howell, and I understood from the way in which Mr. President gave his ruling that he ruled . . .

Mr. Chairman: I do not think he gave any ruling. I think the Honourable Member will not be in order in discussing what happened at Jaito, the territory of a Native State. But the Honourable Member will be in order in discussing anything that happened in British India with regard to this affair.

Mr. Jamnadas M. Mehta: May I ask whether it is not a fact that the Governor General has permitted that during the Budget discussion these subjects, namely, military, political, etc., may be fully discussed? That is the notification, I think, which was read to the House on the 7th or 5th of last month.

The Honourable Sir Malcolm Hailey: The permission refers, if I may suggest,—I am not attempting to put views to the Chairman—to allowing during the Budget proceedings discussion on certain matters which are reserved from voting, namely, all expenditure classified as ecclesiastical and political and the like. If there were any item of expenditure referring to this matter, no doubt it could be discussed. But that is not, as far as I am aware, the case.

Mr. Jamnadas M. Mehta: The subject matter for which expenditure is required automatically lends itself to discussion. Is the discussion to be confined to the sum and not to the subject? Is that the meaning to be attached to the notification?

Mr. Chairman: I have already ruled that the Honourable Member will not be in order in discussing what happened at Jaito within the territories of Nabha. Anything done in British India in regard to Jaito may be discussed.

Mr. M. S. Aney (Berar Representative): May I know whether Berar administration is permitted to be discussed under this head or not, because, last year it was permitted and a motion for reduction under this head was availed of as an opportunity for discussion of certain matters affecting Berar?

Mr. Chairman: We are not concerned with Berar at present. We are dealing with Mr. Ramachandra Rao's motion on the Foreign and Political Department. It has nothing to do with Berar.

The Honourable Sir Malcolm Hailey: If you desire, I can hand you the previous discussion about Berar. Berar is an administered territory, not a Native State at all.

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

Diwan Bahadur M. Ramachandra Rao: Sir, we were discussing, in your absence, whether you have or have not given a ruling. May I raise that controversy? During your absence the Chairman said that I would not be in order in referring to the incident at Jaito and discussing it under this vote. I think I understood from your general remarks, in answer to Mr. Howell, that the subject has already been opened up in one or two discussions and that I would be in order in proceeding with this matter and making a few remarks in regard to this incident and eliciting information from the Honourable Member.

Mr. President: There are two points which arise from what the Honourable Member has put to me. Let me deal first of all with the ruling given by the Chairman. I shall make it plain to the Assembly, first, that the Deputy President or the Chairman occupying the Chair in the absence of his superior officers possesses all the powers of the Chair and, second, that the President cannot make himself a court of appeal from, or offer explanation for, or make reference to, rulings given by those who were the occupants of the Chair, at any time, in his absence.

As regards the point which the Honourable Member has raised, he did put it to me before. The discussion of, what I call in a loose way, "the Jaito incident" cannot cover matters referring to the administration of the territory of a Native State. As Honourable Members will have noticed, while Pandit Madan Mohan Malaviya was speaking, and I think while one other Member was speaking, references were made to the manner in which that incident arose and therefore to what had occurred on British territory, and in view of the general powers of supervision and control possessed by the Governor General in Council, I ruled that that was in order, but to refer to matters actually taking place in the territory of any Native State is not in order.

Diwan Bahadur M. Ramachandra Rao: In view of your ruling, I would confine myself to a few specific matters about which I should like to ask the Honourable Member to furnish this House with information. May I ask him whether it is a fact that, in regard to those who have taken part in that incident and who have returned to British territory, any warrants have been issued or any instructions have been given to British

officers either to arrest them or send them under custody to Nabha? This is a matter which is entirely within the jurisdiction of the British officials. I wish to know whether, as a matter of fact, any instructions have been issued to send those who have taken part in the Jaito incident and who have returned to British territory, back to Nabha for trial. That certainly does not refer to a matter relating to the administration of a Native State, but what is actually taking place in British territory. Sir, I understand that another *Jatha* of 500 Akalis has already started for Jaito, and as the Honourable Member has stated that it is in the jurisdiction of another Native State, which fact seems to me another version of it, I should like to know whether any instructions have been issued to stop incidents, such as that which has occurred between the Akalis who have started for Jaito and the authorities either in any intermediate place or in Nabha. Sir, this incident has attracted a great deal of attention throughout India. At any rate some of us here in this Assembly and several outside it are anxious that any conflict which might be avoided should be avoided and the Government of India should take steps to see that no such conflict takes place in the future. In this matter, whatever may be said, the Honourable the Home Member will see that the present situation will be greatly ceased if we know that attempts are being made to bring about a satisfactory settlement of this question. It has already been brought to the notice of the Honourable Sir Malcolm Hailey that a representation has been made by several Members of this House that an inquiry should be undertaken into this matter. That is a thing which has certainly happened in British India. Representations have been addressed either to the Honourable the Home Member or to the Viceroy. May I ask whether those representations have received any, and if so what, consideration. That is another matter which arises with reference to this incident. Sir, if I may say so, whatever may be the rights and wrongs of this question, I should think that we shall all be grateful if the Honourable the Home Member will find a solution to ease the situation in the Punjab. This matter has attracted considerable attention and there is no doubt that it would add to the difficulties of the situation throughout the country. In these circumstances, I should like to have a statement of what is being done by the Government of India in this matter in the directions which I have indicated.

The Honourable Sir Malcolm Hailey: I should like to say, as I had to say before, that if I refer to a point of order of my friend on my right it is merely a question of principle. I have not been anxious in any way to avoid giving information on this subject. I published at once everything that we had. If we have had to point out what the rules of the House are it was only on the question of principle. Now, in reply to Mr. Ramachandra Rao, I will try to go as far as I can to satisfy him. I have not myself heard of any one who was concerned in the late affair and who has been sent for from British India for a trial in Nabha. Some 700 people were held in custody and the most careful orders have been issued that no steps should be taken without the fullest investigation into their cases. We have every desire to avoid long prosecutions, as far as may be possible. We do not desire to see all over again the bitterness of these big prosecutions and a large number of prisoners in our Jails. I cannot remember any instance of a man who has been brought from the British territory for a trial in Nabha; but I will ascertain. Then as regards the efforts that have been made to prevent the recurrence of the incidents of last month during the march of the *Jatha* to Jaito. Mr. Crerar informed

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the Secretary of State lately that, when the first *Jatha* started, it started under a vow of non-violence and to perform, as it said, its religious duty. We feared the result at the time. But we thought it wrong to place any hindrance in its way during its march. We wished to give it the fullest credit of being non-violent and the fullest credit of being actuated only by religious motives. It would have been wrong on our part to have attempted to interfere with it on its march to Jaito. Unfortunately we did not foresee the fact that on the last stage of its march and almost at the last minute it would be joined by large numbers of villagers from our territory. It was largely the persons of these villages which caused the trouble. On this occasion we are determined that no such incident should take place. We have, in the first place, sent a certain number of police with the *Jatha* in order that they may warn the villagers not to join the *Jatha* and accompany it to Nabha territory. We have used all our influence with the local notables and have asked them to persuade the villagers not to join them, because they are not under the same close control as members of the *Jatha* might be; incidentally, we have closed all the liquor shops in the vicinity. At one period of its march in our territory some 20,000 people accompanied it, fortunately only for a day and then they went back. At another place over 2,000 accompanied them; but they were also persuaded to come back. The reason why we have taken this step is simply to reduce the possibility of trouble at the other end. Clearly we can come to a settlement on this question much more easily if we only have to deal with the *Jatha*, than with a large, a very excited, crowd of some thousands of persons, many of whom are actuated by something very different indeed from religious motives. We are anxious to end the conflict. We deplore what happened last month. We should deplore in double measure the recurrence of that incident and we have taken every precaution in our power to prevent the necessity of using force either on the *Jatha* itself or on crowds which accompany it. One of these steps I have mentioned to the House. Others I need not perhaps mention at present; but the one thing we have not done, and cannot do, is to depart from what we regard as not unreasonable conditions that we have announced to the *Jatha*. With regard to the representation for an inquiry, it is not the case that it has received no consideration. I regret to find that it has received no answer. For that omission, I am afraid, perhaps I may myself be responsible; but we have been somewhat busy in the House for the last four or five days. Our difficulty on the subject has been enhanced by the fact that a second *Jatha* was on its way to Jaito. I shall be glad to give more definite information on this subject when, as I hope will be the case, in a day or two that *Jatha* will have arrived at Jaito and returned without trouble.

Pandit Madan Mohan Malaviya: Sir, the Honourable Member has said that he has not been able to withdraw the conditions, which he regards as reasonable, which have been imposed upon the *Jatha*. I understand that these conditions are that only 50 persons out of the *Jatha* should go at a time to the Gurdwara. Will the Honourable Member tell us why that condition is imposed? Twenty-five persons used to go to the Gurdwara from the 15th of September.

They were all returned forcibly, got hold of and taken to a long distance and there left in the jungle. This process has gone on up to this time. The Government decided when the *Jatha* of 500 was

to start, to limit the number to 50. What was it which led the Government to refuse, which still leads them to refuse, to allow the 25 men to go to the Gurdwara, men who have gone there in batches of 25 up to this day, when the Government themselves declared that they would have no objection if 50 men would go up to Jaito at a time? Secondly, why should this limitat on be placed up to the number 50? The Government are aware that a *Jatha* of 500 have started for the Gurdwara. The Government are aware that they have started in the number of 500 after they had gone daily in numbers of 25 for several months together, when the Government refuse them permission to go to the Gurdwara in the number of 25

The Honourable Sir Malcolm Halley: No, no.

Pandit Madan Mohan Malaviya: Yes, I should like the Honourable the Home Member to tell me how he says: "No".

The Honourable Sir Malcolm Halley: I say "No" very simply, Sir. Those men, when they went there, were asked a simple question: "Will you refrain from any political demonstration and will you return when you have finished your religious observance?" Not one of them would give that undertaking; and until they are prepared to give that undertaking, I say, the Administrator of Nabha is fully justified in restraining them. As a mere matter of fact, they could not themselves perform the religious service which they proposed to have in view; they came without a priest or a sacred book; their mission was a sheer pretence.

Pandit Madan Mohan Malaviya: I put it to this House if the Honourable the Home Member is right in saying that the Administrator was right. A certain number of persons go from a long distance, from Amritsar to Jaito, which I think is over a hundred miles. It takes 10 days for a man to walk from Amritsar to Jaito. These men take a vow before they are called up, which vow is published in the papers. The fact is made known as widely as possible that these 25 men have started for the Gurdwara with the definite and declared object of reading the Granth Sahib and carrying on the *Path* and with no other object. When the Government are aware of that, when these men reached there, can anybody say that the Government had any honest doubt in their mind that the men went there with any other object than the object which they had declared, namely, to read the Granth Sahib? Was it not insulting to the men then for the Government to insist that the men should say they had gone there for delivering political speeches or making political demonstrations? The fact was there and the fact remains that not one of these men, who have gone in the number of 25 for the last seven months, made any political speech or any other speech, or made any other demonstration. Even on their way, all this distance that they travelled, I ask the Honourable Member to say that there is any suggestion that they made any speeches even on the way. My friend behind me tells me that they did not. In these circumstances, the officer of Government on the spot goes and meets these people with the question: "Will you promise that you will make no political speeches and that you will go back when you have finished the reading of the Granth Sahib?" I say, Sir, that it was a very great mistake, a very unjustifiable act, to put that question to the *Jatha*. It was insulting to them. They went there, they had declared that they were going there, with only one object. And I now ask my Honourable friend, the Home Member, to tell me under what law could such an order be issued? So long as these men were entitled to go to the Gurdwara, I assert that they

[Pandit Madan Mohan Malaviya.]

were entitled to go there in such numbers as they chose to. So long as there was room in the Gurdwara, they would be entitled to go into the Gurdwara. So long as they did not commit any act of violence, any illegal or unjust act, nobody, neither the Administrator of Nabha, nor anyone else, could interfere with them. For the Government to insist upon a promise or upon an assurance from the *Jatha* that they would not make political speeches was in these circumstances an unjustifiable act, and for the Government to insist upon getting such an assurance from them before they would remove those restrictions, is, I submit with great regret, an unjustifiable step to take. They may refuse. They go with the avowed object of reading the Granth Sahib and nothing else. I would refer the Honourable the Home Member to the declaration which they make that their sole object is to read the Granth Sahib and nothing else. At page 4 of the pamphlet, the Leader of the *Jatha* says:

"Keep yourself perfectly non-violent. Your sole aim is to pay homage to the Gurdwara of Gangsar and resume the recitation of the *Akhand Path*."

In these circumstances it does not become a Government, powerful as the British Government are, to insist upon these men swearing that go there with no other object than their declared object. It is an unnecessary insult to them, causing unnecessary hurt to their religious feelings, to make such a declaration, and I submit, Sir, that the Government are very wrong in insisting upon such an assurance. If the Government will insist upon such an assurance, these 500 men are not going to give it. That is absolutely clear. They have started with a declaration in the presence of God, they have made public to everybody that they are going there with one object, and I do not think, Sir, my Honourable friend, the Home Member, knows as well as I do, that when the Sikhs have taken the oath they will try to go to that Gurdwara and that, if the Government will insist upon that, the Government will insist upon bringing about a conflict between the officers of Government and the Sikhs. I do not want this conflict, and I request the Government to withdraw the conditions and to let these men go. If they are once allowed to go freely, the whole trouble will cease. They will read the Granth Sahib to their satisfaction, stay there such time as they like and they will go away, and the going of these *Jatha* will stop. If the Government will not remove these conditions, I ask the Government to consider what is likely to happen? Taking the facts as they are, what is likely to happen? I have no wish that there should be any conflict; I have no desire that there should be any conflict between the Sikhs and the Government. There were 500 Sikhs who went on the 21st February to Jaito. They were obstructed and they proceeded on their way and there was firing, the result of which was that 19 of our fellow-subjects died and several of them were wounded, according to the official report. A second *Jatha* has started, and Government are fully apprised of it. The Government know that they have started with the same declared object as the first *Jatha*. The Government know that the first *Jatha* did not give that declaration which the Administrator of Nabha asked for. The Government still insist upon that assurance being given. They have paid by their lives, by the sufferings which they have gone through. The Sikh *Jatha* have proved the sincerity and faith of their conviction and their religious feeling by paying for them with their lives rather than give that assurance which they regarded as an insult, as an affront to them and to their religion. In these circumstances, does it become a

Government or any civilised power to insist upon that assurance being given? From his knowledge of the Sikhs, does my friend expect that the Sikh *Jatha* will give that assurance? And, if that assurance is not given, I want to know from the Honourable the Home Member what is going to happen. Under what law are these men going to be dealt with? Are they going to be fired upon? If they are not fired upon, are they going to be beaten? Are they going to be dragged back from Jaito and sent to Bhawal? What is going to happen? I certainly think that the Honourable the Home Member will feel that this House is entitled to know what his instructions and the instructions of the Foreign and Political Department are to the Officer at Nabha. It is for this Government to decide now and finally what will happen to-morrow. If the Government will remove the restrictions, I am certain nothing untoward will happen. If the Government will insist upon this assurance being given, I feel equally certain—as certain as any mortal man can—I feel absolutely certain that the Sikh *Jatha* will not give that assurance and will expose themselves to any suffering which it might entail. I ask the Home Member to say what sufferings should be inflicted upon them in these circumstances. I ask the Home Member to tell me what offence they will be guilty of and under what law will they be proceeded against? What are the instructions of the Government to the officers at Nabha on these points?

Administration of Berar.

Mr. M. S. Aney: Sir, the particular aspect to which I wish to draw the attention of this House is somewhat different from the one to which the attention of the House has been drawn by the previous speakers. The Members of this House might be aware of the fact that Berar is a territory which is under the administration of the Foreign Department as such but for certain reasons that territory has been given over to the charge of the . . .

Mr. E. B. Howell: On a point of order, Sir. I submit, Sir, that the question of the claim of His Exalted Highness, the Nizam of Hyderabad, to the Berar territory is a matter affecting the relations between the Governor General in Council and a Prince under the suzerainty of His Majesty's Government and as such again the discussion of it is not in order in this House.

Mr. President: Is the Honourable Member discussing the administration of Berar?

Mr. M. S. Aney: I am only trying to show that the responsibility of the Foreign Department for the administration of Berar revenues has not been properly realised by that Department and that the public are suffering because of the negligence of the Foreign Department to have a check over the administration of Berar. They have got a distinct responsibility under the Devolution Rules. That point I am discussing.

Mr. President: I understand the Honourable Member wishes to discuss the present administration of Berar. Is that so?

Mr. M. S. Aney: In a way I do.

Mr. President: What does the Honourable Member mean by "in a way"? If the Honourable Member wishes to discuss the present administration of Berar, he is in order.

Mr. M. S. Aney: The thing is this, that, under the Foreign Department Notification of the Government of India, Berar is under the administration of the Central Provinces Government and by Devolution Rule No. 14 the Berar revenues have been handed over as a gift, so to say, to the Central Provinces Government. With these two points I want to bring home to the notice of the Foreign Department what has been the principal grievance of the Berar public resulting from this arrangement. Firstly, taking Berar revenues, I want to tell this House that the proportion of the contribution which Berar makes towards the Central Provinces revenues is in the ratio of 8 to 2. Out of the 5 crores of revenue for the province, you can take it from me that 2 crores are provided by Berar, and the share which Berar gets in return for expenditure on nation-building departments fall short of one-fifth of that revenue. The result is that the nation-building departments of Berar have been starved. There have been constant grievances and constant irritation growing in the province on this question of inequitable distribution of expenditure for Berar. The matter has been under the consideration of the Local Government. Probably the Foreign Department might be aware that last year a Committee was appointed—it was called the Sim Committee—and it tried to fix the ratio of expenditure between Berar and the Central Provinces. But even the recommendations of that Committee have not been given effect to. The result is that the nation-building departments of Berar are being starved and Berar revenues, which leave a surplus of 50 to 60 lakhs annually in the hands of the Central Provinces Government, are being squandered over matters with which Berar has no concern. We want eventually a single government in this province, and to that extent we are prepared to make such contributions as are proper for Berar to make towards that single Government. But, at the same time, I say that, unless there is a check in the Foreign Department over the Central Provinces Government for the sake of clearly bringing it home to that Government that they have a responsibility towards the Berar subjects and that they should utilise Berar revenues for the development of Berar, there is no possibility of proper justice being meted out to Berar. There is so much reserve out of the surplus of Berar revenues in the hands of the Central Provinces Government and yet you will be surprised to find that, whenever there is a question of giving improvement to Berar, they are necessarily submitted to a certain amount of taxation. That question was raised here last year by my Honourable friend, Mr. Jatkar. This year I wish to bring to the attention of the Foreign Department that two Acts have been applied to Berar by the Foreign Department during the last year, namely, the Berar Land Revenue Code and the Berar Rural Boards Law. Under both these Acts the taxation has increased enormously. A taxation of 12 pies per rupee has been increased to 24 pies per rupee under the Berar Land Revenue Code and a taxation of 6 pies per rupee has also been increased to 18 pies per rupee. If you compare the provisions of the Berar Land Revenue Code and the Rural Boards law of Berar with similar provisions in the Central Provinces Act, you will be surprised to find that the taxation is something like three or four times more than what it is in the Central Provinces. Why? When you have got so much surplus in your hands, why is it that, when any improvement is made, the Berar community should necessarily be subjected to fresh taxation? That is the sort of injustice done to them. The reason is that Berar laws are passed, not by the voice of the Berar public; Berar legislation is never discussed in the Central Provinces Council. They are made on the recommendation of the Executive Government of the Central Provinces to the

Foreign Department here and the Foreign Department simply notify the law. Berar has got the right of representation in the Central Provinces Council, but it cannot discuss its laws there. Berar has got a right of representation in this Assembly, but it cannot discuss its measures here. Its laws are made on the recommendation of the Executive Government in the Central Provinces and they are passed by the Foreign Department here by means of a notification. Therefore, if there be anything that really affects the Berar interests, it is this, that they are in a very hopeless position and cannot see a way out of it. Some arrangement has been suggested on this point by the Local Government and it is to refer to it that I raised the discussion. The arrangement is this. They have appointed a Committee consisting of Berar representatives proper to advise the Local Government with regard to Berar matters. I want to draw the attention of the Foreign Department to the fact that, if the Foreign Department thinks that this is a proper suggestion, they should give a statutory basis to this Committee by issuing a notification in the Foreign Department so that it may be a Committee that will advise the Central Provinces Government as well as the Government of India in regard to matters of legislation affecting Berar interests. If this suggestion be taken into account and if an assurance is given by the Foreign Department that there will be a serious endeavour made to give a statutory basis to this Committee which has been recommended by the Central Provinces Government, I think that the purpose with which I started this discussion will have been greatly served.

My second suggestion is that some arrangement should be made by the Government of India with the Central Provinces Government fixing a definite ratio to be paid necessarily to the Berar public out of Berar revenues and that only the residue should be spent for the Central Provinces. On these two points I want an assurance from the Foreign Department, and, if that assurance is forthcoming, I think the purpose with which I raised this discussion will have been served. I do not think it necessary for me to take the House into the details with regard to the administration of Berar at this late hour especially when Honourable Members are tired. I only desire to bring to the notice of this Assembly the peculiar grievances of Berar for which there is no remedy for us. I trust that I shall have the support of the House in this struggle which Berar is carrying on to improve the conditions under which she lives at present. With these remarks, Sir, I leave it to the good sense of the officers in charge of the Foreign Department to do what they can to help the condition of Berar.

The Honourable Sir Malcolm Halley: I can perhaps assist my Honourable friend Mr. Howell in regard to Berar. Berar not being purely British territory but being only leased territory, we have to legislate for it by the Foreign Jurisdiction Order, to which process confirmation was given by section 5 of the Government of India Act of 1916. For the most part, it comes to this, that a law is passed in the Central Provinces Council, where there are of course Berar representatives, and before it can be applied to Berar, we have to issue a notification to that effect.

Mr. M. S. Aney: Not with regard to the local laws of Berar. There are certain local laws in Berar which never go to the Central Provinces Council at all.

The Honourable Sir Malcolm Halley: We have in the past applied to Berar certain notifications on the model of those framed last year, but as the Honourable Member himself knows, we have now arranged that

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before any law is applied to Berar, it should be first examined by an Advisory Council of Berar representatives in the Central Provinces Council. He asks that that should be made a statutory arrangement. I ask him if there is really any necessity for this. What additional advantage would he obtain by making that a statutory arrangement? As I see it, none at all. I do not myself think that Berar really suffers from any real legislative disadvantage. Where she really claims to suffer, though I do not know enough of the facts to say whether there is any substance in the complaint, is in the belief that too large a portion of her revenues is expended in the Central Provinces. That is really the substance of her complaint. We tried to help her a little time ago by deputing an officer, Mr. Sim, to report on the ratio of expenditure of the two areas. I believe that his report has been accepted by the Central Provinces Council, but I am afraid that that is a matter with which we ourselves cannot deal. The whole matter must be settled locally. The Berar representatives must stand out for their own; if we were to attempt in any way to interfere with that problem, that would undoubtedly mean a partition of Berar and the Central Provinces.

Now, for the other matter which we have been discussing; for in spite of your ruling, Sir, we seem somehow to have fallen into a discussion on the subject. The Honourable Pandit Madan Mohan Malaviya told us that unless we withdrew the stipulations regarding entry to Jaitho to which I referred, and which I think a considerable portion of the House as constituted to-day, at all events, regards as not unreasonable conditions—unless we withdrew those, he was certain that there would be trouble. I have shown that they were made purely in order to prevent political demonstrations in Nabha territory; we only ask a guarantee that no such demonstrations should be made. I believe myself that the real problem is this, not whether those restrictions are reasonable or not, but whether the men who are going there will accept any condition or any restriction that any one may lay down in regard to entry into Nabha. I only put to those who are supporting their case whether, if those restrictions were laid down in regard to men of any other section of the community, they would take umbrage at it. Only a declaration that you have not come, as your friends propose that you have not come, for the purposes of political demonstration, only a declaration that after performing your religious services you will leave a Native State which has been taken over under administration and where naturally we desire no political demonstration. Those are the conditions, and I think myself that those who tell us that there will be trouble if they were not waived are taking on themselves a heavy responsibility, for I think that it is their duty rather as good citizens to use all their influence to see that conditions so reasonable as those were observed. If they were, the trouble between us would begin to disappear. I have said before, that both for personal reasons and for public reasons I am very loath to enter into this controversy or to seem to attack a people for the mass of whom I and all of us have a high regard and affection. But I regard their total refusal to accept any conditions at all in this case as only part of a larger case; and though for the moment we may seem to be fighting over what on the surface is unimportant,—though these conditions do not in themselves appear to be of the highest importance,—yet that is not so. We are really contesting the point whether the leaders of these men, and it is only their leaders who count, they themselves are driven like sheep by men who have no concern for their safety or happiness,—

whether the leaders of these men will accept any restriction or any condition which appears to hamper them in their relations with Government and the other communities. That is the real conflict. May I refer the House to what happened in the case of Bhai-Pheru. I did not instance it the other day because I did not wish to take an attitude of attack but it is, I think, illuminating: You have there the case of land attached to a Gurdwara; the *mahant* had leased out those lands to certain tenants. He subsequently made over the possession of the Gurdwara and the lands to the Prabandhak Committee. The Akalis desired to obtain possession of the cultivated lands from the tenants. They were told they would get possession of them when the terms of their tenancy were satisfied, and in the usual way. The usual way of ejecting a tenant in the Punjab is by the filing of an application before the local revenue officer which, I think, costs only eight annas. They have refused to take that simple step. They have insisted on ousting the tenants by force and many hundreds of men have gone to prison on that issue. The Honourable Pandit knows those facts as well as I do and he will admit that my narrative of them is correct.

Pandit Madan Mohan Malaviya: I do not approve of their conduct if the facts are as stated by you.

The Honourable Sir Malcolm Halley: I am sure that the Honourable Pandit does not and I do not think that anybody else can approve of conduct like that, because if that kind of conduct touches something high when we think of the devotion of the people who go to prison for what they are told are religious grounds, it touches something very low indeed when we consider the attitude of those who drive them to such actions. Now, when we have men who are unfortunately so easily persuaded that when once the name of religion is invoked they can accept no restrictions of law or citizenship, I say that it is not advisable for us not only in our own interests but in the interests of other communities—it is not advisable, nor is it indeed proper for us, to accept that position. It is our essential duty to see that the law is maintained and obeyed, and that is, I think, the real reason why we have come at present at loggerheads with this community. Not at loggerheads with that community—I am wrong, for I believe that none of us have a quarrel with them or they with us. If there is a quarrel, it is only with those who are advising them to those courses. It is abundantly clear that that community has come under the influence of men who are misguiding them and misusing them; and I desire to see nothing better than they should see reason and allow us to find a solution for this difficulty. In the meanwhile, I claim that we should not ourselves be acting in the best interests of the country generally if we withdrew the very reasonable stipulations that we have made in regard to this particular place.

Pandit Madan Mohan Malaviya: Will the Honourable Member kindly tell us further under what law he is able to justify the restrictions to which he has referred?

The Honourable Sir Malcolm Halley: Under the law of Nabha.

Sardar Kartar Singh: Is there any such law there?

The Honourable Sir Malcolm Halley: Certainly.

Mr. Jamnadas M. Mehta: I am very sorry at this late hour to intervene in the debate. Although the subject of political relations between British India and the Native States is one of very great importance to the subjects of Native States—I am myself a subject of a Native State—I shall not

[Mr. Jamnadas M. Mehta.]

go in detail into those relations owing to the lateness of the hour and the dominating importance of this particular question; I shall only make a few observations on this Jaito question alone. Sir, I find that the tone of the Honourable the Home Member

Mr. President: I have allowed the debate to proceed irregularly so far, but I must ask the Honourable Member to address himself to the subjects under the control of the Political Department now.

Mr. Jamnadas M. Mehta: I will not touch on anything that has happened in Nabha State.

Mr. President: I must now ask the Honourable Member to address himself to subjects under the control of the Political Department.

Mr. Jamnadas M. Mehta: I am making a personal appeal to the Home Member. I will obey your ruling and I do not want to encroach on anything relating to the Nabha State. If you will permit me to proceed and if I go beyond your ruling later, I may be called on to stop. After the pathetic appeal of Pandit Madan Mohan Malaviya and the admirable tone of the reply of the Home Member and in view of the fact that there is only one word of the Honourable Member which stands between bloodshed and peace, is it too much to ask him to utter that single word and thereby prevent possibly a much greater bloodshed than we have seen so far? What is that condition which we are told the Sikhs are so unreasonable as not to accept? It is simply this, that they do not agree to a limit to their number. Is it after all such a thing that it must make all the difference between bloodshed and peace? Is it after all such a vital thing that an unarmed crowd should be allowed to go and worship and return in peace?

Mr. H. Calvert (Punjab: Nominated Official): May I be permitted to say

Mr. President: Order, order. Mr. Jamnadas Mehta.

Mr. Jamnadas M. Mehta: Of course, I agree, Sir, that the Government of India must be prepared for all contingencies. They can keep all their ammunition ready. They have simply not to anticipate any act of the Sikhs. Let us not prejudge this great religious body. Otherwise, I am afraid that this Jaito will become the Jerusalem of the Sikhs and the Government of India will necessarily, much against their declared intention, go down to history as the abettors of murders and accomplices of massacre. That is all I am anxious to prevent. Is it after all such a tremendous thing to ask the Honourable the Home Member that he will utter that one word for the sake of peace that will make for the saving of human life and remove the restriction on the religious worship of a body of men who have openly declared that their object is nothing more than reciting their sacred scriptures. At this late hour I would make one more final appeal to him to utter that single word which will make all the difference in the world to-morrow morning when the *Jatha* enters Nabha territory.

(At this stage Sardar Gulab Singh rose to speak.)

Mr. President: I am very reluctant to allow this debate to proceed. The point discussed is technically but of order on a motion to reduce the

demand under the Political Department. Having allowed the Pandit to proceed by inadvertence, I allowed the Honourable the Home Member to reply. But the discussion is out of order.

Diwan Bahadur M. Ramachandra Rao: I may be allowed to address a few concluding observations to the Honourable the Home Member. It is true that we in this House should allow him to find a solution of this problem. May I assure him that in moving this reduction none of us are actuated except by the best of motives, namely, to persuade him to find a peaceful solution of this very intricate problem. I have no desire to carry this motion to a division. While that is so, I do not like the Honourable the Home Member to misunderstand the position of any of us in this House. We are most anxious not to say a word which would prevent the finding of this solution to which the Honourable the Home Member has referred. I only wish to bring to his notice that, in answer to a question this morning in regard to the grievances of the Sikhs, the Honourable the Home Member said that the question has been referred to the Punjab Government. It is a matter of great urgency and, as he himself pointed out, this incident at Jaito is a part of a larger problem to which attention has been drawn many times in this House. Under these circumstances it seems to me that the sooner the Honourable Member moves in this matter the better it will be for everybody concerned. There is only one other observation and that relates to this question of political demonstrations. When persons start an assembly and proceed on a religious mission, as they put it, to ask them to give an assurance that they are not a political mission or that they are not going to make a political demonstration seems to me a difficult position to accept and I would ask my Honourable friend, that, whatever may be the orders that have been issued in the matter, there should be no considerations of prestige except the main consideration that all of us have, and that is the maintenance of peace and order. I certainly never at any time intended to countenance breaches of peace and order. At the same time the position in this case is one in which both the Government and the Sikh community should sit together and find a solution, and I have given notice of this motion mainly with a view to persuading my friend the Honourable Sir Malcolm Hailey, to apply himself to this problem as early as he can. With these words I beg to withdraw this motion.

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

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th March, 1924.
