

24th March, 1924

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**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



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LEGISLATIVE ASSEMBLY.

Monday, 24th March, 1924.

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

MEMBERS SWORN:

Mr. Alan Hubert Lloyd, M.L.A. (Member, Central Board of Revenue),
and Mr. Wilfrid Thomas Mermond Wright, M.L.A. (Legislative Department: Nominated Official).

QUESTIONS AND ANSWERS.

RESEARCH SPECIALISTS IN THE PUSA RESEARCH INSTITUTE.

925. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state

(a) the number of research specialists employed in the Pusa Research Institute with the salaries of each;

(b) the number of persons who, having availed themselves of the facilities provided therein, have been provided with Government appointments?

Mr. M. S. D. Butler: (a) and (b). Statements giving the information required are placed on the table.

List of research specialists employed at the Agricultural Research Institute, Pusa.

Designation.	Present salary per mensem.
1. Imperial Economic Botanist	1,850
2. Second Imperial Economic Botanist	1,300
3. Imperial Agricultural Chemist	1,950
4. Supernumerary Agricultural Chemist	1,000
5. Imperial Agriculturist	1,600
6. Imperial Mycologist	1,500
7. Second Imperial Mycologist	1,300
8. Imperial Agricultural Bacteriologist	1,750
9. Assistant Bacteriologist	1,250
10. Imperial Entomologist	1,350
11. Second Entomologist	700

Statement showing number of students who received a training at Pusa from 1908—23 and how they are employed.

Subject in which trained.	No.	EMPLOYED					REMARKS.
		In the Indian Agricultural Service.	In the Provincial Agricultural Service.	In Indian States.	In Pusa.	By private bodies.	
<i>Post-graduate training.</i>							
Agricultural Chemistry	16	...	1	3	2	...	The majority of the other students are employed in the subordinate service of the Provincial Departments of Agriculture.
Myology	15	1	3	2	1	2	
Entomology	24	...	4	4	...	...
Bacteriology	16	...	1	3	1	...	
Botany	9	...	1	...	...	1	
Agriculture	18	3	2	1	...	...
General Training in laboratory methods.	33	...	...	...	...	...
Total	131	4	12	13	4	3	
<i>Short course training.</i>							
Sericulture	116	Information not available The majority of the short course students were private and those sent by Indian States.					
Lac Culture	56						
Fruit Culture	53						
Total	225						
<i>Special study in laboratories.</i>							
Worked in laboratories on special subjects.	23						
Total	23						
GRAND TOTAL	379						

BENGAL AND NORTH-WESTERN RAILWAY.

926. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state whether the recommendations of the Committee appointed by the Government of Bihar and Orissa to inquire into the working of the Bengal and North-Western Railway were placed before the Local Advisory Committees established at Gorakhpur and Muzaffarpur; and if so, what action has been taken by them on those recommendations?

Sir Henry Moncrieff Smith: Sir, the reply is on behalf of the Honourable Sir Charles Innes whose questions I am answering to-day. It is not correct to say that the Committee was appointed by the Government of Bihar and Orissa. The working of the Bengal and North Western Railway was the subject of a special inquiry by the Senior Government Inspector of Railways, Circle No. 3, Lucknow, in conjunction with the Agent, Bengal and North Western Railway, and certain representatives of the Bihar and Orissa and the United Provinces Governments. The result of this inquiry showed that the Railway Administration was paying careful attention to

the convenience of the public and was willing to meet all reasonable demands. The inquiry was held in February 1922 and, so far as Government are aware, the Senior Government Inspector's report has not been placed before the Local Advisory Committees of the Bengal and North Western Railway which were not established until later.

Mr. Gaya Prasad Singh: Are the members of the Committee appointed by nomination and what is the tenure of their office?

Sir Henry Moncrieff Smith: I am afraid I must ask for notice of that question.

ASSESSMENT TO INCOME-TAX OF THE PROFITS OF INDIGO PLANTERS.

927. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state if the profits derived by indigo planters by trading in indigo, are assessable to income-tax? And if not, why not?

The Honourable Sir Basil Blackett: The profits of indigo planters are partly of an agricultural nature, and to that extent are exempt from income-tax under section 2(1) of Act XI of 1922.

So far as they are not entitled to exemption on this ground they have been exempted from income-tax temporarily up to March 31st, 1925, on account of the depressed state of the industry.

WAZIRISTAN OCCUPATION AND REDUCTION OF THE ADEN GARRISON.

928. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state if the recommendations suggested in page 34, paragraph 70, of the Retrenchment Committee Report, in respect of the provision of the Waziristan occupation, and in respect of the reduction in the garrison at Aden, have been carried out?

(b) And if not, why not?

Mr. E. Burdon: (a) and (b). It was not found possible in 1923-24 to give effect to the whole of the recommendations of the Retrenchment Committee in regard to Waziristan and Aden. Regular troops had to be retained in South Waziristan some months longer than had been anticipated, in order to carry out effectively the policy adopted by the Government of India, which included the construction of the circular road from Isha, in the Tochi, *via* Razmak and Sorarogha, to Jandoli.

The whole of the savings proposed by the Retrenchment Committee in respect of the control of Waziristan have, however, been taken credit for in the Army Budget for 1924-25.

As regards Aden, some reduction in the strength of the garrison has been made during the past year, by the withdrawal of one Indian infantry battalion and further reductions are under consideration.

WAZIRISTAN POLICY AND STRENGTH OF THE ADEN GARRISON.

929. ***Mr. Gaya Prasad Singh:** (a) Has there been a "change in the Waziristan policy"? And if so, what is it?

(b) What is the present strength of the Aden garrison, and its cost of maintenance; and what was it before the war?

Mr. E. Burdon: (a) No. The attention of the Honourable Member is invited to the observations made by His Excellency the Viceroy on the subject of Waziristan policy when opening the present session of the Assembly.

(b) A statement, giving the information asked for by the Honourable Member, is laid on the table.

Statement showing the present and pre-war strengths of the Aden garrison, together with their respective costs.

Present strength.

Aden Troop.

Headquarters and 1 company, Royal Garrison Artillery.

1 Pack battery, Royal Garrison Artillery.

Fortress Company, Sappers and Miners.

Defence Light Section, Sappers and Miners.

Aden Brigade Signal Section.

1 British Infantry battalion.

1 Indian Infantry battalion.

Yemen battalion.

1 Flight, Royal Air Force.

Administrative services.

Cost:

Rs. 55 lakhs approximately per annum. This amount does not include the cost of the Royal Air Force Flight in Aden, which is paid for by the Air Ministry wholly.

Pre-war strength.

Aden troop.

Headquarters and 3 companies, Royal Garrison Artillery.

Fortress Company, Sappers and Miners.

Defence Light Section, Sappers and Miners.

1 British Infantry battalion, less 3 companies (i.e., on 8 company basis).

1 Indian Infantry battalion.

Administrative Services.

Cost:

Rs. 21 lakhs approximately per annum.

REPAIR OF CABLES IN THE PERSIAN GULF.

980. ***Mr. Gaya Prasad Singh:** Will the Government kindly state why the suggestion of the Retrenchment Committee (page 110, paragraph 10), namely, that the possibility of a favourable arrangement with some commercial company for the repair of cables in the Persian Gulf should be explored before steps are taken to replace the existing steamer of the I. E. T. Department, has not been carried out?

The Honourable Mr. A. C. Chatterjee: I would refer the Honourable Member to the proceedings of the debate that took place a few days ago on the motion for a reduction in the vote of the Indo-European Telegraph Department.

ABOLITION OF THE POST OF INSPECTOR GENERAL OF IRRIGATION.

981. ***Mr. Gaya Prasad Singh:** Why have not the Government abolished the post of the Inspector General of Irrigation, as suggested by the Retrenchment Committee in page 186, paragraph 80, of their Report?

The Honourable Mr. A. O. Chatterjee: The appointment of Inspector General of Irrigation was abolished with effect from the 1st June. In view, however, of the facts—

- (a) that the financial powers of Local Governments are limited, and that the Government of India are responsible for advising the Secretary of State in regard to all projects throughout India, the cost of which exceeds those powers;
- (b) that there are irrigation schemes of considerable magnitude in the Local Administrations in the direct jurisdiction of the Government of India;
- (c) that the settlement of disputes regarding irrigation matters between provinces or between a province and an Indian State is a Central Subject; and
- (d) that Central Civil Works of great importance are constantly under construction, and that the Government of India possess extensive properties, in regard to which works and properties expert technical advice is continually required;

it was found impossible for the Government of India to discharge their responsibilities without the assistance of a technical adviser, and on the abolition of the appointments of Public Works Secretary and Inspector General of Irrigation, a new post of Consulting Engineer to the Government of India was created, the holder of which discharges the technical functions which formerly devolved upon the two appointments abolished.

EXPENDITURE ON LIGHTING AND BUOYING OF THE PERSIAN GULF.

932. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state why the recommendation contained in page 157, paragraph 41, of the Report of the Retrenchment Committee, regarding the reduction of rupees one lakh in the expenditure on lighting and buoying of the Persian Gulf, has not been carried out?

(b) Why was the provision on this account reduced, and subsequently restored?

Mr. E. Burdon: (a) and (b). If the Honourable Member will refer to paragraph 29 of the Retrenchment Committee's Report he will see that the saving to Indian revenues was Rs. 50,000 and not Rs. 1,00,000. The provision of Rs. 1,00,000 was omitted by mistake and the whole amount had subsequently to be restored in order to provide for certain obligatory but unforeseen expenditure, of which the following are the three most important items:

- (a) the fitting up of the "Lawrence" to perform her new duties as recommended by the Incheape Committee in paragraph 27 of their report;
- (b) the withdrawal of a light ship in the Persian Gulf which was found to require extensive reconditioning;
- (c) expenses connected with the replacement of the light ship which I have just mentioned by a Royal Indian Marine trawler.

PROTECTED MONUMENTS.

933. ***Mr. Gaya Prasad Singh:** Will the Government kindly place on the table a statement giving the names of the Protected Monuments, Province by Province, the years in which they were declared as Protected Monuments and the amount of money spent up to date on each?

Mr. M. S. D. Butler: I shall be glad to show to the Honourable Member statements giving the names of the Protected Monuments, province by province and showing, where possible, the years in which they were declared as Protected Monuments. The amount of money spent each year prior to 1920-21 on each monument is given in the statements of monuments repaired which are published in the Provincial Archaeological Reports. No statement showing the money expended during the year on monuments repaired in 1921-22, which is the latest year for which information is available, has yet been published but I have had one prepared which I shall be glad to show to the Honourable Member.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER.

934. ***Mr. Gaya Prasad Singh:** Will the Government kindly state why the recommendation of the Retrenchment Committee (page 204, paragraph 3 of the Report) regarding the abolition of the post of Public Health Commissioner has not been given effect to?

Mr. M. S. D. Butler: The duties of the Public Health Commissioner include amongst other things the co-ordination of research and of inter-provincial measures of sanitation, advising the Government of India on all questions affecting the health of pilgrims to the Hedjaz, and the formulation of measures designed to enable the Government of India to discharge their increasing international responsibilities in matters of public health. The Public Health Commissioner also has an important responsibility in his capacity as Director of Public Health for the Administration of Delhi. In view of these facts the Government of India after careful consideration decided that the retention of a whole-time officer of scientific eminence and wide administrative experience was necessary. They have, however, effected countervailing savings to the extent of Rs. 18,000. The retention of the Public Health Commissioner has justified itself during the current year in Delhi alone, where the adoption by the Municipality of his bold scheme for combating plague has under Providence hitherto preserved the City from the epidemic which ravaged it last year.

EXPENDITURE ON THE INDIAN STORES DEPARTMENT.

935. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state the present position of the Indian Stores Department; and also indicate fully the reasons why the recommendation of the Retrenchment Committee (page 216, paragraph 15 of their Report) has not been given effect to?

(b) Is there any likelihood of any curtailment being made in the expenditure of this Department in the near future?

The Honourable Mr. A. O. Chatterjee: I propose with your approval, Sir, to answer this and the next question together.

The present position in regard to the Indian Stores Department was explained in my reply to starred question No. 42 on the 1st February last, while as regards the reasons for not accepting the recommendations of the Retrenchment Committee in regard to this Department I would refer the Honourable Member to the statement placed on the table by the Honourable Finance Member on the 16th July 1923, and also to the debate in this House in February last—and I think the Honourable Member was present at the debate,—on Mr. Jinnah's Resolution on the subject of stores purchase policy.

In pursuance of the decision to proceed with the expansion and development of the Indian Stores Department it is proposed to sanction the following additional measures during the ensuing financial year:

- (a) the appointment of an additional officer at Headquarters to deal with engineering plant and materials, and additional subordinate staff;
- (b) the constitution of Purchase Branches at Calcutta and Bombay;
- (c) the appointment of additional superior staff and executive subordinates for the existing Calcutta Inspection Circle;
- (d) the constitution of inspection agencies at Bombay, Madras and Cawnpore.

The estimated cost is about Rs. 3 lakhs.

EXPANSION OF THE INDIAN STORES DEPARTMENT.

†936. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state if any further expansion of the Indian Stores Department is contemplated in the next year?

(b) And if so, what exactly is the nature of such expansion, and what is the amount of expenditure involved in the project?

INDIANISATION OF THE POLICE SERVICE IN THE UNITED PROVINCES.

937. ***Maulvi Muhammad Yakub:** Will the Government of India be pleased to state if they issued any orders to the United Provinces Government with regard to the Indianisation of the Police Services and when?

The Honourable Sir Malcolm Hailey: The Honourable Member is presumably referring to the Indian (Imperial) Police Service. In May 1922 all Local Governments were addressed on the importance of the early fulfilment of the promise held out to the Provincial Police Service according to which 11 per cent. of the posts of Superintendent of Police are to be filled by officers promoted from the Provincial Service.

PROMOTION OF SENIOR DEPUTY SUPERINTENDENTS OF POLICE TO THE RANK OF SUPERINTENDENTS IN THE UNITED PROVINCES.

938. ***Maulvi Muhammad Yakub:** (a) Are the Government of India aware that their orders for filling up 11 per cent. of posts of Superintendents of Police by the immediate promotion of Senior Deputy Superintendents have not been carried out in the United Provinces, and since the reforms only one officer has received this promotion, while vacancies in the post of Superintendents are being filled up by promotion of European Assistants of 1911 although Senior Deputy Superintendents of 1906 to 1910 are still waiting for promotion?

(b) Do the Government of India propose to take immediate steps to have their orders carried out in the United Provinces?

The Honourable Sir Malcolm Hailey: (a) In May 1922 all Local Governments were asked to complete as early as possible the filling up of 11 per cent. of the superior posts on their Imperial Police cadres by the promotion of Provincial Police Service officers. In doing so of course the rights of the existing members of the Service must be considered.

† For Answer to this Question—see Answer below Question No. 935.

(b) The Government of India have no reason to believe that the instructions of the Government of India are not being carried out as opportunity permits. They do not propose therefore to issue any further orders to the Local Government.

SEPARATION OF JUDICIAL FROM EXECUTIVE FUNCTIONS IN THE UNITED PROVINCES.

939. ***Maulvi Muhammad Yakub:** (a) Have the Government of India received any proposals from the United Provinces Government for the separation of the judicial from the executive?

(b) Do the Government of India propose to accord sanction to the above proposals at an early date?

The Honourable Sir Malcolm Halley: (a) Yes.

(b) As indicated in the reply given by me to Mr. Gaya Prasad Singh's unstarred questions Nos. 78 to 80 on the 11th February 1924, the Government of India do not propose to take any action until the final views of the Governments of Madras and Bengal are received.

SECRETARYSHIP OF THE CANTONMENT COMMITTEE.

940. ***Mr. Shambhu Dayal Misra:** Would the Government kindly state if they propose to consider the claims of suitable Indians for the posts of Secretary of the Cantonment Committee under the new Cantonment Code?

Mr. E. Burdon: Yes.

THE COLONIES COMMITTEE.

941. ***Mr. Shambhu Dayal Misra:** (a) Has the attention of the Government been drawn to the dissatisfaction caused in India regarding the Kenya India Committee?

(b) Would the Government kindly state if prominent public men conversant with the Kenya question were consulted before the appointment of the present Committee?

Mr. M. S. D. Butler: The answer to part (a) of the question is in the negative and to part (b) in the affirmative.

Mr. Shambhu Dayal Misra: Has the attention of Government been drawn to the statement of Mahatma Gandhi which appeared in yesterday's "Pioneer"?

Mr. M. S. D. Butler: Yes.

Mr. Shambhu Dayal Misra: Does he not say, Sir, that the personnel of the Committee and the omission to include in that Committee the names of the Right Honourable Srinivasa Sastri, Dr. Sapru and Mr. Andrews were by themselves significant of the fact that the Committee was to be looked upon with distrust?

Mr. M. S. D. Butler: I have not got the actual statement before me but believe that in substance the Honourable Member is correct in his statement.

Mr. Devaki Prasad Sinha: How many members of the Kenya Committee have ever visited Kenya and acquired first-hand knowledge of the condition of the Indian there?

Mr. M. S. D. Butler: Two, I believe, Sir.

Mr. Chaman Lal: What was the guiding principle in selecting the personnel?

Mr. M. S. D. Butler: The guiding principle in forming committees is to obtain the services of such gentlemen as are likely to achieve success in their mission.

Mr. Devaki Prasad Sinha: Will Government give the names of those gentlemen who have had experience of Kenya?

Mr. M. S. D. Butler: H. H. the Aga Khan and Sir Benjamin Robertson.

Mr. Devaki Prasad Sinha: Did Government at all approach either the Right Honourable Srinivasa Sastri or Dr. Sapru or Mr. Andrews with a request to serve on the Committee?

Mr. M. S. D. Butler: I am not prepared to give an answer to that question.

CONVERSION OF THE SADAR BAZAR OF THE SAUGOR CANTONMENT INTO A MUNICIPAL COMMITTEE.

942. ***Mr. Shambhu Dayal Misra:** Would the Government kindly state if they intend to convert the Sadar Bazar of the Saugor Cantonment into a Municipal Committee?

Mr. E. Burdon: There is no present intention of converting the Sadar Bazar of the Saugor cantonment into a municipal committee.

INCOME FROM CULTURABLE LANDS IN THE SAUGOR CANTONMENT.

943. ***Mr. Shambhu Dayal Misra:** Would the Government kindly state; (1) the total income from culturable lands in the Saugor Cantonment, (2) the basis of assessment of those lands, and (3) how does the income from those lands compare with the rest of the Income of the Cantonment Committee, Saugor Cantonment?

Mr. E. Burdon: The information required is being collected and will be communicated to the Honourable Member on receipt.

TITLE OF "HONOURABLES" FOR M. L. A.'s.

944. ***Mr. Shambhu Dayal Misra:** Have the Government any objection to allowing the M.L.A.'s to be styled "Honourables"?

The Honourable Sir Malcolm Hailey: I would invite a reference by the Honourable Member to the speeches of Mr. O'Donnell and my predecessor on this question when it was discussed in the Assembly on the 2nd March 1921. The question as to the persons who may be permitted to use the title of "Honourable" during their term of office is a question for the decision of His Excellency the Viceroy and Governor General alone under his Prerogative Powers delegated to him by His Majesty. It is not a matter for the decision of the Government of India. If, however, the

Honourable Member wishes to know the opinion of the Government of India in this respect, I can only say that it is in accordance with the announcements of my predecessor and of Mr. O'Donnell to which I have referred. The decision that they should not bear this title is of course in accordance with the general practice in the Dominions and of the House of Commons.

PROMOTIONS IN THE INDIAN ARMY.

945. ***Mr. Kumar Sankar Ray:** Why promotions in the Indian Army are governed by a time-scale whereas it depends on regimental vacancies in the British Service?

Mr. E. Burdon: The circumstances in which a time-scale of promotion for officers of the Indian Army was introduced are described in Chapter I of the "Army in India and its Evolution". The Government of India have for many years preferred the time-scale system of promotion on the ground that it obviates inequalities and makes for the contentment and efficiency of the service. It may be mentioned that promotion by time-scale is not entirely automatic. Examinations have also to be passed. Moreover the time-scale only operates up to and including the rank of Lieutenant-Colonel and the system of promotion in the British Army to which my Honourable friend refers also is applicable to regimental appointments only.

DUTY ON IMPORTED HAIR BELTING.

946. ***Mr. Kumar Sankar Ray:** (a) Have Government received any representation from the firms of Messrs. Yorke & Co., Howrah, and the Eureka Belting Works, Ltd., Howrah, about the supply of hair belting made in India? If so, what steps are the Government going to take in the matter?

(b) Whether the import duty on hair belting is $2\frac{1}{2}$ per cent. and that on Camel hair yarn imported for making the belting in India is 15 p. c.?

Sir Henry Moncrieff Smith: (a) An application was received on March 7th from the Eureka Belting Works, Limited, Howrah, asking for an increase of duty on imports of Camel Hair Belting. The question of what further subjects should be referred to the Tariff Board is under consideration and this representation has been noted.

(b) The answer is in the affirmative.

EXTENSION OF THE POSTAL VOTING SYSTEM TO PURDAH LADIES.

947. ***Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to state which are the constituencies of the Central Legislature that are given the privilege of voting by post during elections?

(b) Do the Government propose to extend the postal voting system to purdah ladies also in consideration of the inconvenience and impracticability of these ladies appearing and voting before polling officers?

Sir Henry Moncrieff Smith: (a) A statement is laid on the table.

(b) The Government of India do not propose to take action of the nature suggested by the Honourable Member. His attention is moreover invited to the fact that in the case of general constituencies of the Legislative Assembly a regulation authorising purdah ladies as such to vote by post would be *ultra vires* of sub-rule (4) of rule 14 of the Legislative Assembly Electoral Rules. Under that rule the power to prescribe by regulation a

departure from the ordinary rule that votes shall be given in person can be exercised only in regard to constituencies or geographical parts of constituencies and not in regard to particular classes of voters.

Statement showing the constituencies of the Council of State and the Legislative Assembly in which voting by post is allowed.

COUNCIL OF STATE.

Province.	Constituency.
Madras . . .	{ 1. Madras (Non-Muhammadian). 2. Madras (Muhammadian).
Bombay . . .	{ 1. Bombay (Non-Muhammadian). 2. Bombay Presidency (Muhammadian). 3. Sind (Muhammadian).
Bengal . . .	. Bengal Chamber of Commerce.
The Punjab . .	{ 1. Punjab (Non-Muhammadian). 2. Punjab (Sikh). 3. East Punjab (Muhammadian). 4. West Punjab (Muhammadian).
Assam . . .	{ 1. Assam (Non-Muhammadian). 2. Assam (Muhammadian).
Burma . . .	. Burma Chamber of Commerce.

Legislative Assembly.

Madras . . .	{ 1. Madras (European). 2. Madras Indian Commerce.
Bengal . . .	. Indian Commerce Constituencies.
The Punjab . .	. Punjab Landholders.
Bihar and Orissa	. Bihar and Orissa Landholders.

JUMA MOSQUE AND DURGA OF HAZRAT MALIKIBN-DINAR AT KASARAGOD.

948. ***Mr. Mahmood Schamnad Sahib Bahadur:** (a) Are the Government aware that the railway station premises at Kasaragod (S. I. Ry.) have blocked the old and *mamool* way from the Kasaragod town to the big Juma Mosque and Durga of Hazrat Malikibn-Dinar which is annually visited by a large number of pilgrims coming from different parts of the country?

(b) Are the Government aware that the railway line cuts away the town from the said mosque and Durga and only one way kept to approach the mosque is at a distant place quite inconvenient to the votaries from the town who have to attend daily, and also to the large number of pilgrims that come by train, etc.?

(c) Are the Government aware that the Moplahs of the place made several applications to the authorities either to repair their old road to the mosque, or at least to allow them to repair it, opening a passage through the fencing, at about the place where the road to the mosque and from the mosque, has been blocked, and that they were not permitted, although a local vakil was allowed to construct a road through the same station premises along a part of the way, the Mahomedans also wanted to construct a road?

(d) Are the Government aware that there is great disappointment among the Moplahs there now on account of the refusal of the authorities concerned to allow them to repair their old *mamool* way to go to the place of their worship and also on account of the invidious distinction made?

(e) Do the Government propose to advise the authorities there to make the said road or at least to allow the people to continue as far as the mosque the road already made by the said vakil so that there may not be any hindrance to their going to their daily prayers?

Sir Henry Moncrieff Smith: The necessary information is being obtained from the Railway Administration concerned and will be communicated to the Honourable Member on receipt.

SUPPLY TO THE ASSEMBLY LIBRARY OF THE DELHI ADMINISTRATION REPORTS.

949. ***Lala Piyare Lal:** Will Government be pleased to provide the Library of this House with the reports of the administration of Delhi province at an early date?

The Honourable Sir Malcolm Hailey: Copies of Reports on the Administration of Delhi for the years 1919-20 to 1922-23 have been placed in the Library of this House and arrangements are being made for the supply of copies of Reports of previous years and also of future issues on publication.

REFUSAL TO SUPPLY MEMBERS OF THE ASSEMBLY WITH THE ANNUAL ADMINISTRATION REPORTS OF THE NEW CAPITAL COMMITTEE.

950. ***Lala Piyare Lal:** Will Government be pleased to state the reasons for refusal by the Secretary to supply the Annual Administration reports of the New Capital Committee even on payment to the Members of this House?

The Honourable Mr. A. C. Chatterjee: The New Capital Committee publishes no Annual Administration reports, and cannot therefore supply what it does not publish. If the Honourable Member refers to the Annual Progress Reports, these are printed for official use only and not for publication. I may add, however, that paragraphs dealing with the New Capital works will be found in Chapter III of the Annual Administration Report of the Delhi Province. The report for the year 1922-23 was published last month, and is available on sale at the Chief Commissioner's Office.

THE LADY HARDINGE MEDICAL COLLEGE HOSPITAL.

951. ***Lala Piyare Lal:** Will Government be pleased to state:

- (a) the number of quarters in the Lady Hardinge Medical College Hospital, Raisina, for Indians and Europeans respectively?
- (b) the number of Indian and European patients annually admitted to the Hospital?
- (c) rates of rent charged for the quarters of the two classes, respectively?
- (d) the reasons for the differentiation in the treatment of the two classes of patients if there is any?
- (e) the total amount of donation from Indians and Europeans, respectively?

Mr. M. S. D. Butler: (a) 21 cottage wards and 72 *purdah* cubicles are available for Indians, and 3 cottages and 4 cubicles for Europeans.

(b) A statement giving the figures required is laid on the table.

(c) Indians pay Rs. 2 per day for cottage wards; Europeans pay Rs. 3 per day, excluding diet in both cases.

(d) Europeans are charged at a higher rate, though their rooms are the same size, because they get a little extra furniture.

(e) The Honourable Member's attention is drawn to the answers given on the 3rd March to a question on the same subject.

Number of indoor patients admitted annually to the Lady Hardinge Medical College Hospital, Raisina.

Year.	Indians.	Anglo-Indians.	Europeans.	Total.
1922	1,851	5	35	1,891
1923	2,548	3	44	2,645

ANGLO-INDIAN AND INDIAN STAFF EMPLOYED AT THE DELHI RAILWAY STATION.

952. ***Lala Piyare Lal:** Will Government be pleased to state the total number of Anglo-Indians and Eurasian staff at the Delhi Railway station with their respective capacities, their salaries and other allowances in a tabular form; also a similar statement of the Indian Staff?

Sir Henry Moncrieff Smith: Two lists giving the information are being sent to the Honourable Member.

RESERVATION OF SEATS AT DELHI RAILWAY STATION.

953. ***Lala Piyare Lal:** Will Government be pleased to state the reasons why the system of reserving seats in force at Victoria-Terminus at Bombay is not extended to Delhi railway station for trains starting from this station?

Sir Henry Moncrieff Smith: Government are not aware of any material difference in the system except in the matter of a booking fee which is levied at Victoria Terminus in connection with certain trains but not at Delhi.

WAITING ROOM AT DELHI FOR INTER AND THIRD CLASS LADY PASSENGERS.

954. ***Lala Piyare Lal:** Is it a fact that no waiting room is provided specially for the lady passengers of the inter and third class at Delhi Railway station. If the answer to the question is in the affirmative, will the Government be pleased to state the reasons for its absence?

Sir Henry Moncrieff Smith: Government understand that at Delhi Station there is an inter class ladies' waiting room and that two enclosures have been partitioned off for ladies travelling third class.

FEEs FOR REGISTRATION OF TELEGRAPHIC ADDRESSES.

955. ***Lala Piyare Lal**: Will Government be pleased to state the reasons for the recent increase in the fees for registration of telegraphic addresses from Rs. 10 to Rs. 15 per mensem? Will Government also state the authority for this increase?

The Honourable Mr. A. O. Chatterjee: Because the previous rates were much too low in view of the amount of work entailed and in comparison with similar rates elsewhere.

The increased rates were sanctioned by the Government of India in exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885).

RECRUITS FOR THE ROYAL AIR FORCE.

956. ***Lieut.-Colonel H. A. J. Gidney**: (a) Has the attention of the Government been drawn to the announcement that appeared in the "Englishman" dated February 16th, 1924, which reads as follows: "In the House of Commons to-day Mr. Thurtle (Labour) asked why the condition of pure European descent was imposed on candidates for the Royal Air Force. Mr. W. Leach, Under-Secretary for Air, replied that the mixture of European and non-European subjects in the same fighting service raised grave practical difficulties"?

(b) Will the Government be pleased to state how do they propose to reconcile this statement which is said to raise grave practical difficulties with their avowed policy of Indianising the various branches of the Army in India?

Mr. E. Burdon: (a) Yes.

(b) The Government of India have since seen official report of the statement from which it is clear that Mr. Leach was referring to the British Services. The Government of India do not regard the statement as affecting or as having been intended to affect their declared policy in regard to Army Indianisation.

THE DOMICILED COMMUNITY AND THE ARMY.

957. ***Lieut.-Colonel H. A. J. Gidney**: (a) Will Government be pleased to state under what category members of the domiciled community come, so far as admission into the ranks of the British and Indian Armies is concerned.

(i) Are they ranked as Europeans or Indians?

(ii) If Europeans, why are they denied admission into the British Army?

(iii) If Indians, why are they denied admission into the Indian Army, especially the eight experimental units of the Indian Army?

(b) Will Government be pleased to make a definite pronouncement as to what position and share the domiciled community are to be given in the contemplated changes in the Indian Army? Is it the intention of Government to continue to ignore the domiciled community in this respect?

Mr. E. Burdon: I regret that I am unable to reply to this question to-day. I have had to call for certain information which is not immediately available and which has not yet been received regarding the position of

members of the domiciled community in respect of enlistment in the British Army. When my inquiries have been completed, I will communicate the result to the Honourable Member at once. I hope he will excuse the present delay which I can assure him is unavoidable.

Mr. N. M. Joshi: May I ask whether that information will be published as an answer to this question?

Mr. E. Burdon: I have not the slightest objection to having it published if the Honourable Member wishes it done. I had intended communicating it to Colonel Gidney.

Mr. N. M. Joshi: I thought the question was of importance and might be published.

Mr. E. Burdon: Certainly I will do so.

ANGLO-INDIAN OFFICERS IN THE AUXILIARY FORCE.

958. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government be pleased to state how many Anglo-Indians there are to-day in the Auxiliary Force?

(b) How many and what percentage of Anglo-Indians to-day hold the King's Commission in the Auxiliary Force? Do Government propose to issue orders to increase the percentage of Anglo-Indian officers in the Auxiliary Force?

Mr. E. Burdon: (a) and (b). Government are not in possession of the information desired. The personnel of the Force has not been classified on the basis of origin and domicile. I am, however, arranging to have certain inquiries made relative to the point which the Honourable Member appears to have in mind; and I will communicate the result when received.

ANGLO-INDIANS ON THE RAILWAYS.

959. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will Government be pleased to state how many Anglo-Indians were employed on the various Railways, (both State and Company-managed) in India, (a) before the introduction of the reforms scheme, (b) since Colonel Sir Danvers Waghorn made his pronouncement in the Legislative Assembly in 1922 regarding the Indianisation of the Railways and (c) on January 1st, 1924?

(b) Will Government be pleased to state how many Anglo-Indians have been employed on the various Railways since Colonel Sir Danvers Waghorn made his announcement on the Indianisation of the Railways?

(c) Will Government be pleased to state how many Anglo-Indians have been dismissed from employment on the Railways since the introduction of the reforms and especially since Sir Danvers Waghorn made his announcement on the Indianisation of the Railways?

Sir Henry Moncrieff Smith: As the Honourable Member was informed in reply to a similar question asked by him on the 28rd July 1923, Government have not got the information asked for. The only information they possess on the subject is given in the statistics published in the appendix to the Budget Memorandum.

MARRIAGE ALLOWANCE FOR MILITARY ASSISTANT SURGEONS.

960. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will the Government of India be pleased to state on what grounds they have decided to refuse the concession of marriage allowance to Assistant Surgeons of the Indian Medical Department in military service?

(b) Is this marriage allowance granted to warrant officers in other branches of the Army stationed in India?

(c) If the answer to (b) is in the affirmative, will Government be pleased to state whether this allowance is made to departmental warrant officers other than the I. M. D. who have married in India and married Anglo-Indian women?

Mr. E. Burdon. (a) The concession is an entirely new one provided in its origin for personnel domiciled in the United Kingdom and it was held that it is not necessary to extend it to the I. M. D. the members of which are recruited and domiciled in India. The denial of the concession was based also on financial grounds, the need for economy.

(b) and (c). Yes.

FUTURE POLICY OF GOVERNMENT TOWARDS THE INDIAN MEDICAL DEPARTMENT.

961. ***Lieut.-Colonel H. A. J. Gidney:** Will the Government be pleased to state what is to be their future policy towards the I. M. D. as a whole in India?

Mr. E. Burdon: The Government are not at the present time contemplating any change in their present policy in regard to the maintenance of the Indian Medical Department.

IMPERIAL AND PROVINCIAL FOREST SERVICE OFFICERS.

962. ***Lieut.-Colonel H. A. J. Gidney:** (a) Will the Government be pleased to state whether it is a fact that before the reforms scheme became operative a large number of men were recruited from England to the Indian Imperial Forest Service, and if so, whether Government are aware of the fact that this step has prevented an adequate number of promotions from the Provincial Service to the Imperial Service.

(b) Will Government be pleased to state whether the salary of a Provincial Forest Official is increased when he is promoted to the Imperial Service, and if so, to what extent, giving the respective and comparative salaries of each officer, i.e., "Provincial" and "Imperial"?

Mr. M. S. D. Butler: (a) Actually 94 direct recruits were selected for the Indian Forest Service between the end of the war and the inauguration of the Reforms Scheme, but this recruitment in no way affected promotions from the Provincial to the Imperial Service. This is regulated according to the number of listed posts which has been fixed at 12½ per cent. of the whole cadre of the Indian Forest Service *plus* a leave reserve, and does not vary with the number of recruits appointed direct to the Indian Forest Service.

(b) Provincial Forest Service officers when promoted to the Imperial Service draw pay on the scale of the Indian Forest Service next above the pay which they were drawing in the Provincial Service at the time of promotion. A statement showing the scale of salary of the Indian Forest Service will be supplied to the Honourable Member. For provincial rates of pay which are not the same in all the provinces the Honourable Member is referred to the provincial civil lists.

EMPLOYMENT OF INDIANS IN THE AUDIT AND ACCOUNTS SERVICES.

963. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year in the Indian Audit and Accounts Service?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) How many, if any, applications have been received up till now?
- (e) How far will the appointments go towards the growth of Indianisation of the superior services?

The Honourable Sir Basil Blackett: (a) One Indian is being appointed as a result of the examination recently held. No more appointments will be made this year.

(b) Recruitment for the service is ordinarily made in India only, on the results of an annual competitive examination. Only statutory natives of India are eligible to compete.

(c) The essential qualification required is a high standard of education. No preferential qualification is required.

(d) and (e). Do not arise.

INDIANS IN THE SUPERIOR TRAFFIC SERVICES OF RAILWAYS.

964. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year in the superior traffic service (Assistant District Superintendent of Traffic)?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) how many, if any, applications have been received up till now?
- (e) how far will the appointments go towards the growth of Indianisation of the superior services?

Sir Henry Moncrieff Smith: (a) No appointments of Assistant District Traffic Superintendent on State Railways are likely to be made this year, as there is no vacancy in the sanctioned cadre.

(b), (c), (d) and (e) of the question do not therefore arise.

It may be added, however, that the Railway Board are considering the desirability of making a few appointments of probationary Assistant Traffic Superintendents, Local Service. It is proposed to make these appointments by selection and the claims of Indians who have undergone some training in Traffic working in Great Britain and from whom a considerable number of applications have been received will be carefully considered.

INDIANS IN THE IMPERIAL CUSTOMS SERVICE.

965. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year in the Imperial Customs Service?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) how many, if any, applications have been received up till now?
- (e) how far will the appointments go towards the growth of Indianisation of the superior services?

The Honourable Sir Basil Blackett: I propose to circulate the answer, as it is rather a long one:

- (a) Two Indians will be appointed to the Imperial Customs Service this year, if suitable candidates are available.
- (b) Appointments are made by a combined system of nomination and competitive examination. Nominations are called for from Local Governments and Administrations and selected candidates are allowed to compete at the examination annually held for appointments to the Indian Audit and Accounts Service.
- (c) Selected candidates must possess high educational qualifications, good physique, social status and strength of character.
- (d) Fifteen candidates were nominated and permitted to compete at the examination held in December last.
- (e) If two candidates are selected on the results of the examination, the percentage of Indians in the Service, excluding posts reserved for the Indian Civil Service, will be raised from 80 to 86.

APPOINTMENT OF INDIANS AS ASSISTANT CONTROLLERS OF STORES.

966. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year as Assistant Controllers of Stores?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) how many, if any, applications have been received up till now?
- (e) how far will the appointments go towards the growth of Indianisation of the superior services?

Sir Henry Moncrieff Smith: (a) No appointments are likely to be made this year as there is no vacancy in the sanctioned cadre of Assistant Controllers of Stores, State Railways.

(b), (c), (d) and (e) of the question do not therefore arise.

APPOINTMENT OF INDIANS AS SUPERINTENDENTS OF POST OFFICES.

967. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year as Superintendents of Post Offices?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) how many, if any, applications have been received up till now?
- (e) how far will the appointments go towards the growth of Indianisation of the superior services?

The Honourable Mr. A. C. Chatterjee: As the answer is rather long and tedious, I shall, with the Honourable Member's concurrence, lay it on the table.

(a) Three.

(b) Vacancies are filled alternately by the appointment of Probationary Superintendents and by the promotion of selected subordinates who have passed the Superintendents' examination.

(c) An Indian candidate who joins the Post Office as a Probationary Superintendent must ordinarily be a graduate of a recognised University; in the case of a non-Indian, the possession of adequate educational qualifications is insisted on. Special attention is paid to social standing and physical fitness. No Probationary Superintendent is promoted as a permanent Superintendent until he has justified his selection and has passed the prescribed departmental examination. Only subordinates of proved ability who have passed the departmental examination and have shown their fitness in every respect are selected for promotion to a Superintendentship.

(d) 105 are on the waiting List.

(e) Out of 180 appointments of Superintendents 50 will be held by non-Indians and the remaining 130 by Indians, when the three appointments referred to at (a) are filled.

RECOVERY OF RENT FOR BUNGALOW No. 2, CHURCH ROAD, RAISINA.

968. *Mr. Kammaran Nambiyar: (a) Will the Government please state if Bungalow No. 2, Church, Road Raisina, formerly occupied by Mr. W. F. Symes, Executive Engineer, III Project Division, P. W. D., Delhi, (on leave), is lying vacant, or is it allotted to somebody else? If occupied, the name of the occupant, and the date from which it was allotted?

(b) Has Mr. Symes left his things locked up in the bungalow? If so, is he paying rent for the building? If no rent is being recovered, why? Could not the building be rented out to some other officer?

(c) Is it a fact that under similar circumstances, rent was recovered from Sir M. F. Gauntlett, Auditor General during his absence on leave? If so, what are the reasons for differentiation in the two cases?

The Honourable Mr. A. C. Chatterjee: (a) Mr. Symes formerly occupied bungalow No. 5 Church Road and not No. 2 Church Road. That bungalow has been occupied by Mr. E. F. Sykes, a Consulting Engineer, with effect from the 16th November 1928.

(b) Arrangements could not be made to lease the house during the absence on leave of Mr. Symes, and he was permitted to leave a few of his belongings in the residence at his own risk. In accordance with the note to paragraph 823 of the P. W. D. Code rent was not recovered from him.

(c) Sir M. F. Gauntlett paid rent during his absence on leave as he was not prepared to relinquish the bungalow unconditionally. Exemption from the payment of rent can only be allowed in cases in which a tenant, who proceeds on leave or duty out of the station, relinquishes his bungalow unconditionally.

BUNGALOWS LEASED BY GOVERNMENT IN DELHI.

969. *Mr. Kammaran Nambiyar: Will the Government please state:

- (a) The number of bungalows taken on hire by the Government for use as residences of Government servants in Delhi?
- (b) The total cost incurred by Government during the year 1923-24 on account of rent for and repairs to such leased bungalows, and the amount of rent, etc., realised from the occupants for that period?
- (c) Why are the bungalows available in Raisina not utilised by the officers?

The Honourable Mr. A. C. Chatterjee: (a) During the year 1923-24 Government had 21 bungalows on lease, including Curzon House. Two of these are for officers of the Delhi Administration and the others for the officers of the Government of India Establishments.

(b) The figures of the actual expenditure incurred during the year 1923-24 are not yet available. The estimated cost of rents and repairs to the leased bungalows is, however, Rs. 87,743. Actual figures of rent are not yet available; the estimated recovery is Rs. 39,500.

(c) The houses in Civil Lines were taken on lease many years ago, and it would not have been economical to have left them empty and to have utilized the houses in Raisina instead.

CONTRACTORS EMPLOYED IN THE 6TH AND 8TH PROJECT DIVISIONS, P. W. D., DELHI.

970. *Mr. Kammaran Nambiyar: (a) Will the Government be pleased to furnish a list of contractors working in the 6th and 8th Project Divisions, Public Works Department, Delhi, showing the total value of work given to each contractor in each of the above Divisions? How many of these contractors are Sikhs, and what is the total value of the work given to Sikh contractors in each of the two Divisions?

(b) Is any of the Sikh contractors working in these Divisions a relation of the Executive Engineer of the Division? If so, is it not against the rules?

(c) What steps do the Government propose to take against the officers, if any, who are acting in contravention of the rules?

The Honourable Mr. A. C. Chatterjee: (a) I can show the Honourable Member a long list of the contractors, if he will call at my office. I am not prepared to undertake the labour of calculating the total value of the work given to each contractor.

(b) The answer is in the negative.

(c) Does not arise, but I wish to take this opportunity of stating emphatically that there is no justification whatever for imputing any communal preference to the two Sikh gentlemen now in charge of these Divisions.

SHORTAGE OF INSULATED WIRE IN THE STOCK OF THE 3RD PROJECT DIVISION, P. W. D., DELHI.

971. ***Mr. Kammaran Nambiyar:** (a) Is it a fact that there is a shortage of about 250 coils of insulated wire in the stock of the III Project Division, P. W. D., Delhi? If so, what are the facts of the case?

(b) What was the weight and value of the material under reference, and the source of its supply?

(c) How has this loss been disposed of?

(d) Are any officials of the Government involved in this case? What step do the Government propose to take against them?

The Honourable Mr. A. C. Chatterjee: (a) 245 coils of wire were found missing from one of the godowns in which the electrical materials of the III Project Division were stored. There was evidence of theft and the matter was handed over to the Police for investigation. Two persons were *challaned* by the Police but the investigating Magistrate held that the case was not established and acquitted the accused.

(b) The weight of the wire was 12-1-9 cwts. and value Rs. 2,695. It was purchased from Messrs. Callendar's Cable and Construction Company Limited, London.

(c) and (d). The case is still under departmental inquiry.

RECOVERY OF RENT FOR BUNGALOWS IN RAISINA NOT ACTUALLY VACATED BY THE TENANTS.

972. ***Mr. Kammaran Nambiyar:** (a) Is it a fact that the Chief Engineer and the present Personal Assistant to the Chief Engineer, P. W. D., Delhi, do not pay any rent for the bungalows occupied by them on Akbar Road and Jantar Mantar Road, respectively, during the summer months when they go to Simla, although all their things are locked up in the building, and they are thus actually in possession of the same? Do their *chowkidars* reside on the premises, and they only pay rent for an outhouse for the *chowkidar*?

(b) Do these officers send vacation reports of bungalows when proceeding to Simla, without actually vacating them? Is not their action in this respect against the rules?

(c) What is the amount of rent which the Government lose thereby annually?

(d) Was this point ever raised by the Deputy Accountant General, Central Revenues, Delhi?

The Honourable Mr. A. C. Chatterjee: (a), (b) and (c). It would invite the Honourable Member's attention to my reply to his question No. 968, which I have just answered. The question whether rent is, or is not, recovered in such cases is governed by the note in paragraph 823 of the Public Works Department Code, and depends on whether the officer, during a period of absence on duty elsewhere, is prepared to relinquish his

bungalow unconditionally or not. Action in the particular cases referred to in this question was taken strictly in accordance with the rule. In point of fact, the Chief Engineer paid rent for the full year 1923, as he was not prepared to relinquish his bungalow unconditionally.

(d) No.

PASSPORT RESTRICTIONS.

973. ***Maulvi Muhammad Yakub:** Do the Government propose to consider the question of removing all restrictions upon the issue and renewal of passports to England and the Continent?

Mr. E. B. Howell: There is no Act or Rule published by the Government of India which makes it compulsory for persons proceeding from India to England or to foreign countries on the Continent of Europe, to be in possession of passports before leaving this country. Passports are demanded of travellers by the authorities in the countries of destination. The instructions relating to the issue and removal of passports, which are partly based on the requirement of Foreign States, are drawn up by His Majesty's Government. They are in force throughout the British Empire and it is not within the competence of the Government of India to alter them.

Mr. Chaman Lal: Do the Government know that a great deal of dissatisfaction prevails in the country with regard to the method and manner in which passports are refused to applicants?

Mr. E. B. Howell: Government are not aware of that.

Mr. Chaman Lal: The fact is that numerous cases have recently cropped up. Will Government see that no restrictions are placed on the grant of passports on purely political grounds?

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

Maulvi Muhammad Yakub: Will the Government be pleased to inquire if certain persons carrying on business in Europe who have also reserved shops in the Empire Exhibition, were disallowed the renewal of their passports on account of holding political opinions not favoured by the local authorities?

Mr. E. B. Howell: Will the Honourable Member give me the name of any such persons?

Maulvi Muhammad Yakub: Yes, Sir, I shall be glad to give you the name.

LETTER AND EDITORIAL COMMENTS IN THE "SWARAJYA" ENTITLED 'RAILWAY VAGARIES'.

974. ***Mr. C. Duraiswami Aiyangar:** (a) Has the attention of the Government been drawn to a letter published under the heading "Railway Vagaries" in the *Swarajya*, dated 7th March 1924, and the editorial note thereon?

(b) Is the fact stated in the letter true?

(c) If so, will the Government be pleased to state what action has been taken thereon?

Sir Henry Moncrieff Smith: (a) Yes.

(b) The Government do not know.

(c) The Agent's attention has been drawn to the matter.

TREATMENT OF INDIAN TRAVELLERS BETWEEN INDIA AND CEYLON.

975. ***Dr. S. K. Datta:** Are Government aware (i) that British Indian travellers from India to Ceylon and from Ceylon to India by the Dhanushkodi Talamannur route are subjected by the Indian police authorities to very careful inquiries as to the motives of their journey, residence, occupation, etc., (ii) that all other British subjects leave or enter India without these inquiries being made. (iii) Will Government state the reason for this differential treatment?

The Honourable Sir Malcolm Hailey: (i) Government are aware that inquiries are made at Dhanushkodi from travellers arriving from or proceeding to Ceylon, in connection with the passport regulations: with a view to ascertaining whether travellers ought to be in possession of passports and, if so, whether their passports are in order.

(ii) and (iii). Government is not aware of the existence of any differential treatment such as that alleged.

Dr. S. K. Datta: If I were to place the facts regarding differential treatment before the Honourable Member, would he be willing to inquire?

The Honourable Sir Malcolm Hailey: I shall be very glad to consider the facts if the Honourable Member will place them before us.

TREATMENT OF BRITISH INDIANS FROM OVERSEAS IN COLOMBO.

976. ***Dr. S. K. Datta:** Are Government aware (i) that British Indian subjects landing from overseas in Colombo are conveyed under supervision to the police headquarters and subjected to a search both of their persons and baggage? (ii) If this be a fact, are Government prepared to make energetic representations to the Ceylon Government on this matter?

The Honourable Sir Malcolm Hailey: Government have no reason to believe that the practice stated is general. They are aware that cases have occurred in circumstances that have given rise to complaint, but they believe them to be isolated cases.

Dr. S. K. Datta: May I inquire again, Sir, whether the Government are willing to make inquiry to establish whether these are isolated cases?

The Honourable Sir Malcolm Hailey: Yes, if the Honourable Member will place me in possession of information in regard to which I could make inquiry.

TREATMENT OF BRITISH INDIANS AT HONG KONG.

977. ***Dr. S. K. Datta:** (i) Are Government aware that British Indian subjects proceeding to China on arrival in Hong Kong are ordered to report at Police Headquarters for purposes of inquiry, all other British subjects being exempt?

(ii) Are Government prepared to make inquiry?

The Honourable Sir Malcolm Hailey: Government have no information on this point.

CONSTRUCTION OF A STATION AT BHAMBURDA.

978. ***Mr. K. G. Lohokare:** (a) Whether it is a fact that the town-planning schemes of the Poona City and suburban areas held out hopes of a station at Bhamburda—near Poona, G. I. P. Railway, and the schemes were so sanctioned by the local Government some years before?

(b) Is the construction of this station expected to be undertaken this year? If not, what are the reasons for the postponement?

Sir Henry Moncrieff Smith: (a) Yes.

(b) No. A start cannot be made until the Great Indian Peninsula Railway Administration is put in possession of the necessary land and the actual area required is being examined at present.

MILITARY SUB-ASSISTANT SURGEONS.

979. ***Mr. K. G. Lohokare:** Will the Government be pleased to say:

(1) How the Military Sub-Assistant Surgeons holding Viceroy's Commission are classed—whether as combatant, non-combatant, departmental or supplemental service officers or something else in the matter of:

- (a) General discipline
- (b) Discipline and service in the field units.
- (c) Pay, provision of other allowances in kind and quarters.
- (d) Disability, family and full term retirement pensions.
- (e) Percentage of promotion to King's Commission?

(2) Whether in matters of pay, injury and invalid pensions and allowances laid down for combatant and Medical Department officers holding Viceroy's Commissions, the analogy of scales, laid down for combatant and medical service officers holding King's Commissions in the Indian Army, is taken into consideration?

Mr. E. Burdon: (1) (a) and (b). Military sub-assistant surgeons are classed for these purposes as non-combatant departmental officers subject to the Indian Army Act.

(c) The rates of pay, etc., received by sub-assistant surgeons of the Indian Medical Department are laid down in Part I of the "Pay and Allowance Regulations", to which the attention of the Honourable Member is invited. These rates of pay are special to them.

In the matter of "quarters", they are also treated specially; but with regard to "rations", they are on the same terms as other officers holding the Viceroy's Commission.

(d) *Disability pensions.*—A proposal is under consideration to make applicable to sub-assistant surgeons the revised terms of disability pensions sanctioned in 1922 for Indian combatants and non-combatant departmental and regimental employés, etc.

Family pensions.—Sub-assistant surgeons now receive the same rates of family pensions as are laid down in Part II of the "Pay and Allowance Regulations," for the families of Indian officers, non-commissioned officers, etc., of the Indian Army.

Retiring pensions.—The rates of retiring pensions admissible to sub-assistant surgeons are laid down in Part II of the "Pay and Allowance Regulations", and are special rates.

(e) The percentage promoted to King's Commissions is one per cent.

(2) I am afraid I do not understand this part of the Honourable Member's question. If he will be so good as to make his intention clearer, I shall try to furnish him with a reply.

Mr. K. G. Lohokare: I want the Honourable Member to take into consideration the analogy of scales—that is, a comparison between the Indian medical officer and the combatant service officer in the British Army, and compare that analogy with officers holding Viceroy's Commissions in the commissioned ranks and the officers of the Medical Department—that is, the I. M. D. holding Viceroy's Commissions. I want the Honourable Member to take these two comparisons into consideration and then reply to me.

Mr. E. Burdon: In that case, Sir, I can say that the rates of pay of the various classes are not determined by calculating ratios of that kind.

MILITARY SUB-ASSISTANT SURGEONS.

980. ***Mr. K. G. Lohokare:** (1) Is it a fact that Military Sub-Assistant Surgeons' training class requires the Indian University Matriculation or equivalent examination for admission, and four years' professional training for qualifying for admission to the I. M. D. as against a vernacular course when the Class was instituted to begin with?

(2) Is it a fact that the India Army Regulations do not yet recognise the I. M. D.—Indian and British sections—and much more the S. A. S. for regular medical work, and entrust them with duties much more clerical and of dressers and compounders in spite of their training of a qualified medical practitioner in India?

(3) If it be a fact that the scale of pay of the Military Sub-Assistant Surgeons without opportunities for private practice is equal to or even lower than their civil brethren in Provincial Services?

(4) If the reply to (2) and (3) be in the affirmative, whether Government are prepared to spend money on training which is not made use of in the I. M. D.—and yet run a discontended service in the Army?

Mr. E. Burdon: (1) Yes.

(2) Members of the Indian Medical Department are employed in subordinate charge of hospitals and of wards in hospitals, when their duties are mainly clinical. In some cases, they are placed in independent charge of small hospitals and small bodies of troops. They are also employed on compounding duties in hospitals. All hospitals, except the smallest, are provided with a clerical staff, apart from the Indian Medical Department. The clerical duties which members of the Indian Medical Department may be called upon to perform are restricted to supervision and to such other clerical duties as are inseparable from their clinical work.

(3) The rates of pay of civil sub-assistant surgeons vary in the different provinces; and in certain cases at any rate, the civil sub-assistant surgeon draws a lower scale of pay than the military sub-assistant surgeon. The fact, therefore, cannot be said to be as stated by the Honourable Member.

(4) This question does not arise.

MILITARY PENSIONS.

981. ***Mr. K. G. Lohokare:** (1) Will the Government be pleased to say if there is any difference in the scales (proportionate to pay and allowances) of injury and invalid pensions and family pensions on loss of life in action or military duty between—

- (a) Officers holding King's commission in the combatant and medical services.
- (b) Officers holding King's commissions in the combatant and supply services.
- (c) Military Assistant Surgeons and combatant warrant officers.
- (d) Warrant officers of the combatant and the supply services.
- (e) Military Sub-Assistant Surgeons and combatant officers with Viceroy's commissions?

(2) Which service has the advantage over the other in each of the above comparisons?

(3) Are the revised rules for disability pensions to commissioned and non-commissioned combatants and supplemental service officers under Army Instructions 1056 of December 1922 applicable to Military Sub-Assistant Surgeons. If not, will Government reconsider the question?

(4) Are the rules for family pensions the same for the officers of Viceroy's commission in the combatant and medical services. If not, will Government reconsider the question?

Mr. E. Burdon: (1) and (2). To provide an answer to these questions would involve elaborate calculations which have never hitherto been required and which Government are not now prepared to undertake, as they do not consider that any useful purpose would be served by doing so.

(3) As already stated in reply to a previous question, a proposal is under consideration to make applicable to sub-assistant surgeons the terms of Army Instruction (India) No. 1056 of 1922.

(4) The answer to the first part of the question is in the affirmative, and the second part therefore does not arise.

NOMINATION TO THE ASSEMBLY OF A NON-OFFICIAL MEMBER FROM THE
CENTRAL PROVINCES AND BERAR.

982. ***Sardar Gulab Singh:** (a) Is it a fact that a non-official member was nominated to the last Assembly from the C. P. and Berar?

(b) Will the Government be pleased to state the reason why a non-official Member has not been nominated to the Assembly from the C. P. and Berar?

(c) Are the Government aware that all the Swarajists or those supported by them have been elected to the Assembly from the C. P. and Berar?

(d) Are the Government aware that there is no non-official Member in this Assembly from the C. P. and Berar, who could be expected to safeguard the special interests of landholders in those Provinces?

(e) If so, do Government propose to nominate one non-official Member from C. P. and Berar?

Sir Henry Moncrieff Smith: (a) Khan Sahib Maulvi Abdul Kadar of Amraoti in Berar was nominated to the last Legislative Assembly.

(b) and (c). Presumably the Honourable Member refers to the nomination of a non-official member other than that which is required to be made under the electoral rules as the result of an election held in Berar.

Nominations to the Assembly are made not by the Government but by His Excellency the Governor General. The limited number of seats to be filled by the nomination of non-officials does not make it possible to provide for the representation of all communities and interests in the country.

(c) Government have no official information but believe that the statement made in this part of the question is substantially correct.

(d) The Central Provinces landholders' constituency returns one member to the Assembly; he presumably can be expected to safeguard the special interests of landholders in these provinces.

Mr. Devaki Prasad Sinha: What authority have Government for stating that the information given in part (d) of question No. 982 is correct in spite of the fact that there is an Honourable Member here who represents the handholders of the Central Provinces?

Sir Henry Moncrieff Smith: I said in regard to part (d) of this question that there was one Member in the Assembly representing the Central Provinces Landholders' constituency, and he presumably could be expected to safeguard the interests of that community.

Mr. Devaki Prasad Sinha: I understood, Sir, that the Honourable Member said that the suggestion contained in part (d) of the question was correct.

Sir Henry Moncrieff Smith: That is in regard to part (c) of the question.

Mr. Devaki Prasad Sinha: I beg your pardon. I am sorry for the mistake.

ESTATE OF ANCIENT FAMILIES IN THE CENTRAL PROVINCES.

988. ***Sardar Gulab Singh:** (a) Has the attention of the Government of India been drawn to the statement contained in the Darbar speech delivered on the 19th December 1919, by Sir Benjamin Robertson, K.C.S.I., K.C.M.G., LL.D., I.C.S., the then Chief Commissioner of the C. P. and Berar, laying down the policy of the Government in connection with the recognition of estates of ancient families as inalienable and impartible?

(b) Had that policy not been declared by the head of these Provinces in concurrence with the Government of India?

(c) What action have the Government of India and the C. P. Government, since taken or are they going to take in furtherance of that policy?

Mr. M. S. D. Butler: (a) and (c). If the Honourable Member will kindly let me have a copy of the speech referred to the matter will be considered.

SIKH HOLIDAYS.

984. ***Sardar Kartar Singh**: With reference to answer to question No. 812, given by the Honourable the Home Member on 14th February, 1924, will the Government please name the Sikh representative consulted? If none, why not?

The Honourable Sir Malcolm Hailey: I am not prepared to give the name of the Sikh representative consulted. It is a point on which we have every right to observe anonymity.

CURTAILING OF THE SECRETARIAT HOLIDAYS.

985. ***Sardar Kartar Singh**: What led the Government of India to restrict the observances as holidays of different religious festivals?

The Honourable Sir Malcolm Hailey: The reason for curtailing the number of holidays is clearly stated in the reply given by me on the 11th March 1924, to Mr. Chaman Lal's question No. 742. I have nothing to add to that statement.

SIKH HOLIDAYS.

986. ***Sardar Kartar Singh**: Is it a fact that two gazetted holidays have been fixed for the festivals of each community? If so, why have the Sikhs not been granted a similar concession?

The Honourable Sir Malcolm Hailey: The Honourable Member is referred to the orders issued, a copy of which was placed in the Library. The two holidays fixed for each community are also general holidays and are enjoyed by Sikhs along with others. Provision for holidays on Sikh festivals is secured by the 6 additional sectional holidays. Sikhs are in exactly the same position as other communities as regards the number of holidays that they may enjoy.

ANNUAL REPORT OF THE LADY HARDINGE MEDICAL COLLEGE.

987. ***Kumar Ganganand Sinha**: (a) Is it a fact that the Lady Hardinge College does not issue annual reports and they are not available to the Members of the Legislature or the public?

(b) If an annual report is published, will the Government be pleased to lay it on the table?

(c) Is it a fact that though the college has been in existence for more than 7 years no reports excepting one have been issued?

(d) Are the Government prepared to take steps to see that a similar calendar is issued by the Lady Hardinge College or that its report is incorporated in the Delhi University calendar for the use of the public?

Mr. M. S. D. Butler: (a) and (c). A report on the Lady Hardinge Medical College is issued every year and will be found attached to the printed Annual Report of the Countess of Dufferin's Fund. It is available to the public. In addition a more detailed report is published every five years. The last was issued in 1918. The report for the subsequent quinquennium is under preparation.

(b) A copy of the Annual Report of the Countess of Dufferin's Fund for the year 1922, has been placed in the Library of the Assembly.

(d) This does not arise.

INSPECTION OF THE LADY HARDINGE MEDICAL COLLEGE.

988. *Kumar Ganganand Sinha: (a) Is it a fact that the Lady Hardinge College is not inspected by the higher medical authorities, as is the rule with all other hospitals?

(b) Do the Government propose to see to the appointment of a Government officer to make an annual inspection and report upon the College and the Hospital?

Mr. M. S. D. Butler: (a) and (b). The College is inspected periodically by a committee of the Punjab University. This committee includes at least one professor of the Government Medical College, Lahore. The last inspection by this Committee was on the 4th January 1924. The college was again inspected on the 7th and 8th March 1924, by Lieutenant Colonel Megaw, I.M.S., Director of the Tropical School of Medicine and Hygiene, Calcutta. The Director General, Indian Medical Service, is also president of the Governing Body. In the circumstances the Government of India consider that no further inspection is for the present necessary.

Mr. K. Ahmed: Is it a fact that the prescriptions made for outdoor patients are not given to them?

Mr. President: That does not arise out of this question.

Mr. K. Ahmed: Is it not fact a fact, Sir, that the prescriptions made for outdoor patients are the subject also for the inspection of

Mr. President: The Honourable Member knows that prescriptions are given to patients and not to Inspectors.

Mr. K. Ahmed: Is it not necessary to keep a record of these prescriptions in the hospital so that the Inspectors may go into the internal matters,

AUDIT OF THE ACCOUNTS OF THE LADY HARDINGE MEDICAL COLLEGE.

989. *Kumar Ganganand Sinha: (a) Is it a fact that when transferring the audit of the Lady Hardinge College from private chartered auditors to the Government paid auditors, it was stated that it is practically a Government concern controlled by the Government officials?

(b) In connection with the audit, will the Government be pleased to lay on the table correspondence between the Governing Body of the College and the Government of India?

Mr. M. S. D. Butler: (a) and (b). A copy of the correspondence referred to by the Honourable Member is laid on the table. It will be seen that the object of the change was to save the auditor's fee.

Mr. Gaya Prasad Singh: Under what conditions has the Government grant been made to the institution?

Mr. M. S. D. Butler: That the institution should be maintained efficiently.

Mr. Gaya Prasad Singh: Will the Government be pleased to lay on the table a copy of those conditions?

Mr. M. S. D. Butler: I do not know if any conditions were specifically drawn up but I will look into the matter.

Copy of a letter No. 1832-S.-Medl., dated the 30th June 1921, from the Secretary to the Government of the Punjab, Transferred Departments, to the Secretary to the Government of India, Department of Education.

I am directed by the Punjab Government (Ministry of Education) to forward a copy of a letter dated the 2nd April 1921, from the Honorary Secretary, Governing Body of the Lady Hardinge Medical College, Delhi, suggesting that an annual audit of the College accounts should be undertaken by the Examiner of Local Fund Accounts, Punjab, and to inquire whether it is possible to meet the wishes of the Honorary Secretary by the issue of instructions to the Auditor General.

Copy of a letter dated the 2nd April 1921, from the Honorary Secretary, Governing Body of the Lady Hardinge Medical College, to the Chief Secretary to the Government of the Punjab, Lahore.

On behalf of the Governing Body of the Lady Hardinge Medical College, Delhi, I have the honour to request that sanction may be accorded to the Examiner of Local Funds Accounts, Punjab, undertaking the annual audit of the accounts of the College free of any charge. As the Government are no doubt aware the College and the Hospital attached to it were built from funds raised mainly by public subscription, but the Government of India are making an annual contribution of two lakhs of rupees towards its recurring expenses. The management is in the hands of a Governing Body composed mainly of officials, and it is important that the accounts of the institution should be properly audited. The work had hitherto been done by private agency, but exorbitant fees are now being demanded which the funds of the College can ill afford to spare, and there are obvious advantages in the work being done by a Government agency if possible.

I am accordingly to ask that the necessary sanction as requested may be accorded.

Copy of a letter No. 1008, dated the 17th September 1921, from the Deputy Secretary to the Government of India, Department of Education, Health and Lands, to the Secretary to the Government of the Punjab, Transferred Departments.

In reply to your letter No. 1832-S.-Medl., dated the 30th June 1921, I am directed to say that the Auditor General is being requested to arrange for the audit of the Lady Hardinge Medical College Fund as desired by the Governing Body of that Fund.

AUDIT OF THE ACCOUNTS OF THE LADY HARDINGE MEDICAL COLLEGE.

990. ***Kumar Ganganand Sinha:** With reference to the answer given by the Honourable Member Mr. Butler on the 3rd instant that the Lady Hardinge Medical College is a private institution, will the Government be pleased to give reasons for permitting a private concern to be annually audited by the Local Fund Examiner of the Punjab who are under the Government of India?

Mr. M. S. D. Butler: The Honourable Member's attention is invited to the letter from the Honorary Secretary to the Governing Body of the College, dated the 2nd April 1921, to the Chief Secretary to the Government of the Punjab, a copy of which has been laid on the table in compliance with the request made in his previous question.

AUDIT AND INSPECTION NOTE ON THE LADY HARDINGE MEDICAL COLLEGE FOR 1922-23.

991. ***Kumar Ganganand Sinha:** With reference to the answer given on the 8th instant that the audit note and audit objection statements relating to the Lady Hardinge College for the period ending on 30th September.

1923, have not reached the Governing Body, will the Government be pleased to give reasons as to why the same cannot be laid on the table when they have been received in the Principal's office since last December?

Mr. M. S. D. Butler: The Government of India understand that the Audit and Inspection Note for the year 1922-23, was received in the Honorary Secretary's office only on the 19th March. The Governing Body are being asked to expedite its consideration and to let the Government of India know what action they propose to take on it. On receipt of their report the request of the Honourable Member will be considered.

EXAMINATION INTO THE EXPENDITURE AND EFFICIENCY OF THE LADY HARDINGE MEDICAL COLLEGE.

992. ***Kumar Ganganand Sinha:** With reference to the answer given on 3rd March, 1924, that the Director of the Tropical Medical School Calcutta, is being addressed to come and survey the efficiency and expenditure of the Lady Hardinge College, are the Government prepared to appoint an Indian non-official Member elected by the Legislative Assembly to supervise the institution along with the Principal of the Calcutta Tropical Medical School?

Mr. M. S. D. Butler: Government understand that Lieut.-Colonel Megaw has finished his inspection of the Lady Hardinge Medical College. In the circumstances it is impossible to give effect to the Honourable Member's suggestion.

SEPARATION OF THE JUDICIAL FROM THE EXECUTIVE FUNCTIONS.

993. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state whether any scheme for the separation of executive from judicial functions was submitted by the Madras Government? If so, when and what action have the Government taken or propose to take in the matter?

The Honourable Sir Malcolm Hailey: The Madras Government have not yet submitted any scheme.

RESOLUTIONS PASSED BY THE ASSEMBLY.

994. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state the number of the Resolutions passed by the Assembly in 1920-23? How many of them were given effect to by Government and how many of them were not at all acted upon?

Sir Henry Moncrieff Smith: No Resolutions were passed by the Assembly in 1920; there was no Assembly in that year.

The information asked for by the Honourable Member for the years 1921-23, has already been given in a series of statements laid on the table from time to time in reply to questions from Honourable Members. These statements are printed in the official reports. The reference to the pages of the official reports, where these statements will be found, are given in the statement below.

I am not reading the statement as it is a string of dates which will be found in the answer laid on the table.

Delhi session, 1921 . . .	. . .	Legislative Assembly Debates, dated the 16th January, 1922, pp. 1705-1608.
Simla session, 1921 . . .	. . .	Legislative Assembly Debates, dated the 24th January, 1922, p. 1831, and dated the 8th March, 1922, p. 2906.
Delhi session, 1922 . . .	. . .	Legislative Assembly Debates, dated the 6th September, 1922, pp. 45-47.
Simla session, 1922 . . .	. . .	Legislative Assembly Debates, dated the 15th January, 1923, pp. 991-992.
Delhi session, 1923 . . .	. . .	Legislative Assembly Debates, dated the 9th July, 1923, pp. 4277-4378.
Simla session, 1923 . . .	. . .	Legislative Assembly Debates, dated the 5th February, 1924, pp. 192-193.

Mr. Chaman Lal: Is it not a fact that not a single Resolution passed by the Assembly during the present session has been given effect to by the Government?

Sir Henry Moncrieff Smith: No Honourable Member has yet asked what effect has been given to Resolutions passed by the Legislative Assembly this session. I am afraid I cannot give the information offhand.

Mr. Chaman Lal: Are we to understand then, Sir, that the Government are addicted to a policy of obstruction?

DEATHS AMONG MAIL RUNNERS.

995. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state:

- how many mail runners lost their lives in discharging their duty during the year 1922-23?
- what steps have Government taken to reduce the number of deaths among mail runners to a minimum?
- is there any provision for the payment of any compensation to their families? If there is none, do Government propose to take any steps, if so, what steps, in this direction.

The Honourable Mr. A. C. Chatterjee: (a) Two mail runners lost their lives in the performance of their duties during the year 1922-23, one in a highway robbery, the other in an accident.

(b) Police escorts are provided in British territory where necessary, and Indian States are held responsible for the safe passage through their territories of the Imperial Mail.

(c) The Civil Service Regulations provide for the grant of a family pension in cases where mail runners are killed or die of injuries received in the performance of duty. In cases of accidental death their families are granted a compassionate gratuity from a departmental fund.

SUSPENSION OF THE BOOKING AND LOADING OF COTTON BALES AT
KHURJA STATION.

996. ***Mr. Narain Dass:** (a) Will the Government be pleased to say if booking and loading of goods from any station can be suddenly suspended or stopped in the absence of serious and weighty reasons?

(b) Is it a fact, that booking and loading of cotton bales was stopped at Khurja Junction station from 22nd November 1923 to 3rd December 1923?

(c) Is it a fact that 658 bales of cotton were lying on the platform ready to be loaded?

(d) Is it a fact that the rains, exposure and a heavy fall in the prices of cotton during the period of suspension of traffic at the above station, resulted in a heavy loss to the owner of the cotton bales?

(e) Are the Government prepared to see that in case of unavoidable suspension of goods traffic at important stations a timely notice thereof is given to the firms and merchants of those places?

Sir Henry Moncrieff Smith: (a) The reply is in the negative.

(b), (c) and (d). Government have no information.

(e) Suspension of goods booking is generally the result of unforeseen circumstances and consequently railways are not in a position to give previous notice to traders.

Mr. Narain Dass: May I ask the Honourable Member if it is not possible to make inquiries?

Sir Henry Moncrieff Smith: I have not been able to catch the Honourable Member's question, but in any case I doubt if I am in a position to reply to it.

EXPORT OF OPIUM.

997. ***Mr. Narain Dass:** (a) Will the Government be pleased to state how much opium and to what places outside of India, was exported in the years 1914 to 1923, giving the sale price thereof?

(b) Will the Government be pleased to state the total production of opium in British India, and as much of it as passed through British India but produced in Indian States, in the said years?

(c) Will the Government be pleased to give the total receipts from opium in the said years?

The Honourable Sir Basil Blackett: (a) A statement is laid on the table which gives the total exports of opium from India, with destinations, during the years 1914—23. No information can be given regarding the sale price as exports are from the stocks in the Presidency Opium Godowns, Calcutta, sold during previous years.

(b) A statement is laid on the table which gives the total production of opium in the Benares Agency, the Punjab, and Ajmer-Merwara, and the quantity of opium purchased by the Government of India in Central India and Rajputana States during the years 1913-14 to 1922-23. No information is available regarding the quantity of opium produced in the Simla Hill States nor regarding the quantity imported for local consumption in the Punjab.

(c) A statement is laid on the table which gives the receipts from the sale of opium of different kinds during the years 1918-14 to 1921-22. The figures for the year 1922-23 are not yet available.

A.

Statement showing the exports of opium from India during the years 1914 to 1923, with destinations. (In chests).

	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923
Straits Settlements.	965	3,240	3,998	4,818	4,284	4,155	3,090	3,010	1,820	2,100
Hong Kong	476	169	380	420	456	540	180	120	150	240
D. E. Indies	1,800	2,415	1,935	2,200	2,000	2,000	2,900	2,300	1,800	900
Siam	2,270	1,700	1,300	1,100	1,700	1,700	1,700	1,700	1,650	1,600
Br. N. Borneo	...	...	...	...	1-0	226	176	240	60	84
Ceylon	80	85	60	60	70	50	60	70	60	30
French Indo-China.	2,150	2,675	2,625	2,595	3,790	1,920	950	1,655	1,700	2,975
Japan and Formosa.	800	990	1,260	1,138	1,631	1,170	900	150	50	150
Macao	778	565	500	440	400	469	531	440	500	240
Other countries	673	437	299	36	50	1	35	85	338	225
Total	9,924	12,216	12,337	12,802	14,551	12,231	10,522	9,770	8,128	8,544

B.

Statement showing (1) the total production of opium (in maunds) in the Benares Agency, (2) the quantity of opium (in maunds) purchased by the Government of India from the Malwa States and (3) the quantity of opium produced in the Punjab and Ajmer-Merwara during 1913-14 to 1922-23.

Year.	Outturn in Benares Agency.	Quantity purchased from Malwa States.	Opium produced in Punjab.†	Opium produced in Ajmer-Merwara.
	Mds.	Mds.	Mds.	Mds.
1913-14	24,292	20,502	158	...
1914-15	23,293	13,551	212	...
1915-16	27,001	20,812	...	•
1916-17	32,124	7,887	...	•
1917-18	32,248	7,874	...	•
1918-19	27,343	8,199	92	29
1919-20	22,781	2,921	137	•
1920-21	14,340	11,223	80	6
1921-22	18,310	12,703	60	4
1922-23	23,000	16,346	134	•

* Figures not available.

† Opium is also grown in the Simla Hill States in the Panjab but the local excise reports do not show how much of this opium is imported for local consumption in the Panjab.

C.

Statement giving the receipts from the sale of opium during the years 1913-14 to 1922-23.

Year.	Provision opium.	Medical opium.	Excise opium.	Miscellaneous.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.
1913-14	1,91,92,177		46,61,291	5,19,710	2,43,73,178
19 4-5	1,87,71,788	...	47,49,095	61,496	2,35,83,274
1915-16	2,27,03,225	...	45,18,811	16,80,676	2,87,02,712
19 6-17	3,68,31,640	...	57,14,290	48,54,143	4,74,00,073
1917-18	3,20,37,150	...	57,84,677	83,61,711	4,61,83,538
1918-19	3,61,14,814	...	67,23,157	64,98,099	4,93,36,070
1919-20	3,64,94,575	...	62,72,548	27,95,094	4,55,62,212
1920-21	2,92,97,500	9,463	59,18,891	75,880	3,53,41,234
19 1-22	2,80,92,450	7,205	75,70,790	54,747	3,07,25,192
1922-23			(Not yet known).		

*PROPOSED RAILWAY BETWEEN MUTTRA AND ALIGARH *via* BRINDABAN.

998. *Mr. Narain Dass: Will the Government be pleased to state what progress the projects to connect Muttra and Aligarh (*via* Brindaban) by a broad gauge line has made?

Sir Henry Moncrieff Smith: The Muttra Aligarh Railway was surveyed, and an estimate of its cost prepared, in 1904. The estimate is now being revised in the light of present day conditions.

Mr. N. M. Joshi: Sir, I am not putting the next three questions,† as similar questions have already been put and answered,† in this House on the same subject.

† 999. *Mr. N. M. Joshi: 1. Will Government be pleased to state whether it is a fact that at the time of the separation of the North-West Frontier Province, the Government of India and the Secretary of State had laid down a general principle that the civil establishments (including clerical) in the new Province should receive the same rates of pay as were then in force in the Punjab? If so, will they be pleased to state whether that principle was observed in fixing the rates of pay of civil clerical establishments in the new Province?

2. Will Government be pleased to state whether it is a fact that the local Administration of the N.-W. Province has ever since the separation been following and maintaining the Punjab standard of efficiency and rates of pay of their civil clerical establishments?

3. (a) If the reply to 1 and 2 above be in the affirmative, will Government be pleased to state why the civil clerical establishments in the N.-W. Province are being paid less pay since October 1920, than that allowed to their *confrères* in the Punjab?

(b) If the reply to 1 and 2 above be in the negative, will Government be pleased to state since when, why and on what general principles the rates of pay of civil clerks in the N.-W. Province have been kept at a lower standard than that obtaining in the Punjab for the time being?

1000. *Mr. N. M. Joshi: Will Government be pleased to state whether it is a fact that the pay of the civil clerks of the Irrigation Department in the N.-W. Frontier Province has been raised to the Punjab level? If so, will they be further pleased to state why other civil clerks serving in the same Province are being accorded a differential treatment?

1001. *Mr. N. M. Joshi: Will Government be pleased to state whether they have received copies of any resolutions passed by the Civilian Clerks' Association, N.-W. Frontier Province, on the subject of revision of pay and on other subjects of vital importance to the civil clerks in the Province? If so, what action do Government propose to take on these resolutions?

† See pages 1889 and 1890 of L. A. Debates, Vol. IV.

ACCOMMODATION OF MEMBERS OF THE INDIAN LEGISLATURE AT SIMLA.

1002. ***Maulvi Muhammad Yakub:** (1) Are Government aware that inconvenience is caused to the majority of the Members of the Indian Legislature at Simla, on account of the great distances of the places of their residence from the Chambers.

(2) Will the Government be pleased to make some more convenient arrangement for the accommodation of the members at the summer Capital?

Sir Henry Moncrieff Smith: (1) Having regard to the conditions obtaining in Simla, Government do not think it can be said that any undue inconvenience is caused to Members who avail themselves of the accommodation offered by Government. It is always open to Members, if they so prefer, to make their own arrangements.

(2) Government are unable to make any more convenient arrangement for the accommodation of Members in Simla.

ACCOMMODATION IN THE WESTERN HOSTEL, RAISINA, OF ORTHODOX MEMBERS OF THE INDIAN LEGISLATURE.

1003. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that some Members of the Indian Legislature are put to great inconvenience on account of the Western Hostel, Raisina, not being open to members living in orthodox style?

(b) Are the Government aware that a large number of rooms in the Western Hostel remained vacant during the present session because private cooking arrangements were not allowed to Members residing there?

(c) Are the Government prepared to allot one block or one storey of the Western Hostel, Raisina, for members having their private mess?

Sir Henry Moncrieff Smith: (a) The reply is in the negative. Sufficient accommodation has during this session been made available for Members living in orthodox style in the quarters at Windsor Place and Queensway and in houses in various parts of Raisina.

(b) Government are aware that several rooms in the Western Hostel have not been occupied this year, but more rooms have been occupied this year than in any previous year. Government are not able to accept the implication that the Hostel would have been filled if Members had been allowed to make private cooking arrangements there. Members living in orthodox style have always shown a preference for the type of quarters provided at Windsor Place and Queensway; where such quarters are not available they have shown a preference for bungalows.

(c) The Hostel was designed and constructed for the use of persons living in European style and Government are not prepared to allot any part of it to Members living in orthodox style or requiring to make their own arrangements for cooking.

Mr. N. M. Joshi: Are Government aware of the fact that some Members were practically compelled to live in the Western Hostel as they were not offered any orthodox accommodation?

Sir Henry Moncrieff Smith: I understand, Sir, that Members who were offered accommodation in the Western Hostel had not asked for accommodation elsewhere in the orthodox style. I understand also that

all Members who desired accommodation in the orthodox style at the disposal of the Government were offered such accommodation and they accepted it.

Mr. K. Ahmed: I suppose, Sir, there will be no infringement of the rules, having regard to the fact that many quarters are left vacant, if the orthodox Members are allowed to live in the Western Hostel and to use the servants' godowns as kitchens.

(No answer.)

Mr. K. Ahmed: I do not think it can be against the rules or the principles of the commercial system adopted in the other departments of the Government of India, for instance, the Railway Department. The principle that has been enunciated and adopted by the Honourable Mr. A. C. Chatterjee is the payment of rent. That being so, I suppose there can be no objection if Members living in Western Hostel ask for the use of servants' quarters to be used as kitchens.

Sir Henry Moncrieff Smith: Government have an objection. It is not a mere question of recovery of rent. It is the question of the purpose for which the Western Hostel was provided and the convenience of Members who live there in the unorthodox style.

Mr. K. Ahmed: I do not quite understand. The unorthodox Members living in the Hostel use the rooms in the same way as the orthodox people. It matters very little, as far as the use of the servants' quarters or godowns as kitchens is concerned. Will the Honourable Member kindly explain?

Sir Henry Moncrieff Smith: I think, Sir, it is a matter of opinion. Government hold one opinion, and apparently the Honourable Member holds another.

FLOODS IN BIHAR AND ORISSA.

1004. **Mr. Gaya Prasad Singh:** (a) Are the Government aware that the following passage occurs in the telegram, dated the 23rd August 1923, from the Secretary to the Government of Bihar and Orissa to the Government of India:

"Breaches have occurred on the E. I. Railway, west and east of Arrah, also on the B. N. W. Railway between Dighwara and Sonapur"?

(b) Are the Government aware that in the telegram, dated the 5th October 1923, from the Secretary to the Government of Bihar and Orissa to the Secretary to the Government of India, it is stated that owing to floods in North Champaran, the B. N. W. Railway was breached in three places?

(c) Are the Government aware that in the Press Communiqué, dated the 20th September 1923, issued by the Government of Bihar and Orissa, mention is made of "the breaches in the B. N. W. Railway, which runs through the Saran area, and the E. I. Railway"?

(d) Is it not a fact that these breaches in the railway lines are due to the fact that the natural flow of water is impeded by the railway embankments, thereby resulting in floods, and breaches in the railway lines?

(e) Are the Government under the circumstances prepared to cause a definite inquiry to be made into the causes of floods?

Sir Henry Moncrieff Smith (a), (b) and (c). Yes.

(d) No. The railway banks are well provided with flood openings as well as culverts but the cause of the damage to the East Indian Railway and part of the B. and N. W. Railway was the overflow of the Sone river due to an abnormal flood and the cause of the remaining damage to the B. and N. W. Railway was the bursting of the banks of the Tribeni Canal.

The question whether any inquiry is necessary is for the Local Government to decide.

Mr. Gaya Prasad Singh: Sir, are the Government aware that there was absolutely no inquiry made by the Government of Bihar and Orissa into the cause of the floods, as the communiqué itself says:

"These inquiries have enabled Government to form a comparatively accurate estimate of the losses sustained from the floods in each district, and of the measures that still remain to be undertaken to relieve distress and accelerate the recuperation of the distressed tracts."

Sir Henry Moncrieff Smith: I would suggest to the Honourable Member that he give private notice to Sir Charles Innes of that question if he desires an answer.

SUBSCRIPTIONS TO CERTAIN NEWSPAPERS BY GOVERNMENT DEPARTMENTS.

1005. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state how many copies of the following newspapers are subscribed for the Government of India in the Departments of (a) Home, (b) Finance, (c) Industries and Labour, (d) Education, Health and Lands, (e) Legislative, and (f) Foreign and Political:

- (1) The "Englishman."
- (2) The "Statesman."
- (3) The "Indian Daily News."
- (4) The "Pioneer."
- (5) The "Times of India."
- (6) The "Madras Mail."

The Honourable Sir Malcolm Hailey: A statement containing the required information is laid on the table.

Number of copies of certain newspapers subscribed for for the use of the Departments of the Government of India specified.

Name of Newspaper.	Home Depart- ment.	Finance Depart- ment.	Industries and Labour.	Educa- tion, Health and Lands.	Legis- lative Depart- ment.	Foreign and Political Depart- ment.	Total.
1. The Englishman	2	1	1	Nil	1	Nil	5
2. The Statesman	5	3	2	1	1	1	13
3. The Indian Daily News.	Nil	Nil	Nil	Nil	Nil	Nil	...
4. The Pioneer	5	3	2	3	1	5	19
5. The Times of India	2	2	2	2	1	1	10
6. The Madras Mail	Nil	1	Nil	Nil	Nil	Nil	1

MOSQUE NEAR QUTAB MINAR.

1006. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that the mosque known as the Masjid Quw-wat-ul-Islam, near the Qutab Minar is not kept apart as a mosque but is being used as an ordinary building where persons of all religions enter with their shoes on and where there is no arrangement for the offering of prayers by the Mussalmans?

(b) Do the Government propose to restore the building to its former position as a mosque, by stopping persons entering the mosque with their shoes on, by allowing the Mussalmans to use it as a mosque and by closing the door in its western wall?

The Honourable Sir Malcolm Hailey: (a) Yes; though Government do not endorse the description of this striking old historical monument as an "ordinary building."

(b) Government have spent a large sum of money on rescuing the buildings round the Kutab Minar from decay and the result of centuries of neglect, notably on the excavations and removal of debris carried out by the Archaeological Department in 1911 and 1912. The grounds round the Kutab are now acknowledged to be one of the most beautiful of the many monuments of historical interest in the vicinity of Delhi. Government propose to maintain the grounds and buildings in their present condition for the benefit of all lovers of picturesque survivals of the past glories of one of the great cities of Delhi. There is no need for setting apart this portion of the buildings for the purpose suggested as there is another mosque in the immediate vicinity.

Maulvi Muhammad Yakub: Is the Honourable Member aware of the fact that keeping the mosque open in its present state is shocking to the religious sentiments of the Muhammadans?

The Honourable Sir Malcolm Hailey: Sir, I have been connected with this building for many years. Indeed I am responsible for putting it in its present state. I have never heard the suggestion that we are showing any disrespect to the religious sentiments of the Muhammadans by making this portion of the building open to the public; and let me say this, that if we are showing any disrespect by now making those buildings open to the public, far greater disrespect was shown to them when they were used for the disreputable manner in which they were often treated in the past.

Maulvi Muhammad Yakub: I am thankful to the Honourable the Home Member for the interest he has taken in the mosque. The only thing that is objectionable is that persons go into the mosque with their shoes on. I do not mean to say that it should not be open to the public. But what I submit is that people should not be allowed to enter the mosque with their shoes on, but they should have some sort of shoes as they have for inspecting the Juma Masjid, and also that Muhammadans may be allowed to offer prayers in the mosque.

The Honourable Sir Malcolm Hailey: I think the Honourable Member is doing his very best to discourage us from any attempt whatever to preserve the historical remains.

Maulvi Muhammad Yakub: Far be it from me, Sir; I have already expressed my gratitude to the Government for what they have done, and I think the method which I am suggesting will not in any way prevent Government from preserving the monument.

STAFF COUNCILS ON THE GREAT INDIAN PENINSULA RAILWAY.

1007. ***Mr. N. M. Joshi**: Will Government be pleased to give the following information:

- (a) Is it a fact that the Great Indian Peninsula Railway proposes to introduce Staff Councils for the welfare of the staff?
- (b) Is it a fact that these Staff Councils will not be allowed to consider individual grievances? If so, will Government be pleased to state what means the G. I. P. Railway Company has adopted to remedy individual grievances?

Sir Henry Moncrieff Smith (a) Yes.

(b) Yes. Any individual with a grievance can appeal to the head of his office or department in the same way as he has done hitherto.

APPEALS OF THE STAFF EMPLOYED UNDER THE DIVISIONAL TRANSPORTATION SUPERINTENDENT, G. I. P. RAILWAY.

1008. ***Mr. N. M. Joshi**: Will Government be pleased to state whether it is a fact that, on the Great Indian Peninsula Railway, the Divisional Transportation Superintendent, Kalyan, has issued a notice that if the staff send an appeal for the redress of a grievance which afterwards is found to be unjust, he will punish the staff for sending such appeal? If so, will they be further pleased to state what method the individual is allowed to adopt if, in his opinion, the appeal is just?

Sir Henry Moncrieff Smith: From inquiries made from the Agent it appears that an order of the nature referred to was issued some time ago, that it was very little used and was subsequently withdrawn.

Mr. N. M. Joshi: Was the officer punished for issuing that order?

(No answer.)

Mr. N. M. Joshi: Are the Government aware that inconvenience is caused to the Members when questions are answered by persons who are not the representatives of the Department to which the questions refer?

The Honourable Sir Malcolm Hailey: I am afraid if there is any inconvenience, it is sometimes inevitable owing to our legislative system, since it is occasionally necessary for the Honourable Member in charge of a particular department to be present in another place.

STAFF COUNCILS ON THE GREAT INDIAN PENINSULA RAILWAY.

1009. ***Mr. N. M. Joshi**: Will Government be pleased to state whether it is a fact that the recommendations of the proposed Staff Councils on the G. I. P. Railway involving expenditure will not be brought in force unless under administrative sanction? If so, will they be further pleased to state what remedy is left to the staff if the administrative sanction is not given in cases in which the grievance may be right and require to be remedied?

Sir Henry Moncrieff Smith: Yes. It is open to the staff to represent their grievances to the Agent or the Board of Directors.

FREE QUARTERS OR GRANT OF HOUSE-RENT IN LIEU THEREOF TO POSTMASTERS.

1010. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is one of the conditions in the postal service that postmasters shall be provided with free quarters on the premises of the post offices, or, if that may not be possible, they shall be given house-rent allowance? If so, has this condition been followed in all cases, including the cases of the postmasters appointed at the offices which are opened recently? If not, why not?

(b) Will Government be pleased to state whether it is a fact that the postmasters at some of the no-delivery post offices are neither provided with free quarters nor given any house-rent allowance in lieu thereof? If so, why?

The Honourable Mr. A. C. Chatterjee: (a) Under orders which were issued by Government as far back as 1878 free quarters are allowed to postmasters and such other establishment as it may be necessary for the proper discharge of the work of a post office to have resident on the premises, and these orders have been observed. Government have never undertaken to grant house rent allowances to postmasters in lieu of free quarters.

(b) The reply is in the affirmative. When it is not necessary for the officials to live on the post office premises, they are not entitled to free quarters and, as stated in reply to part (a), they have no claim to house rent allowances.

UNSTARRED QUESTIONS AND ANSWERS.

THE MANJHAUL SUB-POST OFFICE.

219. **Mr. Devaki Prasad Sinha:** (a) Will the Government be pleased to inquire and state, how many villages are served by the sub-post office at Manjhaul, in the Begusarni sub-division of the district of Monghyr in Bihar and Orissa? How many branch sub-post offices there are under the aforesaid sub-post office of Manjhaul? How many peons are employed at this sub-post office?

(b) Is it a fact that some of the branch post offices under the sub-post office at Manjhaul, have got two peons each while the sub-post office of Manjhaul has got only one?

(c) Is it a fact that the post office at Manjhaul is situated far away from the village itself? If this be so, will Government be pleased to state the reasons for this arrangement? Is it a fact that the village of Manjhaul itself is visited by a post peon only thrice a week although the post office is named after this village?

(d) Will Government be pleased to state if the average number of money orders, registered and ordinary letters, and parcels received by and despatched from this sub-post office justifies the existence of only one post peon?

(e) Is it a fact that several petitions were sent to the Superintendent of Post Offices at Monghyr drawing attention to this inconvenience? If so, why has no action been taken on these representations so far?

Mr. G. R. Clarke: (a) The Manjhaul sub-post office serves 82 villages and has two branch offices in account with it. One village postman is attached to the office.

(b) One of the two branch offices has one village postman attached to it, while the other has two.

(c) The Manjhau sub-office is situated near the Manjhau Indigo Factory about a mile from the village. Efforts were made several years ago to secure accommodation for the office in the village but these failed and the owners of the Factory, who had previously housed the office free of charge, constructed a building for it and agreed to charge a nominal rent of Rs. 4 a month. The village is visited by the village postman twice a week. The question whether a second delivery agent should be employed, so that the village may be served more frequently, is receiving my consideration.

(d) As stated in the reply to part (c), the question of employing a second village postman is being considered.

(e) A request for the employment of a second delivery agent in the Manjhau post office was received in 1918 but was not found to be justified. The Superintendent has received no representations from the residents of the village since that time.

WAGON SUPPLY FOR COAL.

220. Mr. W. S. J. Willson: Has the attention of the Government been called to a statement in the "Pioneer" of 6th March 1924 that

"Orders are being received by the collieries for all classes of coal but with the existent orders already in excess of the supply of wagons available it is found impossible to look fresh business unless the buyers can arrange transport. Raisings continue good and prices are steady."

In view of this, will Government be pleased to make a statement as to the present position of the wagon supply and indicate how it is possible for Bengal coal to be sent to Bombay to compete with South African coal, countervailing duty or no countervailing duty?

The Honourable Sir Charles Innes: The Government have seen the statement referred to by the Honourable Member. The present position as regards wagon supply is that during the period from 1st February to 18th March, the daily average number of wagons loaded with coal was 2,886 of which 264 were for shipment. In addition it has been arranged that the Chief Mining Engineer to the Railway Board will release his share of wagons, except those required for export coal, each Wednesday for the next six weeks. I understand that Bengal coal is already competing with South African coal in the Bombay market.

BOOK DEPOT FOR THE SALE OF GOVERNMENT PUBLICATIONS.

221. Sir Purshotamdas Thakurdas: (a) Whether the Government will institute a book depot for the sale of Government publications in Delhi, while they are at Delhi, and in Simla while the Government are in Simla to enable members of the Assembly to purchase these publications in time for use for discussions as they arise in the Legislature?

(b) Are Government aware that no book shop in Delhi has been able to provide volumes of the evidence of the Fiscal Commission, some of which are understood to have been published?

The Honourable Mr. A. O. Chatterjee: (a) Government are advised that the financial return would not justify the expenditure involved in accepting the Honourable Member's suggestion. They will, however, consider the question of affording special facilities to enable members of the Legislature to obtain copies of Government publications at Delhi and Simla with the least possible delay.

(b) Three volumes of evidence of the Fiscal Commission have been published. The demand for such publications is very limited and agents are consequently not prepared to stock them. They may be obtained from the Manager, Government of India, Central Publication Branch, 8 Hastings Street, Calcutta.

CLASSIFICATION OF "DAFTARIS" IN THE GOVERNMENT OF INDIA SECRETARIAT.

222. Mr. K. Ahmed: With reference to the reply given to Dr. Nand Lal's Question No. 852, dated the 28th March 1922, will the Government be pleased to state whether the request contained in the petition of the record-sorter daftaris to the effect that their service be regarded as superior has been accepted? If not, why not?

The Honourable Sir Malcolm Hailey: The answer is in the negative. Government have decided that the class of work which the daftaris perform and their source of recruitment do not warrant the grant to them of such a concession.

FREE FAMILY QUARTERS FOR "DAFTARIS" IN THE GOVERNMENT OF INDIA SECRETARIAT.

223. Mr. K. Ahmed: (a) Are the Government aware whether great discontentment is prevailing among the Daftaris of the Government of India for the want of free family quarters at Simla and Delhi?

(b) If so, do Government contemplate to remove the long standing hardship of these low paid servants by providing a sufficient number of such quarters or granting them a suitable house rent.

The Honourable Sir Malcolm Hailey: (a) Government have received representations on the subject.

(b) Government are doing what they can with the limited funds available to construct quarters for menials in Simla and Delhi. Those who are not at present provided with Government quarters are each given a monthly house rent allowance of Re. 1 in Simla and of Rs. 1-8 in Delhi.

INDIAN CADETS.

224. Sir Purshotamdas Thakurdas: With reference to the announcement in the Gazette of India, dated 8th March 1924, page 203, Part I, under No. 354 London Gazette, will Government be pleased to state if out of the 24 gentlemen cadets announced therein for the Indian Army, they propose to make up, for the three more Indians, who apparently have failed this time to secure a commission, by sending more Indians in the next batch?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply given on the 18th February 1924, to starred Question No. 321.

The two Indian cadets who have just been commissioned belonged to a batch which entered Sandhurst for the Spring Term 1922. For want of suitable candidates, only 4 were admitted on that occasion; of these, two have passed out successfully and have been commissioned. Of the remaining two, one cadet is still at the College, having been put back one term, while the other was removed because he failed at two consecutive examinations. The vacancy so caused has been filled by the Secretary of State by the admission of an additional candidate for the Spring Term, 1924.

**BILL PASSED BY THE HOUSE OF LORDS IN CONNECTION WITH THE
BOMBAY BARODA AND CENTRAL INDIA RAILWAY.**

225. Sir Purshotamdas Thakurdas: Will Government be pleased to state the purport of the Bill regarding the Bombay, Baroda and Central India Railway passed by the House of Lords recently?

The Honourable Sir Charles Innes: The Government of India understand that the main purpose of the Bill is to enable an annual general meeting of the Bombay, Baroda, and Central India Railway Company, being held in July in place of the two half-yearly meetings in June and December which are now obligatory. The opportunity appears also to have been taken to propose a few minor alterations in the provision of the Bombay, Baroda and Central India Railway Act of 1906 relating to the quorum for general meetings, the maintenance of registers of stock holders and matters of that kind.

**EXTENSION OF THE TERM OF REVENUE SETTLEMENT IN THE UNITED
PROVINCES.**

266. Shaikh Mushir Moosain Kidwai: (a) Are the Government of India prepared to sanction an extension in the term of Revenue Settlement in the United Provinces of Agra and Oudh?

(b) Have the Government of India received any recommendation from the Government of the United Provinces of Agra and Oudh for the extension of the term of the Revenue Settlement in that Province?

Mr. M. S. D. Butler: (a) and (b). Government have received no recommendation such as is referred to in part (b) of the question. Part (a) does not therefore arise.

ILL-TREATMENT OF INDIAN PASSENGERS ON RAILWAYS.

227. Mr. T. O. Goswami: (a) Has the attention of the Government been drawn to complaints regarding the ill-treatment of Indian passengers and differential treatment as between Indian and Eurasian or European passengers, which from time to time appear in the press, and particularly to a series of recent complaints in the "Forward"?

(b) If so, do Government propose to issue strict instructions to railway servants with a view to putting a stop to these inconveniences?

The Honourable Sir Charles Innes: (a) Government have noticed from time to time complaints of a general nature in newspapers.

(b) The Railway staff have special instructions to treat all passengers with courtesy and give them all possible help and the recent complaints in the newspaper "Forward" will be brought to the notice of the Agent, Eastern Bengal Railway.

MILITARY STUDENTS IN THE CALCUTTA MEDICAL COLLEGE.

228. Mr. T. O. Goswami: (a) How many military students are there in the Calcutta Medical College?

(b) Is it not a fact that these students are admitted on a qualification (academic) far below that of the average Indian students?

(c) How much do they cost per annum? What other facilities do they enjoy as compared to ordinary students?

Mr. E. Burdon: (a) 11.

(b) European and Indian students admitted to the Calcutta Medical College for the purpose of studying for the M. B. degree of the Calcutta University, have, on an average, a better standard of preliminary education than the military medical pupils.

(c) Rs. 1,220 per annum. As regards the second part of the question, military medical pupils are trained under the rules laid down in the "Memorandum for the admission of candidates into the Assistant Surgeon Branch of the Indian Medical Department", a copy of which will be found in the Library.

TRAINING OF INDIANS IN ORDNANCE FACTORIES.

229. Sir Purshotamdas Thakurdas: (a) Will Government be pleased to state whether they have taken any steps to use their ordnance factories for training educated Indian youths in supervising mechanical work and in taking a proper share in the management of industrial establishments?

(b) If any scheme has received the sanction of the Government in this connection, will Government be pleased to lay it on the table?

Mr. E. Burdon: (a) and (b). A formal scheme for the training of apprentices in Ordnance Factories in India has recently been sanctioned. A copy of the papers is laid on the table.

Copy of letter No. 1048/4 (0-3), dated the 19th January 1924, from the Secretary to the Government of India, Army Department, Simla, to the Director-General of Ordnance in India.

SCHEME FOR THE TRAINING OF APPRENTICES IN THE ORDNANCE FACTORIES IN INDIA.

I am directed to say that the Government of India have had under consideration the question of the training of apprentices in the Ordnance Factories in India. They are aware that the system of training boy artisans in the Ordnance Factories in India has been in vogue for the past 50 years and owing to the insufficiency of imported supervision and the difficulties experienced in recruitment during the war, tentative minor schemes for the training of lads in the several Ordnance Factories in India were also started with the object of producing men who would eventually be capable of taking up the duties of foreman, the intention being that they should rise through the lower grades of chargemen, etc. Apprentice training on certain undefined lines has thus been in force in the Ordnance Factories in India for many years.

2. The Government of India have decided that the system of training apprentices in the Ordnance Factories in India should now be clearly defined and formally authorised. I am therefore to convey their sanction to the adoption of the scheme which has been proposed by you and is defined in the annexure to this letter.

3. The expenditure which may be incurred on this account during 1924-25 exclusive of that charged direct to production should not exceed Rs. 50,000, and the corresponding expenditure in the years succeeding 1924-25 will be limited to the budget provision sanctioned during those years for the purpose.

Annexure to Army Department letter No. 1048/4 (0-3), dated the 19th January 1924.

I. The maximum number of apprentices that may be taken are:—

Metal and Steel Factory and Rifle Factory, Ishapore and Gun and Shell Factory, Cossipore (3) factories	120
Gun Carriage Factory, Jabulpore	50
Ammunition Factory, Kirkee	40
Carriage Factory, Aruvankadu	40
Harness and Saddlery Factory, Cawnpore	40
Total	290

These numbers allow for some lads dropping out and for supplying most of the chargemen and foremen ranks of the factories. The totals will not be reached, till the courses have been going for 4 years.

II. Age.—Normally 15 to 19 years, but discretion is given to the Director of Ordnance Factories to modify according to supply and demand and experience.

III. The pay of apprentices will not exceed :—

	Rs.	
1st year	40	per mensem.
2nd "	50	" "
3rd "	60	" "
4th "	70	" "
5th "	80	" "
6th " (in the case of Cawnpore alone)	100	" "

If housed by the State,
Rs. 20 per mensem will
be deducted.

IV. Housing in hostels will be provided when funds can be made available for the purpose.

V. Theoretical Instruction.—The standard aimed at is that of Woolwich Trade lads syllabus 10 to 12 hours a week in factory working hours should be devoted to this instruction.

The actual theoretical instruction will be given in any of the following ways, or a combination of them, at the discretion of the Superintendent :—

- Instruction by members of the factory staff.
- Utilization of educational establishment in the neighbourhood.
- International Correspondence School (" I. C. S.") course. (These are of very wide use in England and America; they are based on long experience and are very practical, especially when supervised by a member of the staff and worked in conjunction with the factory).

VI. The factory will pay fees for the correspondence courses. (A complete course may amount to about £35 per apprentice spread over 4 or 5 years). College fees may also be paid in lieu of or complementary to a correspondence course. These fees should not exceed Rs. 10 per mensem a head and will be unnecessary if the instruction is given by the factory staff, which is provided for in paragraph 7.

VII. Superintendent of each Factory having apprentices is empowered to spend up to a rate Rs. 300 a month in any one year under the following headings :—

- fees to members of the factory staff for supervision and instruction of apprentices (in and out of factory work hours);
- fees to outside instructors, where necessary;
- books, stationery, instruments and educational appliances, such as the apprentices are not required to provide themselves;
- prizes for apprentices;
- examiners' fees.

The expenditure in all the Factories will be controlled by the Director of Ordnance Factories to ensure approximately similar grants, fees, etc., being paid in every case and will be subject to audit by the Controller of Army Factory Accounts.

If complete instruction is given by outside agency (e.g., colleges or correspondence course), the Rs. 300 will be reduced to Rs. 100 as fees under (a) and (b) would only be necessary for supervision and reduced instruction.

VIII. Each apprentice will be indentured and an approved form of agreement should be used for this purpose, which is left to the discretion of the Director-General of Ordnance in India.

IX. An entrance examination or test may be carried out at Superintendent's discretion to see that a lad is educationally fit to benefit by the course. Minimum educational standard for consideration is passed Matriculation, but preference will be given to those who have passed Intermediate Arts or Intermediate Science Standard; or an equivalent standard in European Schools.

X. The Ordnance Factories do not pledge themselves to employ the apprentices on completion of their course, though they will do their best to give or secure employment for them. Nor will it be obligatory on the apprentices to remain in the factories on completion of the course.

XI. 15 days' leave in the year may be allowed as necessary as now given to lower supervising staff.

N.B.—Applicants desirous of undergoing an apprenticeship under this scheme should apply direct to the Superintendent of the Factory they wish to serve in.

WORKING HOURS OF POSTAL CLERKS ON WEEK DAYS, HOLIDAYS AND SUNDAYS.

230. Mr. N. M. Joshi: Will Government be pleased to state the number of hours for which a clerk in the post office has to work on full working days and on holidays and Sundays?

Mr. G. R. Clarke: A clerk in a post office is required to be on duty for 8 hours on ordinary working days.

With respect to Sundays and Post Office holidays an endeavour is made to give as many clerks as possible a complete holiday, but from the nature of postal work, a small staff has to attend for a few hours especially in busy centres. No actual time is fixed.

FURTHER CONSTITUTIONAL ADVANCE IN INDIA.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadian Rural): May I ask a question of which I have given private notice to the Honourable the Home Member? Is the Honourable Member in a position to make any statement regarding the statement recently made by the Under-Secretary of State for India in the House of Commons about further constitutional advance in India.

The Honourable Sir Malcolm Hailey (Home Member): Yes, Sir. The House will remember that in reply to a question asked by Sir Henry Craik whether he was to understand that Government did not intend to take any steps which would change the Government of India Act, until 1929, Mr. Richards said that it was precisely the position. We have since been informed, that the suggestion which has appeared in some of the papers to the effect that Mr. Richards did not rightly hear the latter part of Sir Henry Craik's question, is correct, and that this is the reason why Mr. Richards gave an answer in that particular form.

HOLDING OF A CIRCUIT COURT IN DELHI.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadian): May I also put a question of which I have given private notice to the Honourable the Home Member? It reads as follows:

"(1) (a) Will the Government be pleased to state whether they have received any communication from the Judges of the Punjab High Court regarding the holding of a Circuit Court in Delhi?

(b) If so, what action they have taken or propose to take on the subject?

(2) (a) Is it a fact that the Lahore High Court has recommended to the Government that, if a Court House is provided in Delhi, the Judges are prepared to hold Court in Delhi to facilitate the disposal of cases?

(b) Will the Government be pleased to state what action they intend to take on this proposal of the Punjab High Court?"

The Honourable Sir Malcolm Hailey (Home Member): (1) (a). Yes.

(b) Under clause 38 of the Letters Patent constituting a High Court of Judicature at Lahore the control of the places where special commission and circuits of the Court shall sit is vested in the Government of the

[Sir Malcolm Hailey.]

Punjab. The Government of India have therefore consulted the Government of the Punjab upon the proposal and they have also consulted the Chief Commissioner of Delhi.

(2) (a) Yes.

(b) For the present Government must await the replies from the Local Government and the Chief Commissioner.

FRANCHISE FOR WOMEN.

Mr. Shubanananda Das (Orissa Division: Non-Muhammadan): Will the Honourable the Home Member kindly answer the following four questions of which I have given him private notice:

"1. Have Government seen the proceedings of a meeting of ladies of Bombay on 18th instant demanding full enfranchisement of the women of India?

2. (a) Is it not a fact that the women of Madras do exercise the right of voting for election to the Central and Provincial Legislatures?

(b) Why is it that their sisters of other Provinces are denied similar privileges?

(c) Will Government take early steps to revise or amend the franchise constitution so that the women of India may exercise their just rights of voting?

3. (a) Are Government aware that under the rules no woman can be nominated as a Member of the Assembly?

(b) Will they take an early opportunity of amending the rules and of nominating a lady to the Central Legislature for any vacancy that may occur hereafter among nominated members?

4. Have Government received any representation on this subject:

(i) at the time of the consideration of Reforms in 1919?

(ii) at any subsequent date?"

The Honourable Sir Malcolm Hailey (Home Member): 1. Government have seen a newspaper report of the proceedings of the meeting of ladies of Bombay referred to by the Honourable Member.

2 (a) As far as the Government of India are aware, the sex-disqualification for registration on the electoral rolls was removed in the case of Madras, Bombay and the United Provinces Legislative Councils. It was never imposed in the case of the reformed Burma Legislative Council.

(b) and (c). Under Rule 7 of the Provincial Legislative Councils, women are not entitled to have their names registered on the electoral roll of a constituency; but if a Resolution is passed by the Council, after not less than one month's notice has been given, recommending the removal of the sex disqualification for registration, the Local Government is required to make regulations providing that women or a class of women shall not be disqualified for registration by reason only of their sex. The question is, therefore, one for the Legislative Councils concerned and not for the Government of India.

As the Honourable Member is aware, a Resolution on the subject was passed in the Legislative Assembly in February 1922. Under the second proviso to sub-rule (1) of rule 7 of the Legislative Assembly electoral rules, the adoption of this Resolution has had the effect of removing the sex

qualification for registration on the electoral rolls of constituencies of the Assembly for women generally or a class of women if the disqualification has been removed for the Provincial Councils. That is, women are now eligible, if otherwise qualified, to be electors for constituencies of the Assembly in Madras, Bombay, the United Provinces and Burma.

3. (a) Yes.

(b) Government are unable to give any such undertaking at present.

4. The question was discussed in paragraph 8 of the Franchise Report and the views of the Government of India are contained in paragraph 3 of their fifth Despatch on Reforms. Several witnesses including Mrs. Sarojini Naidu gave evidence before the Joint Select Committee on the Government of India Bill on the subject. The recommendations of the Committee are contained in paragraph (e) of the report on clause 7 of the Government of India Bill, and have been given effect to in the provisions of the rules which I have summarised in my answer to part 2 of the question. A representation on the subject was received in 1920.

Mr. Bhubanananda Das: Do Government realise that one-half of the population of India—the better half of it—have no representation either in the Provincial or in the Central Legislature of India? It is not registration of women as voters I ask for, but I ask for the privilege for women to be elected as Members of the Central and Provincial Legislatures.

The Honourable Sir Malcolm Halley: I have already given some information regarding the extent to which they are eligible as electors to the different Councils in India.

Mr. Bhubanananda Das: Are the Government aware that there are lady members in different Municipalities of various large cities in India and whether they have any objection to their becoming Members of this Assembly?

The Honourable Sir Malcolm Halley: I am aware of the fact referred to in the first part of the Honourable Member's question. As regards the second part, I myself have no personal objection to the admission of the ladies to this Assembly. I am not sure however that there is a general desire for the alteration of the Legislative Rules to admit this.

Mr. Bhubanananda Das: Will Government take steps to amend the Rules?

The Honourable Sir Malcolm Halley: Not, as at present advised.

MOTION FOR ADJOURNMENT.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I beg to ask for leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance of which I have given notice both to the Honourable the Home Member and to the Secretary of the Legislative Assembly. The matter of urgent public importance to which I refer is as follows. Honourable Members will remember that the Union Government of South Africa have recently drafted and placed before the Union Parliament a measure known as the Class Area Bill, the intention of which is to restrict, for purposes of residence and trade, areas of the municipalities of South Africa, and thus segregate persons of non-European domicile. The first reading of this Bill took place on the 5th of this month and a discussion took place in another place and the Honourable Sir Narasimha

[Dr. H. S. Gour.]

Sarma, assured that House that he had asked for a full summary of the speeches delivered in the Union Parliament on that date. That was, Sir, on the 19th of this month. On the same date I received a cablegram from the South African Indian Congress from Durban which I wish to read to the Honourable Members of this House. It reads as follows:

"South African Indian community submits notwithstanding strongest protests Union Government determined carrying through Class Areas Bill violating pledges given. Bill indefensible. Foreigners, also Euro-Africans, Malays and natives being exempted. Bill will apply only to Indians. Euro-Africans, Malays and natives assembled in thousands in Cape Town. Assured Mrs. Sarojini Naidu of support to Indians in opposition to Bill. Indians will never submit segregation. Inform India. Please take such action as you think best."

Thereupon I put myself in communication with the Honourable Sir Narasimha Sarma and also gave notice of my intention to draw the attention of this House to this threatened piece of legislation which, if enacted into law, will not only violate the agreement which the South African Government had made with the Indian representatives in 1914 but an agreement which the then Cabinet had approved and ratified and promised to adhere to. The matter of urgency lies in this fact that the first reading being over, nobody, even I think the Honourable Member in charge of this Department, will be able to assure this House that the second reading of this measure will not be pushed on with, or has not already taken place, and if it has not already taken place that it will be deferred until this Assembly meets again in the ensuing May session. That, therefore, Sir, is a matter of great urgency. We must express our views on this great subject of the position and status of Indians overseas. That it is a matter of public importance would, I think, admit of no doubt. I do not think the Honourable Member who will respond on behalf of Government will place any impediment in the way of free discussion by Members of this House, before we disperse, on this question upon which Indian opinion is unanimous, and upon which Indians individually and collectively feel keenly. I, therefore, Sir, ask for the necessary leave to adjourn the House.

Mr. President: The information which the Honourable Member has laid before the House does not appear to me to bring this motion within the terms of Rule 11. Nothing has arisen within the last day or so which would justify my bringing it within that rule. It is a matter which is already of some duration and it therefore cannot be ruled as urgent in the sense of the rule. As the Honourable Member is himself quite aware, the Bill was introduced some three weeks ago and nothing has occurred since then to bring it within the immediate scope of action of the Governor-General in Council.

Dr. H. S. Gour: The cablegram that I have received that the second reading is to be pushed on with, and of which I sent a copy to the Honourable Sir Narasimha Sarma, from whom I elicited an expression of opinion as to whether he is in a position to state whether the second reading will be deferred, is a question of urgency. So far as I was able to judge from the replies I received from the Honourable Member, he was not in a position to say that the second reading of that Bill was over or would take place shortly. But judging for myself from the telegram I have received, I think the second reading will come on within the next few days. That, I submit, makes it a matter of extreme urgency. I would ask Mr. Butler to inform this House whether the speeches he has cabled for have arrived and whether he is in a position to give further informa-

tion as to the progress this Bill is making in the Union Parliament. If there is no certainty of pushing on with this measure in the Union Parliament I will not press my motion, but from information that I have received and which I have conveyed to this House, it seems to me to be clear that the Union Government seem anxious to rush this measure within the next few days. I therefore think that it is a matter of urgency. The matter has been debated elsewhere and I submit that this House should also be given an opportunity of discussing the question.

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands): Naturally, Sir, there is no disinclination on the part of Government to have a discussion on this subject. There has already been discussion in another place on a Resolution brought forward in the ordinary manner, and Government will be equally ready to have a discussion here if the rules so permit. For the present all I need do is to give the information asked for about dates. It was at the beginning of January last that it became known in India generally that a Bill was going to be brought forward in South Africa. The actual text of the Class Areas Bill was published in India first on the 2nd February last. On the 15th February Mr. Gandhi published his detailed views on the Bill. The Government of India were not idle and asked the South African Government what their intentions were. They told us that they hoped to introduce the Bill on the 5th March last and to proceed with the second reading later on. There have been *pourparlers* going on in South Africa between the Indian residents there and the South African Government. Whether the Bill has formally been introduced or not as yet I do not know, but it seems clear that the second reading has not taken place because we have made arrangements to get a full summary of the debate, and as yet have received nothing. The telegram read out by the Honourable Member does not state that the second reading is coming on at once, but it may be that it is. Obviously there has been some delay over the Bill and we do not know exactly what the position is at the moment.

Dr. H. S. Gour: In view of the facts stated by Mr. Butler that the information conveyed to the Government of India is to the effect that the first reading of the Bill would take place on the 5th and the second reading later on, and that the matter is under discussion, may I, Sir, state that it is a matter of extreme urgency to the Members of this House, and that you should exercise your power to give me the leave I apply for?

Mr. President: Rule 11 is designed to give opportunity to this House to discuss matters that do not arise under normal procedure. The Secretary, Education, Health and Lands Department, has just informed the Assembly that this Bill was actually received and known in detail in India on the 2nd February. It has therefore been open to Members of this House to raise the question in many different forms on the basis of the information conveyed in the terms of the Bill itself. A Government, when it introduces a Bill, must be supposed to have the intention of proceeding with it. Therefore the intention of the Government of South Africa to proceed with the Bill which was published at least two months ago, and which has been introduced, must be held to have been established, and I cannot see that there is anything in the nature of urgency in the question. And as the Honourable Member himself has pointed out, a debate has arisen in another place on this very subject and I do not think it would be a proper use of the rules to allow him to move the adjournment of the business of the Assembly on that subject this afternoon.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I beg to lay on the table the information promised in reply to a question by Maulvi Muhammad Yakub, asked for on the 4th February, 1924, regarding the Committees and Commissions appointed since 1921 and the cost of each such Committee or Commission.

Statement showing the Committees and Commissions appointed since 1921 and the cost of each such committee or commission.

1	2	3	4	5
Serial No.	Name of Committee or Commission.	By whom appointed.	Cost.	REMARKS.
			Rs. A. P.	
1	Committee on Public Petitions . . .	Government of India at the instance of the Indian Legislature.	Nil.	
2	Staff Selection Board Committee . . .	Ditto.	Nil.	...
3	Indian Arms Rules Committee . . .	Ditto.	16,046 1 0	Actual.
4	The Press Laws Committee . . .	Ditto.	18,317 0 0	Do.
5	The Repressive Laws Committee . . .	Ditto.	14,058 0 0	Approximate.
6	The Racial Distinctions Committee . . .	Ditto.	35,821 9 8	Actual.
7	Frontier Enquiry Committee . . .	Ditto.	76,550 0 0	Do.
8	Piece Workers' Committee . . .	Ditto.	2,911 13 3	Do.
9	Railway Industries Committee . . .	Ditto.	Nil.	...
10	Seamen's Recruitment Committee . . .	Ditto.	7,383 13 11	Actual.
11	The Military Requirements Committee . . .	Ditto.	6,929 0 0	Approximate.
12	The Committee appointed to consider the Esher Committee's Report.	Ditto.	Nil.	...
13	Government Securities Committees (one in Bombay and one in Calcutta).	Ditto.	11,000 0 0	Actual.
14	Railway Finance Committee . . .	Ditto.	67,916 0 0	Approximate.
15	Railway Risk-note Committee . . .	Ditto.	4,186 0 0	Do.
16	The Cantonment Reforms Committee.	Government of India.	...	Unknown.
17	The Indianisation Committee . . .	Ditto.	...	Do.
18	The Waziristan Committee . . .	Ditto.	...	Do.
19	The Braithwaite Committee . . .	Ditto.	22,448 0 0	Actual.

Statement showing the Committees and Commissions appointed since 1921 and the cost of each such committee or commission—contd.

1	2	3	4	5
Serial No.	Name of Committee or Commission.	By whom appointed.	Cost.	REMARKS.
			Rs. A. P.	
20	The Indian Retrenchment Committee	Government of India at the instance of the Indian Legislature.	71,000 0 0	Actual.
21	The Tariff Board	Ditto.	1,500 0 0	Estimated.
22	Indian Mercantile Marine Committee.	Ditto.	54,500 0 0	Do.
23	Committee to make recommendations regarding the reorganization of the administrative methods of the Forest Department.	Ditto.	4,450 0 0	Approximate.
24	Bengal Pilot Service Committee	Government of India.	6,000 0 0	Estimated.
25	Deck Passenger Committee	Ditto.	59,934 0 0	Actual.
26	Machinery Committee	Ditto.	1,200 0 0	Do.
27	Railway Accounts Committee	Ditto.	68,050 0 0	Approx. net
28	Railway Depreciation Committee	Ditto.	88,933 0 0	Do.
29	Railway Statistics Revision Committee.	Ditto.	27,870 0 0	Do.
30	Coal Dust Committee	Ditto.	12,560 0 0	Do.
31	New Capital Enquiry Committee	Ditto.	8,500 0 0	Actual.
32	Preliminary Committee on Workmen's Compensation Bill.	Ditto.	3,913 0 0	Do.
33	Second Telegraph Committee	Ditto.	2,500 0 0	Do.
34	Pope Committee	Ditto.	...	Unknown.
35	Committee on Police Uniforms	Ditto.	1,500 0 0	Estimated.
36	Burma Reforms Committee	Ditto.	20,000 0 0	Approximate.
37	Calcutta High Court Committee.	Ditto.	2,934 0 0	Actual.
38	Indian Bar Committee	Ditto.	1,12,000 0 0	Estimated.
39	Civil Justice Committee	Ditto.	2,50,000 0 0	Do.
40	Royal Commission on Superior Services in India.	His Majesty's Government.	3,00,000 0 0	Approximate.
	Total	...	15,80,411 11 10	•

Statement showing the Standing Committees and Select or Joint Committees appointed since 1921, and the cost of each such Committee.

Serial No.	Name of Committee.	Cost of sitting of Committee.		REMARKS.
		Rs.	A. P.	
1	The Standing Emigration Committee . .	5,140	12 0	Actual.
2	Statute Law Revision Committee . .	1,881	5 0	Approximate.
3	Joint Committee on Code of Criminal Procedure (Amendment) Bill.	3,978	6 0	Actual.
4	Standing Finance Committee (1921) . .	4,700	0 0	Actual.
5	Joint Committee on the Cotton Transport Bill.	1,843	9 0	Actual.
6	Joint Committee on the Indian Boilers Bill .	3,951	13 0	Actual.
7	Joint Committee on the Indian Mines Bill .			
8	Select Committee on the Abolition of Transportation Bill.	180	0 0	Approximate.
9	Standing Finance Committee (1922) . .	4,579	4 0	Actual.
	Total . .	26,205	1 0	

I also lay on the table the information promised in reply to an unstarred question by Diwan Bahadur M. Ramachandra Rao asked on the 10th March, 1924, regarding the appointments and salaries of certain classes of officers in the Departments of the Government of India.

Information promised by the Hon'ble Sir Malcolm Hailey in reply to Diwan Bahadur M. Ramachandra Rao's question in the Legislative Assembly No. 195, on the 10th March 1924.

Departments.	Appointments and salaries attached thereto now reserved by Statutory Rules for members of the I. C. S.	Appointments and salaries attached thereto now held by members of the Provincial Services.	Appointments and salaries attached thereto now held by officers who do not belong either to the I.C.S. or to P.C.S.	REMARKS.
	(a)	(b)	(c)	
Army . .	NW.	NW.	One Establishment officer on Rs. 1,500—50—1,750.	
Commerce .	One Secretary on Rs. 4,000 per mensem.	NW.	2 Assistant Secretaries on Rs. 1,000—50—1,250 per mensem each.	

Information promised by the Hon'ble Sir Malcolm Hailey in reply to Diwan Bahadur M. Ramachandra Rao's question in the Legislative Assembly No. 195, on the 10th March 1924—contd.

Departments.	Appointments and salaries attached thereto now reserved by Statutory Rules for members of the I.C.S.	Appointments and salaries attached thereto now held by members of the Provincial Services.	Appointments and salaries attached thereto now held by officers who do not belong either to the I.C.S. or the P.C.S.	REMARKS.
	(a)	(b)	(c)	
Foreign and Political Department.	<i>Nil.</i>	<i>Nil.</i>	<p>*1 Political Deputy Secretary, *Additional Deputy Secretary (Foreign) sanctioned up to end of March 1924.</p> <p>*1 Under Secretary (Pay and personal pay on the time scale of the Political Department of the Government of India plus special pay of Rs. 300 per mensem).</p> <p>1 Assistant Secretary on Rs. 1,900—50—1,250.</p> <p>1 Attaché on Rs. 600—40—1,000.</p>	<p>* Pay and personal pay on the time scale of the Political Department of the Government of India plus special pay of Rs. 400 per mensem subject to a maximum of Rs. 2,250 including special pay but exclusive of overseas pay.</p>
Legislative	<p>†1 Secretary on Rs. 4,000.</p> <p>1 Joint Secretary on Rs. 3,000.</p> <p>1 Additional Joint Secretary on Rs. 3,000.</p> <p>†1 Deputy Secretary on Rs. 2,000.</p> <p>1 Additional Deputy Secretary (temporary) on Rs. 2,075.</p>	<i>Nil.</i>	<p>1 Deputy Secretary on Rs. 2,000.</p> <p>1 Solicitor on Rs. 2,000—100—2,500.</p> <p>1 Assistant Solicitor on Rs. 1,200—50—1,800.</p> <p>1 2nd Assistant Solicitor on Rs. 1,000—50—1,200.</p>	<p>† If the post of Secretary is held by a member of the I.C.S. the post of Deputy Secretary is not reserved for that service and vice versa.</p>
Railway	<i>Nil.</i>	<i>Nil.</i>	<p>1 Chief Commissioner of Railways on Rs. 6,000.</p> <p>2 Members on Rs. 4,000 per mensem each.</p> <p>1 Chief Engineer and 1 Chief Mechanical Engineer on Rs. 2,750—125—3,000 per mensem each.</p> <p>1 Secretary on Rs. 2,000—100—2,500.</p> <p>1 Joint Secretary on Rs. 1,800—100—2,000.</p> <p>4 Assistant Secretaries each on Rs. 775—1,625 per mensem plus a duty allowance of Rs. 250.</p>	

Information promised by the Hon'ble Sir Malcolm Hailey in reply to Diwan Bahadur M. Ramachandra Rao's question in the Legislative Assembly No. 195, on the 10th March 1924—concl'd.

Departments.	Appointments and salaries attached thereto now reserved by Statutory Rules for members of the I. C. S.	Appointments and salaries attached thereto now held by members of the Provincial Service.	Appointments and salaries attached thereto now held by officers who do not belong either to the I.C.S. or the P.C.S.	REMARKS.
	(a)	(b)	(c)	
Education, Health and Lands.	1 Secretary on Rs. 4,000. 1 Deputy Secretary on Rs. 2,500.	NW.	1 Educational Commissioner on Rs. 2,500—100—3,000.	
Industries and Labour.	1 Secretary on Rs. 4,000. *2 Deputy Secretaries (pay under the superior time scale for the I.C.S., with a duty allowance of Rs. 400 subject to a maximum of Rs. 2,250 including duty allowance but exclusive of overseas pay).	NW.	2 Assistant Secretaries on Rs. 1,000—50—1,250 per mensem each.	*One post of Deputy Secretary at present held by a member of the Indian Service of Engineers under special sanction.
Finance	1 Secretary on Rs. 4,000. 1 Deputy Secretary (pay under I.C.S. superior time scale <i>plus</i> special pay Rs. 400 subject to a maximum of Rs. 2,250).	NW.	1 Additional Deputy Secretary on Rs. 2,500. 1 Under Secretary (Pay under time scale of Indian Audit and Accounts Service <i>plus</i> special pay of Rs. 300). 1 Assistant Secretary (Pay under time scale of Indian Audit and Accounts Service <i>plus</i> special pay Rs. 250). 1 Assistant Secretary on Rs. 1,000—50—1,250.	
Military Finance.	†1 Financial Adviser, Military Finance, on Rs. 3,250.	NW.	4 Deputy Financial Advisers. (Pay in Audit Department <i>plus</i> Rs. 400 special pay, subject to maximum of Rs. 2,250). 6 Assistant Financial Advisers on Rs. 1,000—50—1,250 per mensem each.	†At present held by a non-I.C.S. officer with special sanction of Secretary of State in Council.
Home	1 Secretary on Rs. 4,000. 1 Joint Secretary (temporary) on Rs. 3,000. 1 Deputy Secretary (Pay under superior time scale for the I.C.S., <i>plus</i> Rs. 400 special pay, subject to a maximum of Rs. 2,250, exclusive of overseas pay).	NW.	3 Assistant Secretaries on Rs. 1,000—50—1,250 per mensem each.	

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Malcolm Hailey (Home Member): Sir, if I have your permission, I desire further to move:

"That the instructions given to the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of 18 years, to present its report on or before the 26th March, 1924, be withdrawn."

That date was given to the Committee because of the prescription of the rule, which provides a minimum of three months. It was necessary therefore to lay down a definite date in order that the report might be submitted before that period. Now that three months will elapse before the Assembly meets again, the prescription of that date is no longer necessary, and I beg to move therefore that it be withdrawn.

The motion was adopted.

GOVERNOR GENERAL'S ASSENT TO THE AMENDMENT OF STANDING ORDERS.

Mr. President: I have to acquaint the Assembly that I have received the assent of His Excellency the Governor General to the amendment of the Standing Orders passed by the Legislative Assembly on the 18th March 1924.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I ask leave to introduce a Bill to amend the Imperial Bank of India Act, 1920. The House will remember that in the course of last Summer, in connection with the Alliance Bank failure, I made a promise on behalf of the Government that we would take into consideration the question of amending the Imperial Bank of India Act, 1920, in such a way as to make it possible for the Imperial Bank to intervene effectively where it thought it desirable to do so, in order to prevent or mitigate the consequences of a banking or financial crisis. This Bill is confined strictly to the carrying out of that pledge. I ask leave, Sir, to introduce.

The motion was adopted.

The Honourable Sir Basil Blackett: I introduce the Bill. I also move:

"That the Bill be circulated for the purpose of eliciting opinion thereon."

It seemed to us that the best way of securing the right Bill would be for us to introduce a Bill and have it circulated for opinion in order that the matter might be ventilated in public.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): Sir, this being the opportunity for us to state our views in regard to the principle underlying the Bill, I beg to suggest as regards section 13A that there is no safeguard which will assure this House that the powers are going to be exercised with caution, looking to the interests of the country and the Bank, as provided by the enactment. Section 13 of the Act says that with the sanction of the Governor General

[Mr. K. Rama Aiyangar.]

in Council, the Bank may enter into negotiations for and purchase, and take over the business, including the capital, assets and liabilities, etc., with the explanation:

"For the purpose of this section 'banking company' means any company formed for the purpose of carrying on the business of banking and registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India."

What is proposed to be done is to add to section 18 the qualification:

"Notwithstanding anything contained in Schedule I, the Bank may, for the purpose of averting the winding up of any company which is a banking company within the meaning of section 13 and of which the capital is divided into shares, or, where any such company is being wound up, of facilitating the winding up, advance or lend money to, or open a cash-credit in favour of such company or the liquidators thereof, as the case may be, upon the security of the assets of such company."

If I remember aright, Sir, the effect of the discussion in the Legislative Assembly in Simla, was that in such cases, where the Government proposed that the Bank should take up these questions or help the Bank to relieve the financial crisis in respect of any concern, the Government should give opportunities for the Assembly to know it, and that it should see that crises are averted not only in the case of a company like the Alliance Bank, but also in respect of Indian companies that are in existence and may come into existence. The object with which this clause is added by the Honourable Member will not be attained, namely, that the Government should help other companies which are in difficulties. Whatever that may be, if it is thought it will be quite proper to leave the whole thing to the Bank itself without the Government having any control over such undertakings being taken up by the Bank the Assembly may not be satisfied. To leave it like that wholesale in the hands of the Bank was not intended by the Legislative Assembly. It will be very well for the Government to have the control and allow the exercise of it in favour of other companies also, which might come under similar crises, and if that was the object, I only beg to point out that that object may be kept in view. Government's control should be retained and also such information given to the Assembly as might be needed to keep the House informed of the circumstances in each case that arises. With these words I do not propose to oppose the circulation; I only wanted to mention my views.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, I believe my Honourable friend, Mr. Rama Aiyangar, is not correct in regard to his statement of the result of the discussion which took place in Simla last September. I do not think it was the intention of the Assembly then that the Government should exercise any control over matters of this sort. Very probably the less control and interference by Government, the better. There are one or two points, however, upon which I should like to elicit information from the Honourable Member. One arrangement for tidying over crises of this sort is to provide facilities for a number of banks to form a syndicate and go to the help of the bank which is in a shaky condition, or is in need of help, and to enable the Imperial Bank to advance money to this syndicate.

I do not know however whether the provision now made will meet that end, whether it will permit the Imperial Bank to advance money to a number of other banks, not banks which are failing but other banks which

wish to go to the rescue of the bank which is in a shaky condition. Now again do I know whether this provision will enable the Imperial Bank to combine with other banks and participate in the loans or help to be given or rendered to any bank which may be in danger of failure. Upon these two points I should like it to be made quite clear that the Imperial Bank would be placed in a position either to combine with other banks to form a consortium, or advance money to other banks which form a consortium for the purpose of going to the rescue of the failing Bank. Another thing I should like to have made clear is that this section should not by itself be taken to dispense with the necessity for caution in the management of the Imperial Bank, in the handling of its monies. Of course it is merely an enabling section. As I read it, it does not authorise the Imperial Bank to lend money upon the worthless security of a company's assets. It does not give it *carte blanche* to do anything it pleases to the detriment of its shareholders and to the detriment of its largest depositor, the Government of the country. Upon all these points I should like the position to be made clear. I have not been able to consult the provisions of the original Act and I am not therefore in a position to say whether my doubts are well founded or whether the objects I have in view will be adequately met by the present provisions. I merely mention these points to elicit information from Government.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, on a point of information, will the Honourable the Finance Member be pleased to state, judging from the objects and reasons given by him for introducing the Bill, whether the failure of the Alliance Bank could have been prevented if the contemplated Bill had been introduced in time?

The Honourable Sir Basil Blackett: It is very difficult to answer a hypothetical question such as the last one that was put to me, and I do not think I ought even to attempt to answer it. What one can say is that, if this Bill had been an Act at the time when the failure of the Alliance Bank was imminent, it would have been possible to have mitigated the consequences of that failure without the direct intervention of Government, for which intervention this House censured the Finance Member last summer.

The first speaker was quite wrong in saying that the House last year took the view that the Government ought to intervene to prevent failures of banking or other companies. The view taken by the House, as Sir Sivaswamy Aiyer has said, was the less the Government intervene the better—the more this became a matter that was dealt with without Government action the better for the country, and the purpose of this Bill is so far as possible to relieve the Government of the liability of having to intervene as *a deus ex machina*.

Regarding the special question put to me by Sir Sivaswamy Aiyer, everything of course depends upon the circumstances of particular cases; but this clause would certainly enable the Imperial Bank of India to enter and take part in, or even to organise, a consortium of banks to deal with a pending bank failure in a way it could not do without this section.

Regarding the second point, this is entirely an enabling section. It neither authorises, nor encourages, nor justifies the Imperial Bank of India to act with anything but that due caution which has been one of the features of its banking history.

Mr. President: The question is:

"That the Bill to amend the Imperial Bank of India Act, 1920, be circulated for the purpose of eliciting opinion thereon."

• The motion was adopted.

THE COURT-FEES (AMENDMENT) BILL.

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

"That the Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Chimanlal Setalvad, Mr. K. C. Neogy, Sir Henry Moncrieff Smith, Mr. H. E. Holme, Rai Sahib M. Harbilas Sarda, Dr. H. S. Gour, Khan Sahib Maulvi Ghulam Bari, Maulvi Mohammad Yakub, Mr. Ahmad Ali Khan, Mr. E. G. Fleming, Mr. H. Tonkinson, Mr. N. M. Dumasia, Mr. Gaya Prasad Singh, and Mr. S. C. Ghose—to which I would add now, if I may, the name of Mr. W. T. M. Wright; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

In putting this motion I think I may fairly say the House, if it accepts it, will not commit itself to any question of principle. The Bill is one of detail and not of principle. Indeed the only principle to which the House will commit itself is that the existing Act needs revision, and I think that the House will find little difficulty in committing itself to that proposition. As I said before, we propose now to circulate the papers connected with the Bill and to obtain opinions from Local Governments, judicial bodies and legal associations in time to place them before the Select Committee when it assembles at or before the next regular session in September. I only wish to make one addition to what I have said; I much regret that I was not able to propose on the Select Committee other names representing a party in this House which we should be glad to see take part in a business of this nature which is not contentious, is not strictly Government business, adds nothing to Government revenues but does vitally affect every litigant who goes to the courts of this country. Even now I should be willing to make, with your permission, any addition to the names I have put forward.

Mr. Harchandral Vishandas (Sind: Non-Muhammadan): Sir, before I heard the announcement from the Honourable the Home Member, I had intended to move an amendment that the Bill be circulated for opinion before the Select Committee is appointed. However, as the Honourable Sir Malcolm Hailey has said that it is intended to circulate the Bill before it is considered by the Select Committee, such a motion on my part becomes unnecessary. But, Sir, it would be desirable to know what interval will be allowed for the expression of those opinions which will be elicited according to the announcement of the Honourable Sir Malcolm Hailey and when it is contemplated afterwards to place this matter for consideration before the Select Committee.

The Honourable Sir Malcolm Hailey: The end of July or the beginning of August.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, I was glad to hear that the discussion of the principles of the Bill would not be precluded at a later stage. Otherwise I should have thought it

necessary to enter a caveat against one principle which I see is introduced in the provisions of the Bill, namely, the principle of a graduated succession duty. It is an important question of principle and I should have liked to raise the question, but seeing it is open to discuss it at a later stage, I reserve my liberty to criticise it later on.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I am not quite satisfied that we will be allowed to discuss the principles at a later stage according to the provisions of the Act and the rules. However, there is nothing lost in my mentioning to this House certain principles which are involved in the present Bill, and for this purpose I also gave a private notice last evening to the Honourable the Home Member and also to the Secretary of the Legislative Department saying that I intend to move that this Bill be circulated for eliciting the opinion of the public by the 31st of August. Sir, with reference to this Bill, there can be no question that all attempts must be made to cure the anomalies and defects which have crept in or are heaped upon the old Act of 1870 in the course of its working, but we are told in the Statement of Objects and Reasons that in August 1916 and once again in 1923 opinions were called for from the Local Governments; but this House has not been given the privilege of knowing what those opinions are. I wish the Honourable the Home Member had circulated the opinions which were received from the Local Governments in 1916 and 1923; but this much we find that in the year 1922 and 1923, eight local Legislatures have made certain amendments in the Court-fees Act for the purpose of raising their local revenues, and I submit that there is no justification for raising the Court-fees for the purpose of raising local revenues by the local Legislatures, which they have done by effecting certain amendments in the Act, as, for instance, in the Madras Act V of 1922 and also in several other local Acts in other provinces. Now this Act attempts to co-ordinate all these and incorporate those amendments made by the local Legislatures. Now, Sir, it involves a question of principle in that when the local Legislatures have made certain amendments (and we believe we were informed at that time that for the purpose of raising additional revenue they amended the Court-fees Act and that after the Budgets had been balanced, an attempt would be made to reduce the Court-fees which were once raised in Madras Act V of 1922), and if a step is now taken by this Legislature so as to incorporate those amendments in this Act, it will not be possible for the local Legislature afterwards to make any amendments and reduce the fees. Again, I may also point out as a question of principle, which must be taken as an elementary principle in all legislation relating to court-fees or to the administration of justice, that justice must not be sold for a profit. What is realised by way of stamps, judicial or non-judicial, must be just the same as people will have to bear as expenditure for the administration of justice, and I should therefore like to state as a first principle that in the administration of justice, the revenue from judicial and non-judicial stamps must not be of such an exorbitant nature as to afford a surplus revenue for other departments of administration. That principle apart, I should say that in this particular legislation, we are interfering with the local Legislatures by taking up legislation in the Central Legislature. This has become a provincial subject and it is competent for the local Legislatures to make their own legislation suitable to their own provinces in the matter of raising or reducing the court-fees. However, as a question of principle, I think the Central Legislature should

[Mr. C. Duraiswami Aiyangar.]

not interfere in such a matter. Again, Sir, in this Act you will find that while incorporating all the amendments made by the local Legislatures, power is given only in the last clause to the Executive Government and not to the local Legislature to reduce or remit the fees as they may think proper. That is clause 19 which says:

"The Local Government may, by general or special order, published in the local official gazette, remit or reduce the fee payable under this Act in respect of any document specified in the order."

Therefore, you will see, Sir, that when this Act lays down the fees and prescribes the fees once for all permanently without giving any power to the local Legislatures—the power is given only to the Local Executive Government to reduce or remit the fees

The Honourable Sir Malcolm Hailey: No,

Mr. C. Duraiswami Aiyangar: The Honourable the Home Member says "No", but I find that in clause 19, power is given to the Local Government by general or special order to remit or reduce the fees in respect of any document, but no power of revision is provided for in this Act for the local Legislatures.

Now, Sir, another question of principle that I would like to place before you is the one relating to the manner in which certain sections of this Bill are framed—I would call them the usurious procedure or the procedure of a Shylock. You will find in clause 19C, sub-clause (5) (b) it is stated thus:

"Where the application is made after the expiry of one year from the date of the death, according to the value of the estate in British India at the date of the application",

and for such a deferred application you have:

"a fee equal to the simple interest at six per centum per annum on the fee referred to in sub-clause (i) from the date of the death to the date of payment."

The exaction of interest for a man who makes a deferred application for probate after the period of one year is I say in the nature of usury and not in the nature of a legislature requiring court-fees for the purpose of the administration of justice. Again you will find in clause 19G(1) an interest of 12 per cent. is provided for. This clause reads as follows:

"... and shall at the same time pay the difference between the fee already paid and the fee which would have been payable according to the true value of the estate, together with twelve per centum per annum simple interest on such difference from the date of payment of the fee originally paid till the date of payment of the said difference or for such less period as the Collector may think proper."

Therefore interest at the rate of 12 per cent. is provided for, but while the Honourable the Home Member in the Statement of Objects and Reasons first thought of demanding only six per cent. interest, I do not know why in actually framing the clause he raised the rate of interest from 6 to 12 per cent. However, whether it is 6 per cent. or 12 per cent., I object on principle that no such interest should be demanded for the payment of court-fees. And similarly in 19G, clause (2), a penalty is imposed for a man who might have paid a less fee than what he was bound to pay, and if within six months (the time within which he is asked to pay) he does not pay it, he is asked to pay a penalty of a sum not exceeding ten times the difference between the proper fee and the fee already paid. What justification is there for the Government, I ask, after providing for inquiries.

through the collector in the previous section as to the valuation of the property, report about valuation, etc.,

Mr. President: I cannot allow the Honourable Member to go into such detail. This is a motion for circulating a Bill, and I agree with the Honourable the Home Member that it is a little difficult to find out the precise principle on which the Bill is based. Nonetheless, he must address himself to larger considerations than the actual details. The subject he is dealing with would be precisely the same if the question I put was that the clause stand part of the Bill. We have not reached that stage yet.

Mr. C. Duraiswami Aiyangar: I am only mentioning those principles to the House on which an iniquitous interest is claimed or an iniquitous penalty is claimed. I am not going into the detailed consideration of the Bill. I am only concerned with the principles of the Bill, and I am trying to show that in framing court-fees legislation we must not demand interest, we must not demand penalties and we must not make it a profitable concern. These are the three principles upon which I am proceeding, and I only pointed out the facts as an illustration. I am not criticising the wording at all. In fact if I proceed to go into each clause, there are a number of clauses about which objection may be raised, but I refrain from doing it. In fact, there is another objection on principle with reference to the provisions relating to suits for partition of property brought by a coparcener, or co-owner, and I do not go into the details even there. But I simply want to mention that in that case also there is no principle in the distinction drawn in cases where co-ownership or coparcenery is admitted and where it is denied, and the provisions relating to application for probate for the property of a deceased coparcener in a joint undivided Hindu family are not also framed in accordance with the principles of Hindu law. These are the main objections which I wish to place before the House at this stage, so that the House may take into consideration the importance of the question and call for opinions from various Bar Associations. Instead of calling for opinions from the Local Governments, I insist on opinions being collected from Bar Associations in all the Presidencies and district headquarters.

The Honourable Sir Malcolm Hailey: Certainly.

Mr. C. Duraiswami Aiyangar: After collecting these opinions, I think it would be desirable that those opinions should be referred to a Select Committee. And I may also add as a question of principle that, when certain penal clauses are added to this Bill providing for the dismissal of a suit or claim, it must carry along with it the right of appeal, at least of one appeal in such cases. With these principles in view, I would request this House to suggest to the Honourable the Home Member, or the Home Member himself may adopt the suggestion, of sending it for opinions in the first instance before it is committed to a Select Committee. In making this motion, I may say that I am not making any dilatory motion, because the very way in which the Select Committee has been made up, by including Diwan Bahadur T. Rangachariar, indicates that it could not be the intention of the Honourable the Home Member that this Bill should come up for discussion before this Assembly until at least September next. If these principles are kept in view and the Bill is circulated for eliciting opinion by the end of August, this Bill can nevertheless be put up before the Simla session of the Assembly after placing those opinions in the hands of the Select Committee.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I welcome this Bill and the proposal to refer it to a Select Committee. The amendment of Act III of 1870 is long overdue. That enactment has only been able to carry on by a constant patching of it by various High Court decisions, in some cases so much as to leave very little of the original material visible. But I think many Members of the House have had experience of what is the result of making references for opinion. This Bill has been drawn up obviously with the utmost care and diligence. Nevertheless, the amendments proposed to be made are large and some of them are controversial; and even a cursory reading of the Bill has suggested to me cases in which additions may be necessary. For example, in section 7A, which deals with the question of a suit being dismissed if the fee is not paid within the time fixed by the Court, there is no provision for extension of time. There is an Allahabad High Court decision in favour of extension. But it seems very much better that a provision of that kind should be introduced into the section. Then, again, in the important Chapter on Probate and Letters of Administration,—Chapter IV, as here proposed—every application for the grant of probate or letters of administration would have to be sent to a Collector for checking valuation of the estate concerned. But it is quite easy to imagine cases in which a Collector would be of very little use, and the Judge himself in a much better position, by taking a little evidence, not only to expedite the disposal of the matter but to arrive at a correct decision on the question of the valuation of the estate. An estate might consist only of certain securities; there might be no landed property at all. What would be the good of referring cases like that to Collectors of districts? Our experience is that when Bills go down for opinion, the correspondence has to pass through a certain number of channels, which takes time; and High Court after High Court has made complaints of the want of time allowed for forming its own opinion and for obtaining considered opinions from Bar Associations, and others. The result is that we get back references of this kind in some cases with no opinion, and in other cases with hasty and shallow opinions. A measure like this wants careful consideration, and I quite agree with the last speaker that it is a measure which should be referred at all events to some of the more important of the Bar Associations in the country. That will take time. Therefore my suggestion is that this House should not fix next September as the time when this measure must be brought before it. The first and important step is to give ample time for opinions to be received; and the date on which the Select Committee is to meet and deal with them should be left at present uncertain and undecided. It would be no advantage for a measure of this kind, which is really intended to provide a new and up to date Court-fees Act, to be rushed through without having a very full and complete supply of material in the form of expert opinion for the Select Committee to work upon.

Mr. C. Duraiswami Aiyangar: With your permission, Sir, I want to put a question to the Honourable the Home Member. I find in the endorsement on this Bill:

"The Governor General has been pleased to accord the sanction required by clause (a) (i) of sub-section (2) of section 67 of the Government of India Act."

I wish to know if it is correct and if it is so, I wish to point out that under clause (ii) also, inasmuch as we are repealing and amending an Act of the local Legislature, another sanction also is necessary of His Excellency the Governor General.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, as I took His Excellency's orders upon this point, I might mention that His Excellency the Governor General did accord his sanction under clauses (a) (i) and (ii) of sub-section (2) of section 67. On the first copies of the Bill, as printed, the endorsement only included clauses (a) and (i). On the subsequent copies, one of which I have here in my hand, it is definitely stated that sanction has been accorded under clause (ii) as well.

Mr. P. E. Percival (Bombay: Nominated Official): I would like to make a few remarks regarding the speech of the last speaker but one, namely, Mr. Duraiswami Aiyangar. He was mistaken in believing that the local Legislatures are being at all superseded in this matter. I can indicate at once that they are not being superseded, for the Bombay Legislative Council have already revised their rates this year. The fact is that the rates of Court fees are fixed in the Schedules and not in the Act itself. The present Bill amends only the Act itself, and also the Schedules in so far as they are concerned with probates, letters of administration and succession certificates. So far as court-fees on suits and appeals are concerned, they are dealt with entirely by the Local Legislatures, and this Bill will not affect them in the least. As I said, the Bombay Legislative Council have not continued the local Act previously in force in the Bombay Presidency, and it is perfectly open to the Madras Legislative Council to act in a similar manner. There is no interference by the Central Legislature in that respect.

Mr. C. Duraiswami Aiyangar: May I know from the Honourable Member whether, if this Bill is passed into law here, it will be open for the Madras Legislative Council to repeal the Madras Act V of 1922 which is now repealed here.

Mr. P. E. Percival: I should like to make it clear that that Act is not being repealed by this Bill. The Honourable Member said that we are incorporating the provisions of the Madras Act V of 1922. But that is not so. We are incorporating only certain of those provisions. The Madras Act of 1922 amended both the Court-fees Act of 1870 and the Schedules. It is true that certain provisions of the Madras Act relating to the Court-fees Act itself have been incorporated in this Bill. But the rest of the provisions of the Madras Act have not been touched in this Bill at all. That is the chief point. My Honourable friend also referred to particular clauses in the present Bill. It would be a little lengthy to deal with these clauses in detail; and, as you yourself suggested, Sir, this is not the exact stage to do so. But I can assure the Honourable Member that the provisions to which he referred are not at all drastic. The proposed new section 19G is not more stringent than the existing section 19E. On the other hand it is milder. (*Mr. C. Duraiswami Aiyangar*: "That is no consolation.") Although 12 per cent. interest is entered in new section 19G, the fact is that 6 per cent. is ordinary interest and the other 6 per cent. is added as a penalty for delay. But the existing clause 19E is very much more severe than that.

The Honourable Member also referred to new section 19C. There we have made rather an important change. The probate fee is to be calculated on the estate as valued at the time of the death of the deceased person instead of at the time of the application for probate; and the estate will probably be smaller at the time of death than at the time of application when some interest in the estate will have accrued. There is therefore also no stringency at all in that section.

[Mr. P. E. Percival.]

With regard to the question of referring the Bill to a Select Committee, I would like to point out that the great advantage of that proposal is that Members of the Select Committee can meet, if necessary, before the next September session. Even if the Members of the Select Committee are appointed now they will not sit just at present. The intention is that they should meet, say, a week before the next September session. The advantage of this arrangement is that they will know beforehand that they are to be members of the Select Committee; and consequently they will take interest in the subject. Moreover when they meet before the next September session, they will have all the requisite material before them at that time. The Bill is to be sent to the Local Governments for their opinion; and, as the Honourable the Home Member informed the House, the Local Governments will be requested to consult Legal Bodies, so that the Select Committee will have the whole opinion of the country before them when they meet in Simla just a little before the September session.

My Honourable friend, Sir Henry Stanyon, suggested that the September session is too early for the disposal of the Bill. We do not wish to make any definite decision on the point. If it is found that the opinions of Local Governments are not received in time, it will be possible to postpone the meeting of the Select Committee till a later date. We have about five months from now till the September session, and I should think that that would give sufficient time for obtaining the necessary opinions.

Colonel Sir Henry Stanyon: My objection was that on account of want of time they may return the Bill without any opinion because they will not have sufficient time to consult Legal Bodies and individuals.

Mr. P. E. Percival: If the Local Governments say they have not sufficient time, it can be extended. In any case they will have about four months' time for furnishing their opinions.

Then my Honourable friend Sir Henry Stanyon said that in all cases an application for probate had to be sent to the Collector, and that this procedure may be unnecessary in certain cases. We are however making no change in that respect. At present all applications for probate are sent by the Court to the Collector. It is really a matter of detail. But we are making no change in this respect in the Bill.

Another point which my friend Mr. Aiyangar raised was that power to remit fees is given to the Local Governments, but not to the Local Legislatures. Here, again, we make practically no change. Section 85 of the Act gives the power to the Local Governments to remit fees. Of course, the Local Legislatures have to pass Acts if they wish to remit fees. Section 85 of the Act runs as follows:

"The Local Government may, from time to time by notification in the local official Gazette, reduce or remit, in the whole or in any part of the territories under its administration, all or any of the fees mentioned in the first and second Schedules to this Act annexed, and may in like manner cancel or vary such order."

Practically therefore no change is made in that respect either. I understood, when I came here to-day, that there is one point in the Bill to which my friend Mr. Ramachandra Rao is inclined to take objection, and I may anticipate his remarks on this point. He is disposed to object to the proposal in the Bill that there should be uniform rates of probate fees throughout India. This provision is based on a proposal made by the High Court of Calcutta. They say that they are of opinion that in the case of Probates

and Administration it would be advantageous if the rates could be kept uniform throughout India and that it is a matter for consideration whether the Central Legislature might not properly be asked to take measures to ensure such uniformity.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): What is the date of that opinion?

Mr. P. E. Percival: 30th August 1923. The Bengal Chamber of Commerce have also written in the same way. They said:

"The Committee are advised that in a very large number of estates there are assets in more than one province; and, further, that it is permissible to apply for a grant to any Court within whose jurisdiction there are assets—the limit of such jurisdiction, in the case of the High Courts, being their appellate jurisdiction. It would seem to follow that, unless all the other Provinces come into line with Bengal, the parties will make their application in the court of another province. They will naturally choose the Province having the lowest scale of duty."

I may perhaps explain the position most clearly by taking an extreme case. Suppose a man dies leaving immoveable property worth 50 lakhs in Calcutta and immoveable property worth Rs. 1,000 in Bombay. Under the present system his heir can apply to the High Court of Bombay for probate, which will extend to the whole of India. The result will be that he will pay 3 per cent. which is the maximum Bombay rate, on the whole estate, including the property which is worth 50 lakhs in Calcutta, whereas, if he applies to the Calcutta High Court, he will pay 5 per cent. the maximum rate in Bengal. It is quite anomalous that the Courts should issue probates extending to the whole of India when different rates are in force in different provinces. In the suggested case the heir would pay too low fees; and also the fees would go to the Bombay Government instead of going to the Bengal Government, where most of the property is situated and where the fees should be received.

My Honourable friend Sir Sivaswami Aiyer also took objection, on the ground that in Bengal there are graduated rates, and that it is proposed that those rates should be extended to the whole of India. But there are graduated rates in other Provinces too. Even in Madras the rates are graduated. But the graduation is only after 3 per cent. In Bengal it is graduated up to 5 per cent. The chief contention of the Government of India is not so much that the Bengal rates should be adopted as that there should be uniform rates throughout India.

Mr. O. Duraiswami Aiyangar: Why not take the lowest rates?

Mr. P. E. Percival: That is a point for the Select Committee to decide. If they agree that a lower rate should be adopted throughout India in the case of fees for probates and letters of administration, I do not suppose that the Government will take objection to it. The matter will be for the consideration of the Select Committee. Government however have proposed that the rates in force in Bengal should apply to the whole of India.

There are one or two general observations which I wish to make. I am very thankful to the Honourable the Home Member for the kindly reference to me in connection with this Bill. I am however really undeserving of any such remarks. In fact Mr. Wright, Mr. Tonkinson and Sir Henry Monieroff Smith are responsible for the Bill. I did merely the "devilling" work. If the drafting of the Bill is found to be good, then it is Mr. Wright who is responsible therefor: if it is found to be bad, I take the responsibility for that myself (Laughter). The Bill is a difficult one to draft. We do not claim that it is perfect. The original Bill is in

[Mr. P. E. Percival.]

fact a very old one. It goes back to 1912. The Bill was then drafted by Mr. Findlay, a judicial officer of the Central Provinces, who was for a time in the Legislative Department of the Government of India. It was then revised by two gentlemen, who are well known to this Assembly, namely, the Honourable Sir Alexander Muddiman and Sir William Vincent. It was then sent out in 1916 for opinions; and I would like to take this opportunity to thank the Local Governments for the extreme care and industry with which they have dealt with the subject. The Members of the Select Committee will be astonished at the wealth of detail received from Judges, pleaders and bar associations, etc. We have received a mass of material, on which the Select Committee will be able to act. I would like here to mention a point to which Mr. Aiyangar referred. He said that the above material had not been placed before this House. That is true. There is however a large amount of material which we propose to place before the Select Committee; but, if the Honourable Member wishes himself to see the papers, I shall be glad to show them to him.

As I was saying, the Bill was sent out to Local Governments in 1916. There was subsequently some delay in taking action chiefly owing to the passing of various local Acts. The Bill was again sent out for opinion in 1918, and I would like to mention that Local Governments were then particularly asked whether the Bill should be introduced in the Local Legislature or in the Central Legislature. They all agreed that it should be introduced in the Central Legislature. The only Government which expressed some doubt was that of the United Provinces. They said that section 7, clause (v), which deals with the valuation of immoveable property, should be dealt with in the Local Legislatures. The Government of India agreed. It was further suggested by that Government that the whole of section 7 might be dealt with in the Local Legislatures. The Government of India, however, could not agree to that proposal, because it was contrary to the opinions received from the other provinces. The Bill however is being sent to the Government of the United Provinces as well as to other Governments, for opinion, and they will be in a position to give their final opinion thereon.

Mr. M. S. Aney (Berar Representative): Was an attempt made to ascertain the opinions of local Legislatures independent of Local Governments on the point of whether it should be dealt with by the Central Legislature?

Mr. P. E. Percival: The Government of India asked the Local Governments and the latter consulted various Local Bodies. These Local Bodies have given their opinions, for instance, the Madras High Court Vakils Association and other Legal Bodies. We did not consult Local Legislatures in the way suggested. Honourable Members will see that we have twice consulted Local Governments, once in 1916 and again in 1923; and this will be the third time. It will be specially suggested to them that they should consult Legal Bodies. Honourable Members will see that the Select Committee is very strong, consisting of 16 members; and nearly all of them are distinguished members of the legal profession. I asked Sir Henry Stanyon, Pandit Madan Mohan Malaviya and Mr. Jinnah to become members of the Select Committee, but for various reasons they could not serve it. The Committee is a very strong one and will be capable of dealing in a satisfactory manner with this very intricate subject.

Mr. C. Duraiswami Aiyangar: Sir, there is one doubt which arises in my mind. If the matter is referred to the Select Committee, will the Select Committee be able to make any additions or alterations to the present Bill; I mean in the way of additional provisions which have not been thought of in the present Bill? I will mention two instances which will make the position clear. You find in the Statement of Objects and Reasons that:

"paragraph v of section 7, which is concerned with the valuation of immoveable property, has also, except in one comparatively unimportant particular, been left untouched."

Where the Court Fees Act causes us the greatest difficulty this Bill does not come in to help. I refer to the different kinds of valuing immoveable property—four times, ten times, fifteen times, market value, etc. Will it be open to the Select Committee to make such additions and alterations as they desire? In regard to fees payable on various applications and suits in the Madras province under the Estates Land Act, will it be open for the Select Committee to make additions or to collect opinions?

Mr. P. E. Percival: I understand from Sir Henry Moncrieff Smith that the test is whether the amendment is within the scope of the Bill or not. If an amendment is within the scope of the Bill, then it can be made by the Select Committee. In regard to the particular point to which the Honourable Member referred, the fact is that the Government of the United Provinces particularly urged that amendments relating to section 7, clause v, should not be included in the Bill but should be dealt with by Local Legislatures, on the ground that that is a clause dealing with the valuation of land, and that there are different land systems in force in different Provinces. It was specially in view of the recommendation of the Government of the United Provinces that general amendments of that clause were not included in this Bill. Amendments to the clause may be made by the Legislature of the United Provinces or any other Province.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, Sir Sivaswamy Aiyer has stated that he understood from what Sir Malcolm Hailey stated that he is not precluded from discussing any question of principle. I felt a great deal of doubt about this because you have ruled that once a Bill is referred to a Select Committee, questions of principle cannot be discussed at all, and therefore there is no use of thinking that we can discuss questions of principle at any other stage hereafter.

The first difficulty that occurs when we read this Bill is in regard to the death duties and the succession duties. Most of the provinces have hitherto enjoyed a lower rate. Even in Madras when you make a first application for a succession certificate you have to pay 2 per cent. Anyhow in this country, Sir, litigation has become very costly. Only on the 19th of this month in the Madras Legislative Council the Members urged that it is not desirable to have litigation at such high cost. They wanted to reduce the rate of court-fees. If you suggest a higher duty it becomes very difficult for them to secure reduction especially in view of the great financial stringency that prevails in the Province. Why should you take the odium or the responsibility of increasing the already existing heavy rate when the provinces have not done it themselves? If they want additional taxation let them have the responsibility of raising it. No doubt Mr. Percival is right when he says that the Schedules are not amended but only certain sections and provisions of the Act throughout the Bill but

[Mr. B. Venkatapathiraju.]

in so doing we increase the rate and do not reduce it at all. In the old days when a suit was filed, half of the duty used to be remitted when it was compromised at certain stage. But now unfortunately even when the suit is compromised at the earliest stage the court-fee is not remitted to any extent. I do not understand why such relieving provisions should not be introduced when we are revising the Bill. No one can bring a suit which is valued at less than 200 rupees now without paying the court-fee on Rs. 200. In certain Provinces like Madras there are numerous suits of not more than Rs. 100 value, whereas you say, whatever be the condition, you must pay full duty on Rs. 200. Members may not be aware that, by the time the courts have finished with a claim, the whole value of the property is exhausted in litigation. I may mention that the costs may be in three courts 38 per cent. court-fees, 30 per cent. vakil's fees on both sides and 37 per cent. batta of witnesses, etc., and thus practically the whole value of the property is exhausted from the time you file a suit in a Munsiff's court and finish it in the High Court. Is this the way to sell justice? Should we not provide means for reducing the cost of litigation? The only thing is whether we should bring in probate or succession duties as in other countries, or raise them, to the extent of 2, 3 or 5 per cent. on a graduated scale. That is an important matter which requires thorough study and clear understanding before the Bill is referred to a Select Committee.

The Honourable Sir Malcolm Hailey, referring to the Swaraj Party, suggested that they are not able to accept membership of such Committees hence he did not include their names though willing to add them even now. Perhaps in September they might change their views; they might agree to enter the Committees.

I do not see any particular hurry for this because the litigation would continue. The old rates are being realised, and in some cases they are being reduced. Why should we put the cart before the horse and ask for a Committee first and afterwards for the circulation for opinions? When the Committee is not wanted to sit before September, why should we not have the opinions received and circulated to the Members so that they can form their judgment before they refer the matter to the Select Committee? The only reason suggested for this extraordinary step is that Members selected will pay particular attention and such Members as are interested in the matter will make a particular study of it along with the opinions before they are brought up for discussion here. That is not a very good reason for suggesting that a Committee should be appointed first. And moreover, Sir, in this matter we feel not only that opinions should be obtained from various sources, but that they should be circulated to us in order to enable us to form our own judgment.

The Honourable Mr. Percival stated that he has got a lot of material before him. Now if he has got a lot of material before him, and if we cannot question the principles later on, would it not be better to see the opinions expressed by the various bodies so that Members would be in a position to know them? Therefore I agree with my friend Mr. Duraiswamy Aiyangar in asking the Government not to refer the Bill at this stage to a Select Committee but let it be circulated for opinions. When these are received it will be time for the Government to refer the Bill to a Committee. I understand that Sir Malcolm Hailey in introducing the Bill suggested that it will be taken up in September; I do not know why it has

been brought up now. Therefore, taking all these circumstances into consideration, I would suggest that the Bill may be circulated for opinions now to be brought before the September session.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadian Rural): Sir, I should like to make it quite clear, as I understand the Honourable Sir Malcolm Hailey aright, that we in this Assembly are not committed to any of the provisions of the Bill if we accept this motion for reference to a Select Committee.

The Honourable Sir Malcolm Hailey: That is how I read the case. It is one of those Bills which do not lay down general principles. Nearly everything in the Bill is a matter of detail one way or the other. •

Diwan Bahadur M. Ramachandra Rao: Therefore it would be easy for any Honourable Member in this House to bring in any amendment which he thinks he ought to press before this Assembly at the proper time. We will not be committing ourselves to any of the provisions of this Bill and I am sure in the light of the opinions elicited by circulation of this Bill we shall be able to know what the exact position will be in regard to this measure. I agree with my friend Sir Henry Stanyon in suggesting that there should be no undue haste in this matter. The Bill is an extremely complicated measure; there are many views in regard to the levy of court-fees and many conflicting decisions of the High Courts, and I think this is a matter to which the utmost publicity should be given and the opinions of all the interests concerned should be ascertained before it becomes law.

Sir, I may perhaps come to another aspect of this matter. As has been pointed out in the Statement of Objects and Reasons, there has been a considerable amount of ordinary legislation in the Provincial Legislatures. In Madras I was a member of the Select Committee on the Bill that was passed in 1921. That was passed when the Government of Madras was in the utmost difficulties in regard to their finances. Appeals were made that we should try and find the revenues to meet the deficit and we consented at that time, though with great regret, to put forward the proposals which were embodied in the Act which became law at that time. The consequence of that was that 67 lakhs of rupees were added to the revenue, and year by year at the Budget discussions the regret was expressed that the time had not come for a reduction of those court fees which were levied under the Act. Even at the last Budget discussion I found echoes of the same sentiment in Madras. At that time it was considered that the Act should be a temporary one. Now, Sir, we amended not only the Schedules, but also certain substantive provisions in the Act itself, that is section 7. Of course in this Bill some of those sections are being incorporated, and they would become law, and probably the position is that a local Legislative Council, with the permission of the Government of India, should have the power of amending even a Statute of this Central Legislature. That is no doubt the position of things. But, Sir, there are, as I have said, provisions in this Act which certainly do not meet with my approval. One is the graduated scale introduced in the case of succession duties, and also the scale of fees for probate and letters of administration referred to in the Schedule. These are matters on which I should like to see opinions fully ascertained before this Legislature commits itself to these provisions, especially in regard to the duties on succession certificates. I therefore think that, while this is a measure of taxation in some respects, it is also an administrative measure in which several amendments

[Diwan Bahadur M. Ramachandra Rao.]

have long been overdue, and I should think the Provincial Legislatures should have some voice in these proposals. As I said, they can no doubt apply for amendments to the Government of India Act which would be a means of carrying out their wishes. But, if there is a way of ascertaining the views of the Provincial Legislatures in regard to this measure which may certainly involve taxation, I think we should go a long way in meeting their wishes. As it is, I do not know whether the provisions of this Act, which would add to the burdens of the litigant, would be welcomed in the Provinces. In these circumstances I think it is absolutely necessary that, if this Bill is to be accepted, it must meet with the utmost publicity and after consulting all the interests which are affected by it.

Mr. O. Duraiswami Aiyangar: I do not know whether I moved. With the permission of the Chair I formally move that the Bill be circulated for opinion.

Mr. President: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon."

Pandit Madan Mohan Malaviya: Sir, I would only add to what has been said by other Members that the situation has not been fully realised by the Government of India in introducing this Bill. There are Provincial Legislatures in existence; 'judicial stamps' is a transferred subject; the revenue collected will go to the Provinces. Suppose when this Bill is circulated, the Provincial Legislatures pass Resolutions resenting the action of the Central Government in taking away from their jurisdiction a matter which has been transferred to them. What would the position be?

If a Select Committee is appointed now, and later on some Provincial Legislature express the opinion that this is a matter which should be left to them, as it has been left to them under the Devolution Rules, the position of this Assembly will be somewhat awkward. And for this reason as also for the reason that the Bill involves many complicated questions and that it proposes to introduce in a deft manner graduated succession duties, I think the proposal that the matter should be referred to a Select Committee to-day is a premature one.

It was remarked by some two Honourable Members that some of us did not agree to serve on the Select Committee. The thing is not surprising. Partly some were unwilling to do so for want of time, but others might well be unwilling because the matter is a complicated one and they do not subscribe to the principle that the Bill should be taken up in this Assembly, but are of opinion that as 'Judicial Stamps' has been transferred to the Provincial Legislatures, they are the proper bodies to deal with this matter.

For these reasons I support the amendment of Mr. Duraiswami Aiyangar that the Bill should be circulated for opinion—that is to say, I oppose the motion that a Select Committee should be constituted to-day. After the principle has been debated in other places and the opinions of the Provincial Legislatures are known, if they decide that the Bill should be proceeded with, many other Members might be willing to serve on the Select Committee to give it proper shape; but at this stage and in view of the long time the circulation of the Bill will take, it seems to me premature to put forward a proposal to refer it to a Select Committee.

Mr. P. E. Percival: Sir, I should just like to say that I did not mean to criticise the Honourable Member for not being willing to serve on the Select Committee.

The Honourable Sir Malcolm Hailey: The House must well know that Mr. Percival did not mean to suggest any reflection on the Honourable Pandit because he was unwilling to serve on the Select Committee. I myself suggest no reflection; but after considering his reasons carefully, I really can find no reason at all why he should prefer the motion for circulation to the motion for a Select Committee, save perhaps that one was made by Government and the other by a private Member. He says that, if you put forward a motion for a Select Committee and then Provincial Legislatures object, this House would occupy a difficult position. It would occupy exactly the same position if it were to accept a motion for circulation. Moreover, it has been made abundantly clear that we do not withdraw the power of legislation from the local Legislatures at all. They will deal with the Schedules and they can with the permission of the Governor General introduce legislation in regard to the Act itself. From that point of view it makes little difference whether you proceed to consider this Bill through a Select Committee or through formal circulation, for the objections of the local Legislatures would be exactly the same. We put forward a motion for a Select Committee simply for the reason that Mr. Percival stated. We are under no sort of desire to push this measure through. It is the type of measure, I may safely say from my previous experience of it, that some of us would be very glad if we never saw again. It has rested long in the Secretariat. I rescued it from the Secretariat because it was my duty—it was certainly not my pleasure. If I were staying on in the Home Department I should like nothing so much as a motion to ensure that the Bill never reappeared on my table. As I say, we are under no desire to push it forward. Our intention was this—to consult everybody very freely about this measure. Why Mr. Duraiswami Aiyangar thought it necessary to remind me of the necessity of consulting Bar Committees I do not know; I specially mentioned that we should consult legal associations. As I say, we wish to consult every one perfectly freely about it. If their replies come in time for the Select Committee to consider them before the September session, then we shall ask the Committee to attend at its leisure a few days before the session begins, and they will have time, untrammelled by the business of the session itself, to consider the papers. If not, we shall defer the matter still further. That is just an ordinary matter of convenience and nothing else. I do not feel inclined to withdraw my particular motion in favour of Mr. Duraiswami Aiyangar's but I believe that on the whole there is no very great difference in the matter of principle or anything of the kind. My own motion is just a little more convenient to the House.

Mr. C. Duraiswami Aiyangar: I may assure the Honourable the Home Member that I purposely intended not to move it—I merely requested the Home Member that he may himself adopt this motion, because I thought that putting it before a Select Committee might prevent Members afterwards from discussing the principles of the Bill. Therefore I specially requested that, and it makes no difference whether the request comes from Government or from a private Member.

The Honourable Sir Malcolm Hailey: I feel certain that the principle I have announced is perfectly correct. When you have a Bill which is not intended to introduce any new taxation or any judicial principle, but

[Sir Malcolm Hailey.]

merely revises an old standing Bill full of details about court-fees and the like—when you have a Bill of that kind, if the House accepts the proposal for a Select Committee, then it does not commit itself to any principle save this, if I may put it in those words, that the Bill should go before a Select Committee.

Pandit Madan Mohan Malaviya: Suppose the opinions received are opposed to it?

Mr. President: The original question was :

"That the Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Chimanlal Setalvad, Mr. K. C. Neogy, Sir Henry Moncrieff Smith, Mr. H. E. Holme, Rai Sahib M. Harbilas Sarda, Dr. H. S. Gour, Khan Sahib Maulvi Ghulam Bari, Maulvi Mohammad Yakub, Mr. Ahmad Ali Khan, Mr. E. G. Fleming, Mr. H. Tonkinson, Mr. N. M. Dumasia, Mr. Gaya Prasad Singh, Mr. S. C. Ghose and Mr. W. T. M. Wright; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

Since which an amendment has been moved :

"That the Bill be circulated for the purpose of eliciting opinion thereon."

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

The motion was negatived.

Mr. President: The question is :

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

The motion was adopted.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: Members will now proceed to elect 14 of their number to serve on the Standing Finance Committee. The following 28 members have been nominated :

Mr. Ahmad Ali Khan.

Mr. Ambika Prasad Sinha.

Mr. K. Rama Aiyangar.

Diwan Bahadur M. Ramachandra Rao.

Mr. S. C. Ghose.

Mr. W. S. J. Willson.

Sir Purshotamdas Thakurdas.

Mr. Darcy Lindsay.

Mr. N. M. Dumasia.

Mr. B. Venkatapatiraju.

Mr. N. M. Joshi.

Kumar Ganganand Sinha.

Mr. Mahmood Schamnad Sahib Bahadur.

Sardar Kartar Singh.

Captain Hira Singh.

Mr. R. K. Shanmukham Chetty.
Mr. B. Das.
Khan Bahadur M. Shams-uz-Zoha.
Mr. K. Ahmed.
Mr. K. C. Neogy.
Mr. Gaya Prasad Singh.
Maulvi Abul Kasem.
Sardar V. N. Mutalik.
Dr. H. S. Gour.
Nawab Sir Sahibzada Abdul Qaiyum.
Mr. K. V. Reddi.
Haji S. A. K. Jeelani, and
Mr. E. G. Fleming.

(The ballot was then taken and, while it was proceeding, Mr. President vacated the Chair, which was taken by Mr. K. C. Neogy.)

Mr. Chairman: The result of the ballot will be announced to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 25th March, 1924.
