

14th September, 1925

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

THIRD SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925



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LEGISLATIVE ASSEMBLY.

Monday, 14th September, 1925.

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

QUESTIONS AND ANSWERS.

TRANSFERS OF MEMBERS OF THE SUBORDINATE SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

812. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to lay on the table a statement showing :

- (a) the various transfers effected from one Military District to another of members of the Subordinate Service of the Military Accounts Department during the year 1923-24 and up to 1st August 1925 and the reasons that led to such transfers ;
- (b) the total expenditure incurred by the Government by way of travelling allowances drawn by the aforesaid incumbents ;
- (c) whether such transfers carry with them any increase in their emoluments to the incumbents ?

The Honourable Sir Basil Blackett : (a) and (b). The collection of the statistics required would involve the expenditure of much time and labour which in the opinion of the Government of India would not be justified. Transfers are normally effected for the following reasons [subject to certain restrictions in cases under (i) and (iii)] :

- (i) For administrative reasons, it being a condition of service that men are liable to transfer throughout India.
- (ii) On compassionate grounds.
- (iii) By mutual arrangement.

Travelling allowances are granted in all cases falling under (i) ; travelling allowances are only admitted in very exceptional cases falling under (ii) and no travelling allowances are granted in cases falling under (iii).

(c) Only when an individual is transferred to an appointment carrying a duty or local allowance.

MEMORIAL FROM THE CURRENCY ASSOCIATION, MADRAS.

813. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to state :

- (a) whether it has received a further memorial from the Currency Association, Madras, detailing the grievances of the members of the Currency section of the Finance Department, Madras ;

(1131)

- (b) whether it is a fact that the Government of India Order sanctioning the revision of pay in June 1924 did not afford any protection to many senior clerks by reason of the fact that their pay did not fall short of the pay of their juniors who obtained a larger pay notwithstanding the difference in the service between such seniors and juniors ;
- (c) if the answer to (b) be in the affirmative, do the Government propose to consider the feasibility of granting suitable relief to such senior clerks at an early date ?

DISPARITY IN PAY BETWEEN THE CLERKS OF THE NOTE VERIFICATION SECTION OF THE ACCOUNTANT GENERAL'S OFFICE AND THE CLERKS OF THE TREASURER'S BRANCH OF THE CURRENCY OFFICE.

814. ***Mr. A. Rangaswami Iyengar :** Has the attention of the Government been drawn to the disparity in pay that has occurred between the clerks of the Note Verification Section of the Accountant General's Office and the clerks of the Treasurer's Branch of the Currency Office in the matter of the relief and advantages offered to them in their respective revised scales ?

The Honourable Sir Basil Blackett : The Honourable Member's attention is invited to the reply given by me already to questions asked by Mr. M. K. Acharya on the same subject.

This is in reply to question No. 814 also.

PAY OF THE SUBORDINATE EMPLOYEES OF THE MADRAS CURRENCY OFFICE.

815. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state whether it is a fact that the revised scale of pay granted to the subordinate employees of the Madras Currency Office including shroffs is inferior to the scale of pay granted to Calcutta and Bombay Currency Offices, and if so, whether they will take steps to rectify this disparity ?

The Honourable Sir Basil Blackett : The scales of pay in Currency Offices are fixed with reference to local conditions, and naturally differ at different centres.

SHORTAGE IN THE STOCKS OF TIMBER ON THE SOUTH INDIAN RAILWAY.

816. ***Mr. A. Rangaswami Iyengar :** (a) Has the attention of the Government been drawn to the report of a serious shortage of railway stores in timber on the South Indian Railway reported on by the Government Examiner for Railways in December 1923 ?

(b) If so, will the Government be pleased to state what steps the railway administration concerned took to investigate and deal with the matter and whether the Government Examiner and the Railway Board have received the report of any such investigation and whether they have examined the matter and satisfied themselves as to the person or persons responsible for the losses involved and what action they have taken or propose to take thereon ?

Mr. G. G. Sim : (a) and (b). The shortage in the stocks of timber on the South Indian Railway was first investigated by a Committee consisting of the Deputy Chief Auditor and the Deputy Loco. and Carriage

Superintendent of that Railway. The matter was also investigated and reported on by the Government Examiner of Accounts. Their reports have been received and considered by the Railway Board and the Accountant General, Railways, and the former have written to the Agent of the Railway to the effect that, unless satisfactory answers can be given to the Accountant General's criticisms, contained in his note on the report, disciplinary action must be taken against the officers responsible.

Mr. Jamnadas M. Mehta : Sir, is the shortage due to the bodily removal of the timber ?

Mr. G. G. Sim : It is not quite certain how much was due to removal and how much to bad accounting.

Mr. A. Rangaswami Iyengar : Will the House have an opportunity of knowing what is done after the reply of the Company is received ?

Mr. G. G. Sim : The matter will be reported to the Committee on Public Accounts.

ANNUAL GRANT BY THE GOVERNMENT OF INDIA TO THE INDIAN INSTITUTE OF SCIENCE AT BANGALORE.

817. ***Mr. Jamnadas M. Mehta :** (i) Are the Government aware whether any Provincial Government in India is paying an annual contribution to the Indian Institute of Science at Bangalore ? If so, what amount ?

(ii) Are the Government of India giving an annual donation to the said Institute ? If so, what amount ?

The Honourable Sir Bhupendra Nath Mitra : (i) So far as the Government of India are aware no Provincial Government is paying an annual contribution to the Institute.

(ii) Yes. As explained by me in answer to question No. 170 on the 27th February 1925, the annual grant is the equivalent of one half of the income derived by the Institute from local assets subject to a maximum of Rs. 1,50,000 in any one year.

RECRUITMENT TO THE INDIAN RAILWAY SERVICE OF ENGINEERS OF STUDENTS OF THE INDIAN INSTITUTE OF SCIENCE AT BANGALORE.

818. ***Mr. Jamnadas M. Mehta :** (i) What is the number of the State Railway Engineers recruited or to be recruited during the year 1925 ? How many of them are to be from India ?

(ii) How many of the Indian recruits are to be electrical engineers ? How many out of them are educated at the Indian Institute of Science ?

(iii) How many students of the electrical department of the said Institute have been employed either in the electric concerns of Government or in the electrical department of State Railways during the years 1922-23, 1923-24, 1924-25 and 1925-26 ?

(iv) Is it true that in the regulations stating the qualifications required for the Indian Service of Engineers, students of the said Institute are not recognised while those of many British Universities imparting inferior training are admitted ? If so, why ?

(v) What is the status of the said Institute in the eyes of the Government of India so far as Government service is concerned? Are its students treated on the same footing as the students of English institutions of a similar character?

(vi) In selecting candidates for technical appointments in the various departments of Governments are the claims of the students of the electrical and chemical departments of the said Institute considered equal to those of students trained in England? If not, why not?

The Honourable Sir Bhupendra Nath Mitra : (i) and (ii). The information will not be available until the end of the year 1925.

(iii) None so far as the electrical department of State Railways is concerned. The Government of India have no information regarding electrical departments under Provincial Governments.

(iv) Recruitment to the Indian Service of Engineers and the Indian Railway Service of Engineers in England is confined to Europeans with extra-Indian training. Appointments made to those services in India are reserved for students of the Indian Engineering Colleges to which a certain number of appointments has been guaranteed, and for officers promoted from the provincial engineering services. Students of the Indian Institute of Science are not, therefore, eligible for appointment to the Indian Service of Engineers or to the Indian Railway Service of Engineers.

(v) Students of this Institute are eligible for appointments in Government service, except those in the Indian Service of Engineers and Indian Railway Service of Engineers, requiring technical qualifications to the same extent as students of other institutions possessing equal qualifications.

(vi) Yes, when their professional qualifications are equal.

Mr. B. Das : May I inquire, Sir, if the recruitment of Indian engineers is made in accordance with the recommendations of the Lee Commission's Report?

The Honourable Sir Bhupendra Nath Mitra : The reply is in the affirmative so far as those recommendations have been definitely accepted.

Mr. Jamnadas M. Mehta : Are the Government of India aware that students of the electrical department of the Indian Institute of Science are regarded by the Institute of Electrical Engineers in England as equal in status to any student who has been trained in England and who are A. M. I. E. E.?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that subject. If the Honourable Member wants the information, I would ask him to give me notice.

Sir Hari Singh Gour : May I inquire, in view of the statement made by the Honourable Member that students trained in the Institute are employed by Government, how many of these students have been employed by the Government of India?

The Honourable Sir Bhupendra Nath Mitra : I cannot see that I have made any statement to the effect mentioned by the Honourable Member. I said that we have no information as to how many of these students are employed by Provincial Governments. The appointments

which the Honourable Member has in mind probably refer to appointments under the Provincial Governments.

Mr. Jamnadas M. Mehta : Are the students of the electrical department of the Institute eligible for the Indian Service of Engineers and for the Railway Department or are they not ?

The Honourable Sir Bhupendra Nath Mitra : No students of the Institute are eligible for appointment to the Indian Service of Engineers and to the Indian Railway Service of Engineers under existing conditions.

Diwan Bahadur M. Ramachandra Rao : The Honourable Member referred to certain colleges to which appointments have been guaranteed. Will the Honourable Member be so good as to say which are the colleges to which such appointments have been guaranteed, and what is the number of appointments so guaranteed ?

The Honourable Sir Bhupendra Nath Mitra : I can not readily give the Honourable Member information about the number of guaranteed appointments. I can give the colleges readily. They are the Roorkee College, the Sibpur College, the Madras College and the Poona College. Those are the colleges as they now stand. But new engineering colleges are springing up in other provinces. I cannot give the Honourable Member readily the information about the number of guaranteed appointments but they will be found in the calendars of these various institutions.

Mr. A. Rangaswami Iyengar : Can the Government state whether they have any objection to include the Indian Institute of Science among the colleges from which guaranteed appointments are made ?

The Honourable Sir Bhupendra Nath Mitra : Guarantee have been given to the colleges just mentioned for a certain number of years to come. I dare say the question will have to be re-examined when the Public Services Commission is appointed.

Mr. A. Rangaswami Iyengar : May I know if the number of appointments which are guaranteed are the only ones that are made or whether there are more appointments than are guaranteed ?

The Honourable Sir Bhupendra Nath Mitra : The other appointments which the Honourable Member has probably in view are those filled by promotion of officers from the Provincial Engineering Service.

Mr. B. Das : Are Government aware that the Indian Institute of Science is the only Engineering Institute in India that is entitled to membership of the Institute of Electrical Engineers, of which I am also a member ? (Laughter.)

The Honourable Sir Bhupendra Nath Mitra : I submit, Sir, that that question does not arise out of the main question.

PREVENTION BY THE POLICE AT SIRHALI OF VOTERS FOR THE LEGISLATIVE ASSEMBLY EXERCISING THEIR VOTES.

819. ***Mr. Chaman Lall :** (a) Are Government aware that a large number of voters for the Legislative Assembly during the last elections were detained by the police at Sirhali and prevented from exercising their votes ?

(b) Is it a fact that these voters alleged that they were detained because of their expressed desire to vote for the Nationalist candidate ?

(c) What action do Government intend to take in view of this breach of the privileges of this House ?

Mr. H. Tonkinson : (a) and (b). Government have no information in the matter.

(c) I am not aware of any breach of the privileges of this House and therefore do not propose to take any action.

Mr. Chaman Lall : Do I understand the Honourable Member to say, Sir, that the Government have no information in the matter ? If so, how is it that they say that there has been no breach of the privileges of this House ?

Mr. H. Tonkinson : I submit, Sir, that this is pure argument, but I would repeat my answer to part (c) which was to the effect that I am not aware of any breach of the privileges of this House.

Mr. Chaman Lall : May I, with your permission, Sir, ask another supplementary question ? Why did Government not take steps to make proper inquiries with regard to this question ?

Mr. H. Tonkinson : I assume, Sir, that notice was given of this question 10 days ago on the 4th September, the question apparently relates to an incident which is alleged to have taken place two years ago, and I do not think that any useful purpose will be served by making inquiries into the matter now.

Mr. Chaman Lall : May I ask whether it is the definite opinion of the Government that no useful purpose can be served by going into a matter of the importance revealed in this question where voters have been prevented from voting for a Member of the Assembly by the police authorities in Sirhali ?

Mr. H. Tonkinson : Sir, the question asks for an expression of opinion.

Mr. Devaki Prasad Sinha : May I inquire, Sir, if Government made any inquiries at all before answering this question, or is the answer based on no information ?

Mr. H. Tonkinson : I wish to submit, Sir, that my answer definitely indicated that it was based upon no information.

Mr. Chaman Lall : May I request the Honourable Member to make inquiries and let the House know next Session the results of those inquiries ?

Mr. H. Tonkinson : If the Honourable Member will give further notice, I will consider the matter.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the question of the purity of the elections is not a matter which has been vitally before this House in connection with the two Bills which my Honourable friend has introduced in this House ?

Mr. K. Ahmed : May I put a supplementary question, Sir ? (Laughter.) Is it not a fact, Sir, that the voting papers are preserved by the Government for a fixed period of time and after that period has elapsed, no inquiries can successfully be made in order to trace the required information ?

RETURN TO INDIA OF MR. B. G. HORNIMAN.

820. ***Mr. Chaman Lall** : (a) Will Government state if they are now prepared to withdraw all restrictions from the exercise of his right of free entry into India by Mr. B. G. Horniman ?

(b). Are Government aware that their action in deporting Mr. B. G. Horniman from India has resulted in a great deal of financial loss to that gentleman ?

(c) Are Government prepared to contemplate the reimbursement to Mr. B. G. Horniman of the losses suffered by him in being deprived of his professional income ?

Mr. H. Tonkinson : (a) I have nothing to add to the replies given by the Honourable the Leader of the House on the 3rd March last to questions in this House on the subject.

(b) and (c). No.

Mr. Chaman Lall : May I ask the Honourable Member, Sir, whether the Government gave any consideration whatsoever to the considered verdict of this Assembly with regard to Mr. Horniman ?

Mr. H. Tonkinson : Government, Sir, gave due consideration to the Resolution passed by this House in February 1924.

Mr. A. Rangaswami Iyengar : Have the Government at all considered whether, since that reply was made by the Leader of the House on the floor of this House, any new circumstances have arisen to change their policy in this matter and whether they will now exercise their power to give Mr. Horniman his elementary rights ?

Mr. H. Tonkinson : Sir, one circumstance did arise after the Resolution was passed by this House, and that was that a Resolution was moved in the Bombay Council and was rejected.

Mr. B. Das : May I ask the Government, in view of the spirit of co-operation shown by the Nationalist Members of this House and also by the country in general, whether they will reconsider this question and allow Mr. Horniman to return to India ?

Mr. Chaman Lall : May I ask the Honourable Member whether after the decision of this Assembly the Government did discuss this matter of the return of Mr. Horniman, and if so, will the Honourable Member kindly place the minutes of their discussion on the table of this House ?

Mr. H. Tonkinson : The answer to the last part of the question is in the negative, Sir.

Mr. Chaman Lall : May I again, with your permission, Sir, ask the Honourable Member if he will let us know which authority is responsible for keeping Mr. Horniman out of India ?

Mr. H. Tonkinson : Sir, I am afraid, as I said before, that I cannot give any further information on this subject than was given to this House on the 3rd of March last.

Mr. Chaman Lall : May I remind the Honourable Member that no information on this particular matter was given to this House ?

Dr. K. G. Lohokare : May I know if Government have inquired as to the circumstances in which the Resolution in the Bombay Council was rejected ?

Mr. H. Tonkinson : We presumably received information from the Bombay Government.

Mr. Chaman Lall : May I take it, Sir, that it is the considered verdict of the Government to flout the opinion of this Assembly with regard to Mr. Horniman ?

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Government consider that the reasons which induced them to say that they would not recommend the grant of this passport exist to-day, and how long they are going to exist and whether they are going to ruin Mr. Horniman for life ? (*A Voice : "Shame."*)

Mr. H. Tonkinson : As regards the part of the question as to whether the reasons exist to-day, in the opinion of the Government the answer is in the affirmative. As to how long they are going to exist, I am not a prophet.

Mr. Jamnadas M. Mehta : Do Government realise that this vindictiveness is unworthy of a civilised Government ?

Mr. Gaya Prasad Singh : May I say, Sir, that this wordy warfare will have no effect upon the Government, unless Government are compelled to withdraw the restriction by the irresistible force of public opinion in this country ?

WAGES OF LABOURERS EMPLOYED IN THE COAL MINES IN JHARIA AND RANIGANJ.

821. ***Mr. Chaman Lall :** Will Government state :

- (1) The price of coal per ton at the pit's mouth at Jharia and Raniganj ?
- (2) The price of Bihar coal per ton in Calcutta and in Bombay ?
- (3) The average wages per day paid to (a) men, (b) women, and (c) children, in Raniganj and Jharia ?
- (4) The total amount of coal per head per annum raised by the workers in Raniganj and Jharia ?

The Honourable Sir Bhupendra Nath Mitra : (1) Owing to variations in the quality of coal and the different conditions of delivery it is not possible to answer the Honourable Member's question exactly. The following recent quotations from commercial papers are however given:

1st class Jharia Rs. 6-4 f. o. r. colliery,

2nd class Jharia Rs. 4-0 f. o. r. colliery,

1st class Raniganj Rs. 6-2 f. o. r. colliery.

(2) Again the Honourable Member does not specify either the kind of coal or whether he refers to wholesale or retail prices. Wholesale quotations for Calcutta are usually on a f. o. r. colliery basis. At Bombay, a recent quotation for 1st class Jharia coal is Rs. 22-10-0 per ton *ex* coal depot.

(3) Statistics of average wages are not available, but the Honourable Member is referred to the figures given in the report of the Chief Inspector of Mines for 1923.

(4) The average output per person employed above and below ground in 1923 was :

In the Jharia Coalfield	..	114 tons.
In the Raniganj Coalfield	..	102 tons.

GRANT OF EXTENSION OF SERVICE TO MR. MEYER, TRAVELLING INSPECTOR OF ACCOUNTS, EASTERN BENGAL RAILWAY.

822. *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state if the Travelling Inspector of Accounts of the Eastern Bengal Railway belongs to the ministerial staff ?

(b) If the answer to (a) be in the negative, will the Government be pleased to state under what special circumstances an extension of service has been allowed to one Mr. Meyer, Travelling Inspector of Accounts, Eastern Bengal Railway, even after he has completed fifty-five years ?

(c) Will the Government be also pleased to state if they are aware of any serious reports against Mr. Meyer, and if those reports were thoroughly inquired into before granting an extension of service ?

The Honourable Sir Basil Blackett : The answer to part (a) of the question is in the affirmative and to part (c) in the negative. Part (b) does not arise.

PAY OF MEN ON THE EASTERN BENGAL RAILWAY RE-EMPLOYED AFTER DISCHARGE OR RESIGNATION.

823. *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state the principle which is followed on the Eastern Bengal Railway in fixing the pay of men on re-appointment after being discharged or after resignation ?

(b) If such re-appointments are made on the market value of the class of employee, will the Government be pleased to lay on the table a list of such appointments made during the last three years, giving the number of Indians and Anglo-Indians separately ?

Mr. G. G. Sim : (a) & (b). Government have no information and do not propose to call for it as matters of this sort are left to the discretion of the Agent.

RUNNING ROOMS FOR INDIAN GUARDS ON THE EASTERN BENGAL RAILWAY.

824. *Mr. Kumar Sankar Ray : Will the Government be pleased to state if any running rooms are provided for Indian guards of the Eastern Bengal Railway at Budge-Budge, Naihati and Ranaghat ? If so, will the Government be pleased to state if any cook is provided there ; if not, why not ?

Mr. G. G. Sim : Government have no information on the subject.

PAYMENT BY LICENCED COOLIES AT SEALDAH OF DEPOSIT MONEY TO THE STATION SUPERINTENDENT.

825. *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state if the licensed coolies of Sealdah station are required to pay any money to the Station Superintendent in addition to their license fees ?

(b) If not, are the Government aware that the coolies of Sealdah submitted written complaints to the Traffic Manager, Eastern Bengal Railway, Calcutta ?

(c) If so, what action was taken by the Traffic Manager, Eastern Bengal Railway, Calcutta, and with what result ?

Mr. G. G. Sim : (a) Government understand that no deposit money is taken from licensed coolies at Sealdah station when engaged, but each man pays a monthly license fee to the Station Superintendent, when he is actually working.

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

Lala Duni Chand : Is it not a matter of common knowledge, Sir, that on several big railway stations coolies are forced to pay a part of their earnings to their superiors ?

(Mr. G. G. Sim could not follow the question.)

Mr. President : Will the Honourable Member repeat his question ?

Lala Duni Chand : Is it not a matter of common knowledge that on several big railway stations coolies are required to pay a part of their earnings to their superiors ?

Mr. G. G. Sim : If it is a matter of common knowledge, I do not know, Sir, why the Honourable Member has asked for information.

Mr. K. Ahmed : Do Government propose to take sufficient steps to remove this anomaly, for the benefit of the public ? Or do the Government welcome the fact that station masters should add to their monthly salary and take bribes right and left and then they (the Government) should sit here slowly and sadly while answering questions like this ? (Laughter.) Do the Department of my Honourable friend propose to take sufficient steps to remove this grievance of the people by not allowing station masters to make extra incomes in addition to their salaries ?

Mr. G. G. Sim : I should like to know what grounds the Honourable Member has for making this statement ? Will he kindly substantiate his statement ?

Mr. K. Ahmed : Is it not a fact, Sir, that station masters have some additional income besides their salaries ?

Mr. G. G. Sim : No, Sir. (Laughter.)

COMPLAINTS AGAINST LICENSED VENDORS OF THE EASTERN BENGAL RAILWAY.

826. ***Mr. Kumar Sankar Ray :** (a) Are the Government aware that the licensed vendors of the Eastern Bengal Railway are required to execute agreements with the Eastern Bengal Railway administration that they will sell certain specified articles at the market rate ?

(b) If so, are the Government aware that several reports were made to the Eastern Bengal Railway authorities against platform vendors selling articles above the market rates ?

(c) If not, will the Government be pleased to make inquiry into the complaints and place the result before this House for the information of its Members ?

Mr. G. G. Sim : (a) Vendors are bound by their contracts to supply good and wholesome food at current rates.

(b) Government have no information.

(c) A copy of the question and answer will be sent to the Agent.

CLAIMS INSPECTORS ON THE EASTERN BENGAL RAILWAY.

827. ***Mr. Kumar Sankar Ray :** (a) Will the Government be pleased to state if any applications were made from the staff employed in the Traffic Department of the Eastern Bengal Railway for promotion to the posts of Claims Inspectors ?

(b) If so, will the Government be pleased to state if the Traffic Manager, Eastern Bengal Railway, has recently appointed outsiders to the posts of Claims Inspectors ?

(c) If so, will the Government be pleased to state the special qualifications of those new recruits ?

(d) Were those vacancies advertised and were the cases of candidates already in service considered ? If not, why not ?

REDUCTION OF MD. EMANALI BISWAS, A GUARD ON THE EASTERN BENGAL RAILWAY.

828. ***Mr. Kumar Sankar Ray :** (a) Is it a fact that a guard, Bahu S. C. Mukherji, son of the late station master, Iswardi, has been promoted from class " A " to class " B " though he was drawing Rs. 65 at the time of his promotion ignoring the claims of many senior guards in class " A " ?

(b) Are the Government aware that an appeal against this supersession of the legitimate claim preferred by the seniormost " A " class guard, Md. Emanali Biswas, has not only been rejected but he has been reduced and transferred ?

(c) Will the Government be pleased to inquire if the District Traffic Superintendent, Paksey, got a statement written by himself signed by Md. Emanali Biswas under threat, and that the contents thereof were never made known to the latter nor was he supplied with a copy of the same, though he applied for it ?

Mr. G. G. Sim : I propose to reply to this and the preceding question together.

I must ask the Honourable Member to believe that it is not the practice of and is quite impossible for the Government to interfere in the promotion of subordinate railway servants.

GRANT OF ALLOWANCES TO INDIAN DRIVERS OF THE EASTERN BENGAL RAILWAY FOR SUNDAY WORK.

829. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state what action, if any, was taken by them in regard to the question of granting allowances to Indian drivers of the Eastern Bengal Railway for working on Sundays ?

Mr. G. G. Sim : The matter is under the consideration of the Government.

CASE OF PHOOL MOHAMMAD, PUMPING DRIVER AT KATIHAR ON THE EASTERN BENGAL RAILWAY.

830. ***Mr. Kumar Sankar Ray :** (a) Will the Government be pleased to state whether when an employee living outside the railway boundary submits a medical certificate from any registered practitioner, the subordinate under whom the employee is working is bound to forward the same to his District Officer ?

(b) If the reply be in the affirmative, will the Government be pleased to inquire whether the Loco. Foreman of Katihar refused to accept and forward the medical certificate submitted by Pumping Driver Phool Mohammad of Katihar and marked him absent and in consequence Phool Mohammad was discharged ?

Mr. G. G. Sim : (a) If an employee lives within the administrative district of a Railway Medical Officer ordinarily the medical certificate of such officer only can be accepted.

(b) Does not arise.

TESTING OF THE EYESIGHT OF STATE RAILWAY EMPLOYEES.

831. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state if there are any rules regulating the testing and retesting of the eyesight of State Railway employees and if it is the intention of the Government to publish the rules for the benefit of the employees ?

Mr. G. G. Sim : I would refer the Honourable Member to the reply given to the question No. 1131 asked by Khan Bahadur W. M. Hussanally on the 6th March 1925.

GRIEVANCES OF THE LINE STAFF OF THE EASTERN BENGAL RAILWAY.

832. ***Mr. Kumar Sankar Ray :** (a) Are the Government aware that the cash witnesses of the Southern District of the Eastern Bengal Railway are invariably selected from the relieving staff and not from the line staff to deprive them of their allowance ?

(b) If the answer to the above be in the affirmative, do the Government propose to direct the Agent, Eastern Bengal Railway, to redress the grievances ?

Mr. G. G. Sim : Government have no information.

DILAPIDATED CONDITION OF THE STAFF QUARTERS ON THE TISTA-KURIGRAM BRANCH OF THE EASTERN BENGAL RAILWAY.

833. ***Mr. Kumar Sankar Ray :** (a) Are the Government aware that the staff quarters on the Tista-Kurigram Branch of the Eastern Bengal Railway are all thatched quarters and are in a dilapidated condition and in consequence the occupants have to suffer a great deal during rain and storm even to the extent of risk to life and property in case of accidents for which the Railway may be liable for damages ?

Mr. G. G. Sim : Government have no information.

SUPPLY OF NEW ENGINES TO INDIAN DRIVERS ON THE EASTERN BENGAL RAILWAY.

834. ***Mr. Kumar Sankar Ray :** (a) Are the Government aware that whenever any new or repaired engine from workshop is received in any Loco. Shed of the Eastern Bengal Railway under European and Anglo-Indian Foremen the new or repaired engine is given to an Anglo-Indian or European driver and the old engine to an Indian driver ?

(b) If not, will the Government be pleased to inquire how many new or repaired engines have been received by all the Loco. Sheds of the Eastern Bengal Railway during 1920—1924 and how many of those engines were given to Indian drivers ?

Mr. G. G. Sim : The reply to both the parts of the question is in the negative.

SUPPLY OF DRINKING WATER FOR THE INDIAN STAFF STATIONED AT PAKSEY, KATIHAR, SANTAHAR AND LALMONIRHAT ON THE EASTERN BENGAL RAILWAY.

835. ***Mr. Kumar Sankar Ray :** (a) Will the Government be pleased to state what action has been taken by the Eastern Bengal Railway authorities to improve the supply of drinking water for the Indian staff stationed at Paksey, Katihar, Santahar and Lalmonirhat ?

(b) If no action has yet been taken will the Government be pleased to state when they are going to remove the complaints ?

Mr. G. G. Sim : Government have no information.

EXPENDITURE ON THE MEDICAL DEPARTMENT OF THE EASTERN BENGAL RAILWAY.

836. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state what amount has been spent during the last five years for the Medical Department of the Eastern Bengal Railway under the following heads :

- (i) Establishment;
- (ii) Medicines ;
- (iii) Apparatus ?

Mr. G. G. Sim : The information required by the Honourable Member has been called for from the Railway Administration and will be supplied to him when received.

HOSPITALS ON THE EASTERN BENGAL RAILWAY.

837. ***Mr. Kumar Sankar Ray :** (a) Will the Government be pleased to state how many hospitals there are on the Eastern Bengal Railway ?

(b) Will the Government be pleased to place on the table a statement showing the names of the hospitals on the Eastern Bengal Railway, number of patients treated in each hospital and the amount spent for the supply of medicines to each hospital during the last five years ?

Mr. G. G. Sim : Government are inquiring as to the number of hospitals and the total number of patients treated last year and will furnish the Honourable Member with the information in due course.

RENTS RECEIVED FROM LONGWOOD, ETC.

838. *Khan Bahadur W. M. Hussanally : (a) What has been the gross income from rent, etc., from Longwood for the past two official years ?

(b) What was the total outlay on Longwood including all improvements, renewals and additions up to date ?

(c) What has been the total outgoings for the last two years separately in the shape of maintenance, establishments, repairs, proportionate cost of the Public Works Department establishment and all miscellaneous cost ?

The Honourable Sir Bhupendra Nath Mitra : (a) Rs. 30,911 in 1923-24 and Rs. 18,335 in 1924-25.

(b) Rs. 6,95,834.

(c) Rs. 28,791 in 1923-24 and Rs. 23,169 in 1924-25. Details are not available separately for maintenance, establishment charges, etc.

FURNITURE FOR QUARTERS OCCUPIED BY MEMBERS OF THE LEGISLATIVE ASSEMBLY AT DELHI AND SIMLA.

839. *Khan Bahadur W. M. Hussanally : Are the Government aware that the Public Works Department expect Members living in the Longwood Range to squat on the ground while dining or to pay extra rent for a small table to serve as a dining table ?

(b) What are the reasons why the Government cannot supply reasonable necessary furniture to Members when in Simla or Delhi for the Assembly Session ?

(c) Are Government aware that if a Member gets a guest he is refused an extra bed even on hire and he is obliged to go to the bazar for one ?

(d) Who is responsible for the scale of furniture for quarters for Members at Delhi and Simla ?

(e) Are Government aware that at Delhi two Members residing in one and the same cottage are expected to use the same dressing table and must share the wardrobe and chest of drawers meant originally for a family ?

The Honourable Sir Bhupendra Nath Mitra : (a) The quarters in the Range at Longwood are intended for Members who live in strict orthodox style, and for this reason only small tables are provided in the scale of furniture for these quarters.

(b) Government are not aware that reasonable necessary furniture is not provided. If it is shown that there is a general desire on the part of Members that the scale of furniture should be increased, they are prepared to consider the question; but an increase in the scale would probably mean an increase in rent.

(c) A small stock of furniture is kept from which articles such as beds can, if available, be obtained on hire.

(d) The Government of India.

(e) The scale of furniture has been drawn up to meet the needs of a single family.

RECRUITMENT TO THE IMPERIAL SECRETARIAT.

840. ***Khan Bahadur W. M. Hussanally** : Will Government be pleased to lay on the table a statement showing the number of employees in all the Secretariats (1) in the clerical branch and (2) in the I. S. S. belonging to each Province ?

(b) What steps are being taken to see that as far as possible all Provinces are represented in all services in the Secretariats ?

(c) In what newspapers in India are the Staff Selection Board's examinations advertised ?

(d) Are Local Governments consulted when filling up vacancies in the I. S. S. with a view to find out if those Governments can recommend any men belonging to their provincial service who could be lent to the Government of India in the same way as men of the I. C. S. are lent ?

(e) Is it a fact that more recently all Secretariat appointments have become a preserve for men belonging to certain Provinces alone ?

(f) If so are Government prepared to consider a scheme by which Government patronage in this direction should be distributed to all Provinces alike ?

(g) Are Government aware that there is a considerable discontent among Secretariat employees of the various Local Governments as also among members of the provincial services of the different Provinces ?

Mr. H. Tonkinson : (a) A copy of a statement compiled in 1920 is being forwarded to the Honourable Member. Government do not think any useful purpose would be served by collecting fresh information in the form suggested.

(b) I would refer the Honourable Member to the reply given by the Honourable the Home Member to Mr. Jeelani's question No. 1221 of 23rd March last.

(c) The last examination was advertised in the following ten newspapers :

The *Indian Daily Mail* ; the *Civil and Military Gazette* ; The *Pioneer* ; the *Leader* ; the *Madras Mail* ; the *Times of India* ; the *Bengalee* ; the *Statesman* ; the *New India* ; and the *Tribune*.

(d), (f) and (g). The replies are in the negative.

(e) For obvious reasons Bengal, the United Provinces, and the Punjab have a larger representation than other provinces.

MEMORIALS OF THE TRAINS CLERKS OF THE TRAFFIC DEPARTMENT OF THE SOUTH INDIAN RAILWAY.

841. ***Mr. Amar Nath Dutt** : (a) Is it a fact that some time ago the trains clerks of the Traffic Department of the South Indian Railway submitted a memorial to the General Traffic Manager asking for a reduction of their working hours from 12 to 8 and the revision of their pay ?

(b) If so, will the Government please inform the House what action has been taken in the matter ?

Mr. G. G. Sim : Government have no information.

FINING OF STATION MASTERS BY THE DISTRICT TRAFFIC SUPERINTENDENT, MORADABAD.

842. ***Mr. Amar Nath Dutt :** (a) Is it a fact that the District Traffic Superintendent of the Oudh and Rohilkhand Railway (now East Indian Railway), Moradabad, fined all the station masters between Moradabad and Saharanpur both inclusive, at the rate of Rs. 5 each (*vide* his letter No. 205/12/544/23-T., dated 3rd November 1924) on account of the alleged offence that somebody played an Indian instrument on the telephone at 19 hours on 10th October 1924, although the real man at fault could not be traced ?

(b) If so, do the Government propose to take such steps as may be necessary to put a stop to such unfair punishment in future and undo the injustice done to all the station masters ?

DISMISSAL OF MRS. BAID, LADY TICKET COLLECTOR OF SHAHJAHANPUR STATION.

843. ***Mr. Amar Nath Dutt :** (a) Is it a fact that one night at about 21 hours in the month of May, 1924, Mr. R. Collett White, District Traffic Superintendent, Bareilly, called for the records of all the ticket collectors including a lady ticket collector, Mrs. Ellice Baid, at Shahjahanpur station and inspected all of them except that of Mrs. Baid ? Is it a fact that Mrs. Baid's papers were not inspected then and there ? If so, why ?

(b) Is it also a fact that within a fortnight from the date of such occurrence Mrs. Baid was discharged from service (*vide* District Traffic Superintendent's office letter dated 28th May 1924) on and from the 30th May, 1924, in spite of the fact that she had served for 14 years, for which she was granted a good certificate by the previous District Traffic Superintendent, Mr. Evans ?

(c) If the answers to (a) and (b) be in the affirmative, will the Government be pleased to :

(1) state reasons for the dismissal of Mrs. Baid ;

(2) institute a thorough inquiry into the matter and communicate to the House the facts in connection therewith ?

Mr. G. G. Sim : I propose to reply to questions Nos. 842, 843, 846 and 855 together.

Government have no information and cannot undertake to inquire into such matters.

GRANT OF FREE PASSES OVER FOREIGN RAILWAYS TO THE MENIAL STAFF OF THE OUDH AND ROHILKHAND RAILWAY.

844. ***Mr. Amar Nath Dutt :** Is it a fact that the menial staff on the Oudh and Rohilkhand Railway (now East Indian Railway), drawing below Rs. 40 per month, are not entitled to free passes over foreign railways ?

Mr. G. G. Sim : Yes, in accordance with the rules of the Indian Railway Conference Association which apply to all Railways.

WORKING OF PASSENGER TRAINS BY INDIAN GUARDS ON THE OUDH AND ROHILKHAND RAILWAY.

845. ***Mr. Amar Nath Dutt :** Is it a fact that even senior Indian guards are never allowed to work passenger trains except on branch lines of the Oudh and Rohilkhand Railway (now East Indian Railway), whereas newly appointed European and Anglo-Indian guards are freely utilised for such service ? If so, will the Government please state reasons for such distinction ?

Mr. G. G. Sim : Government have no information. Inquiry is being made and the Honourable Member will be informed of the result in due course.

GRANT OF EXTENSIONS OF SERVICE TO CERTAIN STATION MASTERS ON THE OUDH AND ROHILKHAND RAILWAY.

†846. ***Mr. Amar Nath Dutt :** Is it a fact that Rai Sahib Raja Ram, the station master at Hardwar station on Oudh and Rohilkhand Railway (East Indian Railway), has been granted a year's extension of his service, whereas the station masters at Jaunpore, Shahgunge, Akbarpore, Ajodhya, Patranga, Alamnagar, etc., are deprived of the same privilege ? If so, will the Government please state the reasons for such differential treatment and do the Government propose to extend such privileges to those who have been deprived of it ?

ALLEGED ASSAULT BY MR. C. E. MATHEWS, DISTRICT ENGINEER, BENGAL NAGPUR RAILWAY, ON THE ASSISTANT STATION MASTER OF THULIN.

847. ***Mr. Amar Nath Dutt :** (a) Is it a fact that on the 15th November, 1924 in the morning Mr. C. E. Mathews, District Engineer, H. C. C. District No. II of the Bengal Nagpur Railway, went to Thulin station with a whip in his hand, a revolver in his trouser pocket and a gun in his motor car and assaulted the assistant station master Mr. Mohendra Nath Singha Roy while on duty at the station, in the presence of the staff and the public ?

(b) Is it a fact that instead of holding an impartial inquiry prayed for by the Bengal Nagpur Railway Indian Labour Union, Khargpur, the said assistant station master has been transferred as a punishment, to a less important station—Garh—Jaipur, on the basis of an official report of an inquiry instituted by the Assistant Traffic Superintendent, Adra, in the presence of another officer Mr. Tulloch, the Deputy Chief Engineer, whereas in the latter part of 1923 on the same railway the services of one Mr. Q. A. Rahman were terminated for a similar offence of having assaulted a European ticket collector ?

(c) If the answers to (a) and (b) be in the affirmative, will the Government please place before the House the full facts of the case referred to above and inform the House what action has been taken or is proposed to be taken against Mr. Mathews ?

Mr. G. G. Sim : Government have no information. If the facts are as suggested in part (a) of the question the aggrieved party presumably has his remedy in a court of law.

† For answer to this question, see answer below question No. 843.
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ALLEGATIONS AGAINST MR. H. G. PRINCE WRIGHT, A TRAFFIC INSPECTOR IN THE DACCA DISTRICT, EASTERN BENGAL RAILWAY.

848. ***Mr. Amar Nath Dutt** : (a) With reference to the Government reply to starred question No. 789 asked in the Assembly on the 9th February 1925 will the Government be pleased to state whether they inquired into the matter referred to in the question ?

(b) If the answer be in the affirmative, will the Government please inform the House as to the result of such inquiry ?

(c) If not, why not ?

Mr. G. G. Sim : Mr. Naha informed the District Traffic Superintendent in writing that he had no complaint and that the complaint purporting to have been sent by him was neither written nor signed by him.

ALLEGATIONS AGAINST MR. H. G. PRINCE WRIGHT, A TRAFFIC INSPECTOR IN THE DACCA DISTRICT, EASTERN BENGAL RAILWAY.

849. ***Mr. Amar Nath Dutt** : (a) Will the Government be pleased to state whether it is a fact that on the 8th or 9th February, 1925 Mr. H. G. Prince Wright, a Traffic Inspector in the Dacca District of Eastern Bengal Railway, called at the house of Mr. G. C. Naha, a jute merchant of Ram-amritagunge and threatened him that the supply of railway wagons for his jute transshipment would be stopped in case he did not withdraw his complaint referred to in the starred question No. 789 (b) asked in the Assembly on 9th February, 1925 ?

(b) Is it also a fact that the said jute merchant Mr. G. C. Naha, being afraid, signed a letter of withdrawal of such complaint as drafted and demanded by Mr. Prince Wright and subsequently on the same date sent a telegram to the District Traffic Superintendent, Dacca, protesting against the threatening attitude and action of Mr. Prince Wright and refusing to withdraw the complaint ?

(c) If the answers be in the affirmative, will the Government please state what action has been taken or is proposed to be taken in the matter ?

Mr. G. G. Sim : The Honourable Member is referred to the answer to his previous question. The Government have no knowledge of the alleged facts but if they are as stated they do not see how the statements of the alleged complainant could be relied on.

ALLEGATIONS AGAINST MR. H. G. PRINCE WRIGHT, TRAFFIC INSPECTOR IN THE DACCA DISTRICT, EASTERN BENGAL RAILWAY.

850. ***Mr. Amar Nath Dutt** : (a) Is it a fact that on the 31st May, 1925, Mr. H. G. Prince Wright, Traffic Inspector of the Eastern Bengal Railway, while travelling in his special carriage attached to the 219 Up Train, got down at Singhjani station at about 3-15 P.M. (Standard Time) and entered into the Parcel Office and the Booking Office ? If so, will the Government be pleased to inquire into the reasons for his doing so ?

(b) Was there any interference with the work of the booking clerk by Mr. Wright, when the booking clerk was issuing tickets to passengers ? Was there any complaint by passengers of not having received tickets

although money was paid ? If so, who took the money from the passengers and why was no ticket issued to them ?

(c) Is it also a fact that Mr. Wright got into the same train (219 Up) and the aggrieved passengers at the same time brought this to the notice of the Government Railway police constables who were on duty ?

(d) If the answers to (a), (b) and (c) be in the affirmative, will the Government be pleased to make a thorough inquiry into the case and inform the House as to the result thereof ?

Mr. G. G. Sim : Whoever is responsible for these statements should make them to the Agent.

PROVISION OF SUITABLE OFFICE BUILDINGS FOR GOODS CLERKS AT CERTAIN STATIONS ON EASTERN BENGAL RAILWAY.

851. ***Mr. Amar Nath Dutt :** With reference to the Government reply to starred question No. 795 asked in the Assembly on 9th February, 1925, will the Government be pleased to inform the House of the result of the communications with the Agent, Eastern Bengal Railway, on the subject ?

Mr. G. G. Sim : A copy of the question and answer referred to by the Honourable Member was sent to the Agent, Eastern Bengal Railway, and Government have no information regarding the action taken in the matter.

APPOINTMENT OF INDIANS TO THE HIGHER GRADES OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EASTERN BENGAL RAILWAY.

852. ***Mr. Amar Nath Dutt :** With reference to the Government reply to starred question No. 797 asked in the Assembly on 9th February 1925 will the Government be pleased to inform the House as to the result of the promised inquiry ?

Mr. G. G. Sim : The result of the inquiry was communicated to the Honourable Member in May last. As apparently the letter containing the information did not reach him, I may state for his information that in addition to Khulna and Serajgang stations, Ishurdi and Mymensingh are now in charge of Indian station masters.

GRANT OF EXTRA REMUNERATION FOR SUNDAY WORK TO INDIAN DRIVERS ON THE EASTERN BENGAL RAILWAY.

853. ***Mr. Amar Nath Dutt :** With reference to the Government reply to starred question No. 857 asked in the Assembly on the 16th February, 1925 will the Government be pleased to state what decision has been arrived at in the matter of granting the same privileges in respect of extra pay to the Indian drivers for working on Sunday, as are enjoyed by the European and Anglo-Indian drivers on the Indian Railways and specially the Eastern Bengal Railway ?

Mr. G. G. Sim : The attention of the Honourable Member is invited to the reply given to Mr. Kumar Sankar Ray's question No. 829 on the same subject.

SUPPLY OF FILTERED WATER TO THE RAILWAY EMPLOYEES AT PAKSEY ON THE EASTERN BENGAL RAILWAY.*

854. ***Mr. Amar Nath Dutt** : (a) With reference to Government reply to starred question No. 869 asked in the Assembly on the 16th February, 1925 will the Government please state whether they have received the remarks of the Agent, Eastern Bengal Railway ?

(b) If so, will the Government please communicate the same to the House ?

Mr. G. G. Sim : The result of the inquiry was communicated to the Honourable Member in the Railway Board's letter No. 961-T. of 19th May 1925, addressed to Burdwan, and a copy is now being sent to him.

GRANT OF EXTENSIONS OF SERVICE TO MR. SIMPSON, SUPERINTENDENT OF THE OFFICE OF THE TRAFFIC MANAGER, EASTERN BENGAL RAILWAY.

†855. ***Mr. Amar Nath Dutt** : (a) Will the Government be pleased to state whether it is a fact that one Mr. Simpson, the Superintendent of the Eastern Bengal Railway Traffic Manager's Office at Calcutta, was once granted extension of his service in the year 1924 in spite of his age being over 55 and has been again granted a further extension this year, whereas Mr. P. C. Banerji, the Superintendent of the Eastern Bengal Railway Chief Engineer's Office at Calcutta, was not granted a similar extension even for a year although he applied for the same six months before the due time of his retirement on attaining the age 55 ?

(b) If the answer to (a) be in the affirmative, will the Government please state the reasons for this differential treatment and grant the extension to Mr. P. C. Banerji, as has been done in the case of Mr. Simpson ?

CASE OF MR. ASHUTOSH CHAKRAVARTY, LATE A GUARD OF THE EASTERN BENGAL RAILWAY.

856. ***Mr. Amar Nath Dutt** : (1) Will the Government be pleased to state :

(a) If it is a fact that one Mr. Ashutosh Chakravarty, a guard of the Eastern Bengal Railway, was discharged from his service on the 3rd February, 1923, on account of negligence of duty as alleged by the railway authority, and was subsequently prosecuted and sent up to the court of law seven months from the date of his discharge, for trial in connection with the collision between 323 Up and 326 Down Goods Trains at Raghurampur station on 21st December 1922 ?

(b) If it is a fact that in his judgment, dated 31st August, 1923, the Sub-Divisional Officer of Nator Court, wherein the said guard Mr. Ashutosh Chakravarty and others were tried, acquitted Mr. Chakravarty saying " I therefore find guard Ashutosh Chakravarty and pointsman Latif not guilty and acquit them under section 258 of the Criminal Procedure Code " ?

† For answer to this question, see answer below question No. 843.

(c) Is it a fact that employees on any railway when proved in a court of law, not guilty and accordingly acquitted, get their previous employment and the salaries, allowances, etc., during the period of their suspension or discharge including the actual cost of expenses incurred in connection with the legal suit ?

(2) If the answers to (a), (b) and (c) be in the affirmative, will the Government be pleased to state the reasons for refusing the payment of Mr. Chakravarty's salaries and mileage for the period (3rd February, 1923 to 25th April, 1924) of his discharge and also the cost of suit amounting to Rs. 5,040 for which the said guard already claimed and do the Government propose to pass orders for the immediate payment of the total sum claimed by him ?

Mr. G. G. Sim : Government will make inquiries and furnish the Honourable Member with the information in due course.

PROCEDURE RELATING TO THE CALLING FOR TENDERS BY THE INDIAN STORES DEPARTMENT.

857. ***Pandit Nilakantha Das :** (1) What is the procedure for calling for tenders by the Indian Stores Department ?

(2) Is it a fact that most of the tenders are not called for in a public manner, only select firms being invited to send their quotations ?

(3) If so, will the Government be pleased to state the reasons for such procedure ?

The Honourable Sir Bhupendra Nath Mitra : (1) and (2). The attention of the Honourable Member is invited to the reply given by the Honourable Mr. A. C. Chatterjee to question No. 2310 on the 22nd September 1924.

(3) Does not arise.

STRENGTH OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE CHIEF CONTROLLER OF STORES.

858. ***Pandit Nilakantha Das :** (1) What is the present strength of the clerical establishment at the headquarters of the Office of the Chief Controller of Stores, Indian Stores Department ?

(2) How many of these appointments are held by men belonging to the Punjab, including Delhi, and the various other provinces of India ?

(3) Are there any men from Bihar and Orissa in the Department ?

(4) If not, will the Government take steps, so that the Department may not be practically the monopoly of a particular province or provinces ?

The Honourable Sir Bhupendra Nath Mitra : (1) The present strength of the clerical establishment of the office of the Chief Controller of Stores, Indian Stores Department, is 108.

(2) A statement giving the information required is laid on the table.

(3) Yes, two.

(4) Does not arise.

The clerical appointments in the office of the Chief Controller of Stores are held by the residents of the various provinces as below :

Statement.

(1) The Punjab (including Delhi)	..	..	60
(2) The United Provinces of Agra and Oudh	..	..	14
(3) Madras	..	..	11
(4) Bengal	..	..	9
(5) Bombay	..	..	3
(6) Bihar and Orissa	..	..	2
(7) North-West Frontier Province	..	..	1
(8) Indian States	..	..	6
(9) Nepal	..	..	1
(10) Non-Asiatic	..	..	1
Total			108

PAY OF EUROPEAN AND INDIAN GUARDS ON THE BENGAL NAGPUR RAILWAY.

859 ***Pandit Nilakantha Das** : (1) What is the strength of the guard establishment on the Bengal Nagpur Railway ?

(2) How many of them are Indians or how many are Europeans or Anglo-Indians ?

(3) Is it a fact that Indian guards are paid less than Anglo-Indians doing the same or quite similar service ?

(4) Is there any secret or open circular in the Bengal Nagpur Railway prescribing more payment to Anglo-Indians than to Indians for the same or similar service ?

Mr. G. G. Sim : (1), (2), (3) and (4). Government have no information.

EMPLOYMENT OF ORIYAS ON THE BENGAL NAGPUR RAILWAY.

860. ***Pandit Nilakantha Das** : (1) How many stations excluding mere flag stations with a single line are there on the Bengal Nagpur Railway in the Oriya speaking tract ?

(2) What is their proportion to the total number of such stations on the Bengal Nagpur Railway ?

(3) How many Oriya speaking gentlemen have been put in charge of such stations on the Bengal Nagpur Railway ?

(4) How many Oriya speaking gentlemen are holding appointments carrying more than Rs. 100 on the Bengal Nagpur Railway ?

(5) What is the total strength of Indians holding such appointments on the Bengal Nagpur Railway ?

Mr. G. G. Sim : Government have no information.

Mr. B. Das : Will Government collect the information from the railway authorities ?

Mr. G. G. Sim : Government do not propose to collect the information as they do not know of what value it would be.

EXCESS LUGGAGE CHARGES REALISED FROM THIRD CLASS PASSENGERS TRAVELLING BETWEEN HOWRAH AND PURI LAST YEAR.

861. *Pandit Nilakantha Das : (1) Is it a fact that travelling ticket inspectors are required to show more income to the company than what they are paid ?

(2) Is there any arrangement at Howrah and other big stations to weigh and examine the luggage of third class passengers before they get into the train ?

(3) What was the excess luggage charges realised from third class passengers travelling between Howrah and Puri last year and what was their proportion to the penalties realised on the same account from the same class of passengers ?

Mr. G. G. Sim : (1) No.

(2) Yes.

(3) Government have no information.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

862. *Maulvi Muhammad Yakub : (a) Is it a fact that the Provincial Muslim League of Rajputana Ajmer passed a Resolution at a meeting of the League in August, 1925, with regard to the paucity of Muslims in the Education Department of Ajmer-Merwara ?

(b) Is it a fact that a copy of the above Resolution was sent to the Agent to the Governor General, Rajputana, and to the Government of India ?

(c) If so, will Government kindly say what action, if any, has been taken on it ?

Mr. J. W. Bhore : (a) The Honourable Member apparently refers to a representation made by the Rajputana Provincial Muslim League on the 31st July, 1925.

(b) The Government of India received a copy of the representation and they understand that another was sent to the local Administration.

(c) The representation is under consideration.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

863. *Maulvi Muhammad Yakub : (a) Is it a fact that out of a total of 188 appointments in Ajmer-Merwara comprising inspection officers, Professors in the Government College, Ajmer, Government High School, Normal Training, Secondary and Primary Schools for boys and girls (excluding Moinia Islamia High School) 168 appointments have been held by Hindus, 17 by Muslims and three by Christians ?

(b) Is it a fact that there is not a single Muhammadan in the inspecting staff in Ajmer-Merwara ?

(c) Is it a fact that since the creation of the Educational Department in Ajmer-Merwara there has never been any Muhammadan officer in the inspecting staff ?

(d) Is it a fact that this paucity of Muhammadans in the Education Department is due to the apathy of the inspecting staff ?

(e) If so, do Government propose to take steps to increase the number of Muslims in the Department ?

Mr. J. W. Bhore : (a) Excluding the staff of the Moinia Islamia High School, Ajmer, the total number of educational appointments of all classes in Ajmer-Merwara is 229. Out of these appointments 203 are held by Hindus, 23 by Muhammadans and 3 by Christians.

(b) Yes.

(c) Yes.

(d) and (e). I regret I do not follow the Honourable Member's question but have no doubt that the claims of suitable Muslims will receive consideration at the hands of the local Administration.

POSITION OF MUSLIMS IN AJMER-MERWARA.

864. ***Maulvi Muhammad Yakub :** (a) Is it a fact that deputations of the Rajputana Provincial Muslim League, Educational Conference and other influential persons waited upon the Agent to the Governor General and other high Government Heads of Departments many times ?

(b) Is it a fact that these deputations pointed out the apathetic attitude of Government towards Muslims ?

(c) If so, will Government kindly say what, if any, action has been taken to redress the grievances ?

Mr. J. W. Bhore : (a) The reply is in the affirmative.

(b) The deputations brought forward the position of Muslims in Ajmer-Merwara.

(c) A committee of the Provincial Muslim League has been appointed to inquire into certain matters and to report on them to the local administration.

ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

865. ***Maulvi Muhammad Yakub :** (a) Is it a fact that a deputation of the Rajputana Provincial Muslim League and other Muslim gentry waited upon Sir R. E. Holland, the then Agent to the Governor General in February, 1925, in connection with the newly created appointment of Assistant Superintendent of Education ?

(b) Is it a fact that the Agent to the Governor General gave a sympathetic hearing to the deputation and promised that a local man would be appointed to the post ?

(c) Is it a fact that the person appointed to this post is not a local man ?

(d) Is it a fact that the person appointed is a resident of the Almorah district of the United Provinces and does not possess any secondary and primary teaching experience and is not trained ?

(e) Will Government kindly state the reasons for this appointment ?

Mr. J. W. Bhore : (a) and (b). The information asked for is not available.

(c) and (d). The official appointed, on probation, as Assistant Superintendent of Education, Ajmer-Merwara, though a native of Almorah, has been in residence in Ajmer-Merwara since July 1914. He is technically not trained but he possesses 15 years' teaching experience in college and school classes.

(e) No information is available regarding the reasons for this appointment, but it was presumably made in the public interest.

ALLOTMENT OF QUARTERS AT SIMLA AND DELHI TO MEMBERS OF THE CENTRAL LEGISLATURE.

(a) Will the Government be pleased to explain the criterion or the canon, by which the allotment of the cottages and quarters for the residence of the Members of the Central Legislature takes place both at Simla and at Delhi ?

(a) Is it that the Member whose application is received first gets the precedence ? or

(c) Is it through the ballot ? or

(d) Is it at the sweet will of the officer in charge of the said accommodation ?

(e) If (d) is the case, why is this autocratic principle in force ?

(f) Do the Government propose to hold the allotment in future by ballot according to the applications for the grant of such quarters, bungalows, houses, rooms, etc., for the Members of the Central Legislature ?

866. { ***Mr. S. C. Ghose :**
***Lala Duni Chand :**
***Khan Bahadur Sarfaraz Hussain Khan :**
***Mr. S. A. K. Jeelani :**
***Mr. Ismail Khan :**

Mr. L. Graham : I would refer the Honourable Members to the reply given by me on the 7th instant to an identical question, No. 702, by Baba Ujagar Singh Bedi.

TRANSFER OF THE POST OFFICE AT HAMPANAKKATTA IN MANGALORE TO KODIALBOIL.

867. * **Mr. Mahmood Schamnad Sahib Bahadur :** (a) Will the Government be pleased to state why the post office at Hampanakkatta in Mangalore was transferred to Kodialboil ?

(b) Are the Government aware that Hampanakkatta is the centre of Mangalore town and much more important than Kodialboil, being the converging point of seven roads and also being in the vicinity of the railway station, the Government College, the Market, Bar Offices and also three or four clubs ?

(c) Is it a fact that this transfer to near the Bishop's house at Kodialboil, was made to oblige the Roman Catholic Bishop there ?

(d) Do the Government propose to retransfer the same to Hampanakkatta ?

(e) If not, are the Government prepared to open a separate post office at Hampanakkatta ?

Mr. G. P. Roy : (a) In order to improve the delivery arrangements in Mangalore, some of the delivery work was decentralised from the head office and an additional delivery office opened at Kodialboil, a convenient centre, on the 1st January, 1920. The Hampanakkatta no-delivery office could not be made a delivery office as it was too near the Mangalore head office and, as it was only 2½ furlongs from the new office, it was closed when the latter was opened. Moreover, the building occupied by the Hampanakkatta post office, which was situated in an insanitary locality, was too small for a delivery office and no other suitable building was available there.

(b) I am not prepared to express an opinion as to the relative importance of Hampanakkatta and Kodialboil. The latter contains the District Judge's house, St. Aloysius College, the District Court, the Sub-Court, the Munsiff's Court, the Canara High School, the Kodialboil Press and some large firms.

(c) and (d). No.

(e) The question of opening a no-delivery town sub-office at Hampanakkatta will be inquired into.

Mr. Mahmood Schamnad Sahib Bahadur : If a suitable building is available at Hampanakkatta are Government prepared to open a separate post office there ?

Mr. G. P. Roy : The matter will be duly considered.

CONSTRUCTION OF A PERMANENT STATION BUILDING AT TRIKANNAD ON THE SOUTH INDIAN RAILWAY.

868. * **Mr. Mahmood Schamnad Sahib Bahadur :** (a) With reference to the reply to my starred question No. 654 put in the Legislative Assembly on 8th March 1924, will the Government be pleased to state

when it is proposed to replace the temporary structure of the Trikannad railway station in the South Indian Railway, with a permanent standard type station building with waiting shed, platform, etc. ?

(b) Is it a fact that this experimental station was opened in a temporary shed as early as 20th April 1908, and every year till now the Company was getting a very large net income as seen from the reply, 1 (a & b), to the question referred to above ? If so, are the Government prepared to see that this long pending construction is taken in hand immediately ?

CONSTRUCTION OF A PERMANENT STATION BUILDING AT TRIKANNAD ON THE SOUTH INDIAN RAILWAY.

869. ***Mr. Mahmood Schamnad Sahib Bahadur :** (a) Will the Government be pleased to state whether the opening of a station at 517.16 in Udnia, about 3 miles to the north of the Trikannad station has been decided upon ?

(b) Are the Government aware that the present site of the temporary structure of the Trikannad station is very inconvenient to the travelling public as detailed in my starred question No. 654 put on the 8th March 1924, is in a big curve close to the railway bridge over the Bekal river and is also not sufficiently far from the permanent Pallikere railway station to the south ?

(c) Do the Government propose to consider the advisability of giving up the idea of opening the new station at Udnia and instead of that, of shifting the site of the Trikannad station about a mile towards the north somewhere in mile 515, while constructing a permanent standard type building for the Trikannad station, as promised in the answer to my question referred to above ?

Mr. G. G. Sim : I propose to answer this and the preceding question together.

Government have no information on the points raised in these questions beyond that which was supplied to the Honourable Member with Railway Department letter No. 1227-W. of 15th March 1924. They would suggest that the matter be brought to the notice of the Agent, South Indian Railway Company, through the Local Advisory Committee.

Mr. Mahmood Schamnad Sahib Bahadur : Are Government going to get further information in the matter and supply it to the House ?

Mr. G. G. Sim : No, Sir.

ROAD TO THE BIG MOSQUES AND THE ISLAMIA TILE FACTORY ACROSS THE KASARAGOD RAILWAY STATION PREMISES.

870. ***Mr. Mahmood Schamnad Sahib Bahadur :** (a) With reference to the Government reply (b) to my starred question No. 948, put in the Legislative Assembly in March 1924, regarding the road to the big mosques and the Islamia Tile Factory across the Kasaragod railway station premises, will the Government be pleased to state whether it is not a fact that half of the town of Kasaragod is on the eastern side of the Railway while the other half of the town with the big mosque, the Islamia Tile Factory, the Saw and Oil Mills & Co. is on the western side

of the railway line and that therefore the road running parallel to the Railway on the east and also across it to the mosque is not at all convenient to those on the western side of the Railway to go to the mosque, factory, etc. ?

(b) Do the Government propose to see that a road similar to the one allowed to be constructed (through the premises), to the mills (as is admitted in the reply (c) to my question referred to above), is also allowed to the mosque and Tile factory to be constructed under similar conditions and even in continuation of the same ?

Mr. G. G. Sim : (a) and (b). As already intimated to the Honourable Member in reply to his previous question, Government do not propose to take any action. The policy of the Government is to leave to the discretion of Railway Administrations such matters as the provision of over-bridges or level crossings where the road traffic requires them, and the question, therefore, is one which could suitably be referred to the Agent of the Railway concerned through the Local Advisory Committee.

Mr. Mahmood Schamnad Sahib Bahadur : Are Government aware that the parties concerned are going to file a suit against Government for closing the road to the big mosque there ?

Mr. G. G. Sim : No, Sir.

RETURN OF INDIAN PILGRIMS FROM THE HEDJAZ.

871. ***Mr. Mahmood Schamnad Sahib Bahadur :** (a) Will the Government be pleased to say whether all the Indian pilgrims to the Hedjaz this year have returned safe ?

(b) Is it a fact that some of the Indian pilgrims were looted and stabbed on their way back from Medina ?

(c) Is it a fact that a distinction is made at the port of embarkation between Indian and non-Indian pilgrims and the latter are compelled to purchase return tickets while the former had only to deposit the amount for return passage, thus entailing great loss on the non-Indian pilgrims who died in the Hedjaz or somehow failed to return ?

Mr. J. W. Bhore : (a) Government understand that the pilgrimage was generally accomplished in safety. Complete detailed information as to numbers is not yet available. Up to the 24th August last 1,840 pilgrims, including 12 infants, had returned to India from the Hedjaz. It is not known how many of these were Indians.

(b) Government have noticed one such report in the papers, but have received no confirmation.

(c) No such distinction is made under the provisions of the Indian Merchant Shipping Act.

BOMBARDMENT OF MEDINA.

872. ***Mr. Mahmood Schamnad Sahib Bahadur :** Have the Government got any information about the rumoured bombardment of Medina and consequent damage to Rouzatun Nabi or the Mausoleum over the tomb of the Holy Prophet ?

Mr. H. Tonkinson : I would refer the Honourable Member to the answer given by Sir Denys Bray on the 31st August last to a

similar question by Khan Bahadur Sarfaraz Hussain Khan. Government have still no confirmation of the rumour.

COLONISATION OF THE ANDAMANS BY MOPLAHS.

873. ***Mr. Mahmood Schamnad Sahib Bahadur** : (a) Are the Government aware that the Government's colonization scheme of the Andamans by the Moplahs is condemned and resented by the Muham-madans ?

(b) Are the Government aware of the Resolution passed at a present meeting of the Madras Legislative Council recommending the immediate suspension of the scheme of colonising the Andamans by the Moplahs and all propaganda in support of that scheme and also the appointment of a committee of non-official members to go to the Andamans and to inquire and report into the conditions there ?

(c) Are the Government prepared to consider the advisability of cancelling the whole scheme of colonising the Andamans ?

Mr. H. Tonkinson : I have nothing to add to what was said in this House on the 31st August in reply to questions by Mr. Sadiq Hasan and other Honourable Members.

Mr. Mahmood Schamnad Sahib Bahadur : To a supplementary question put by me the other day the Honourable the Home Member said that prisoners sentenced for short periods were not, to his knowledge, transported to the Andamans. Have the Government made further inquiries and come to know whether short term prisoners are also sent to the Andamans ?

Mr. H. Tonkinson : So far as I am aware, no.

Mr. Mahmood Schamnad Sahib Bahadur : Is it not irregular for short term prisoners to be sent to the Andamans ?

Mr. H. Tonkinson : I imagine that no short term prisoners have been sent.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the Resolution passed by the Madras Legislative Council has been communicated to the Government of India, or whether the Government of India have put themselves in correspondence with the Madras Government with reference to this important matter ?

Mr. H. Tonkinson : I am afraid I must ask for notice of that question.

APPLICATIONS FOR "DOUBLE REFUNDS" RECEIVED BY THE INCOME-TAX OFFICER, SURAT.

874. ***Mr. Jamnadas M. Mehta** : (a) Will Government be pleased to state whether during the year 1924-25 a number of applications were received by the Income-tax Officer, Surat (Bombay Presidency), claiming what is known as "double refund" for the years 1921-22 and 1922-23 ?

(b) What was the number of such applications and what was the total amount claimed as "double refund" ?

(c) How many of the said applications were admitted and what was the amount refunded ?

MEANING OF THE PHRASE "DOUBLE REFUND" OF INCOME-TAX.

875. ***Mr. Jamnadas M. Mehta :** (a) Will Government be pleased to explain what exactly is meant by the phrase "double refund" of income-tax ?

(b) How many applications for the double refund are now pending and what is the total sum involved therein ?

(c) Was the Central Board of Revenue consulted before the double refund was granted ? Have Government taken any legal opinion as to whether double refund is legal ?

(d) Have Government made calculations as to the total sum of money that will have to be refunded all over India if similar applications were received from places other than Surat ?

(e) Will Government be pleased to state what steps they propose to take to recover the amount of public revenues lost by the payment of "double refund" if the admission of the application for the said refund was considered illegal ?

The Honourable Sir Basil Blackett : I will answer questions Nos. 874 and 875 together. The Government are not in possession of the detailed information asked for in these questions. The matter is however capable of a fairly simple general explanation. Owing to the passing of the new Income-tax Act in 1922, the income of the year 1921-22 was the basis of assessment in two successive years, once under the old Act and once under the new Act, and refunds under section 48 were claimable in respect of each assessment. This is what is referred to as "double refund", and the nomenclature has evidently led to some misapprehension.

ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

876. ***Mr. N. M. Joshi :** (a) Will Government be pleased to state whether their attention has been drawn to the article on the threatened future of Indian Art published in the *Bombay Chronicle* of 25th August 1925 ?

(b) Have they received a scheme for the encouragement of Indian arts and crafts formulated by the Prize of Delhi Committee. If they have, do they propose to consider it favourably before giving final sanction to any other similar scheme for the encouragement of the arts and crafts ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) No copy of the scheme has been officially received by Government.

Mr. N. M. Joshi : Have they received a copy unofficially ?

The Honourable Sir Bhupendra Nath Mitra : They have seen copies of the scheme in the papers.

Mr. N. M. Joshi : Will they take that as an official communication ?

The Honourable Sir Bhupendra Nath Mitra : They cannot.

SCHEME OF THE GOVERNMENT OF BOMBAY FOR THE ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

877. ***Mr. N. M. Joshi :** Did the Government of India receive in 1922 a scheme for the encouragement of Indian arts and crafts from the Government of Bombay ? If they did, will they place it, for information,

on the table of the Assembly? Will they give the reasons why the scheme was not considered along with that submitted by Sir Edwin Lutyens?

The Honourable Sir Bhupendra Nath Mitra : I am not aware whether any scheme was received in 1922 from the Government of Bombay, though there was some correspondence with Local Governments in 1921 and 1922 on the subject of improving Indian arts and crafts.

Mr. N. M. Joshi : Will they publish that correspondence?

The Honourable Sir Bhupendra Nath Mitra : No, Sir.

Mr. N. M. Joshi : Why not? Will Government explain why the correspondence cannot be published? Is it against the interests of the public?

The Honourable Sir Bhupendra Nath Mitra : Yes, Sir.

Dr. K. G. Lohokare : "Public" meaning the Government or the people?

MURAL DECORATIONS FOR THE NEW CAPITAL.

878. ***Mr. N. M. Joshi :** Will the Government inform the Members in regard to the terms of the contract of the architects of the New Capital with the Government, how far are they legally entitled to claim a voice in the decorations of the New Capital, and the period of their engagement? How far have Government committed themselves in regard to the mural and similar decorations for the New Capital?

The Honourable Sir Bhupendra Nath Mitra : Under the terms of their agreement the architects act as general architectural advisers to the Government of India in all architectural matters connected with the new Imperial City of Delhi, and they are to be employed as long as their services are required.

Government have not committed themselves in any way in regard to the mural and similar decorations for the New Capital.

Mr. B. Das : Will Government take up the question of getting the Bombay School of Mural Painting to decorate the Viceregal Lodge at Delhi?

The Honourable Sir Bhupendra Nath Mitra : If there is any money available for the purpose, the matter will be considered in due course. My friend Mr. Joshi who has put a number of questions on the agenda paper in connection with a Central School, was present at a meeting of the Advisory Committee attached to my Department in March last. He saw all the papers which were available and the Committee unanimously gave the advice that Government should not incur any expenditure in this connection at present.

Mr. N. M. Joshi : Am I to understand, Sir, that the proceedings of the Advisory Committee are public, and if they are so, will the Honourable Member publish everything?

The Honourable Sir Bhupendra Nath Mitra : I have simply given certain information which was being called for in connection with those proceedings.

Mr. N. M. Joshi : May I ask for your ruling, Sir, whether it is fair for any Honourable Member to make statements here in regard to the proceedings of a particular Committee which are not available to the public ? I want your ruling, Sir, on this point.

Mr. President : The Chair has got nothing to do with it.

Mr. B. Das : May I remind the Honourable Member that the Standing Finance Committee sanctioned so many lakhs for the inside decoration of the Viceregal Palace at Delhi, and ask whether they will take advantage of the services of the Bombay School of Mural Painting in decorating the Palace at Delhi ?

The Honourable Sir Bhupendra Nath Mitra : I have no information in regard to the first part of the question.

SCHEME FRAMED BY THE ARCHITECTS OF THE NEW CAPITAL FOR THE ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

879. ***Mr. N. M. Joshi :** Will Government lay on the table of the Assembly Resolution No. 189 of the New Capital Committee empowering the architects of the New Capital to frame a scheme for Indian arts and crafts ?

The Honourable Sir Bhupendra Nath Mitra : A copy is placed on the table.

Extract from the Proceedings of the 16th meeting of the New Capital Committee held on the 3rd March 1922.

189. *Considered.*—Sir Edwin Lutyens' proposals for a studio for painting, etc., and Mr. Baker's Memorandum on craftsmanship.

Resolved.—That the principles expressed by Sir E. Lutyens be accepted and that Sir E. Lutyens, Mr. Baker and Mr. Keeling be asked to draw up a detailed scheme in consultation, if possible, with Sir J. Marshall, for the consideration of the Committee.

ESTABLISHMENT OF A STUDIO OF ARTS AND CRAFTS.

880. ***Mr. N. M. Joshi :** Will Government inform the Members in regard to the "initial conception with regard to sister arts and crafts" referred to in Mr. Baker's memorandum on craftsmen ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on the point. I may add that no provision for the establishment of a studio of Arts and Crafts has been made in any phase of the project estimate.

ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

881 ***Mr. N. M. Joshi :** (a) Have the Government of Bombay addressed the Government of India recently on the subject of the encouragement of Indian arts and crafts ? What are their proposals ?

(b) Have Government approved of the scheme, in part or whole, of the scheme submitted by the architects of the New Capital ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). No.

EXAMINATION OF THE EYE-SIGHT OF RAILWAY EMPLOYEES.

882 ***Mr. N. C. Kelkar** : (a) Is it a fact that the new rules about periodical medical examination of servants in particular Departments of railway service have caused dissatisfaction among servants of the Departments ?

(b) Has the attention of Government been drawn to a signed letter by one Dattatraya Sidharam Kumar of Lonavla appearing in the daily *Lokamanya* newspaper in Bombay, dated 27th August, containing complaints against the rules of medical examination ?

(c) Has the attention of the Government been drawn to the specific allegation contained in the letter that the said Dattatraya Sidharam has such good eye-sight that he has up to now shot twelve tigers in the jungle surrounding Lonavla, the latest tiger having been killed only on the 15th of August, 1925, and that notwithstanding his possession of good eye-sight he has been declared as the result of medical examination to be unfit for work as a fitter ? If so, do the Government propose to inquire into the matter ?

Mr. G. G. Sim : (a), (b) and (c). Government have no information and do not propose to make any inquiries.

Mr. N. C. Kelkar : I did not follow the Honourable Member. Did he say that the Government are not prepared to make any inquiries ? Why not ?

Mr. G. G. Sim : The Honourable Member can hardly be serious in asking the Railway Board to make inquiries as to whether a particular individual has qualified for railway employment by shooting 12 tigers.

Mr. N. C. Kelkar : Does the Honourable Member not think it a matter of great importance ?

Mr. G. G. Sim : No, Sir.

CONSTRUCTION OF A RAILWAY BETWEEN SANGLA AND CHINIOT.

883. ***Sayyad Ghulam Abbas** : (a) Are Government aware of the fact that the necessity of a railway line between Sangla and Chiniot (Punjab) has been keenly felt by the people for a long time ?

(b) Is it a fact that Sir Henry Burt when Manager, North-Western Railway, announced in the Punjab Legislative Council that the line would receive first consideration ?

(c) Is it a fact that construction of this line was held in abeyance, either on account of financial stringency or as a result of the alternative scheme of its extension to Jhang, Handewali and Sargodha ?

(d) Will the Government be pleased to state if there is an early prospect of the construction of this line irrespective of the Sangla Khushab project ?

The Honourable Sir Charles Innes : (a) Yes.

(b) Government have no information.

(c) The construction of this section was held in abeyance pending consideration of the whole project from Sangla to Khushab *via* Chiniot.

(d) The Government have under consideration the construction of the whole project in sections and if as a result of further investigation it is found that any portion is likely to be remunerative no unnecessary delay will be allowed to occur in sanctioning its construction.

ALLEGED MALPRACTICES OF RECRUITING AGENTS FOR MAURITIUS.

884. *Mr. Gaya Prasad Singh : (a) With reference to my started question No. 567 of the 2nd February last, has the attention of the Government been drawn to the letter of Srijut Ramdeo Chokhani, published in the *Servant*, dated the 11th April 1925 ?

(b) Is it a fact as stated in the letter that Lieutenant-Colonel Gourlay, the then Protector of Emigrants, discharged them (i.e., Ramjee Sonar and 26 others who were recruited), and sent them back to their homes at Government expense after satisfying himself by personally examining each man that the case was purely one of fraudulent recruitment ? Will the Government be pleased to obtain and lay on the table the report of the Protector of Emigrants on this point ?

(c) Is it not a fact that the statement (showing the names of the recruiting Agents, and the districts in which they were authorized to recruit) which was laid on the table on the 8th September 1924, does not show that any Agent was authorized to operate in any district of the Central Provinces ? If so, will the Government be pleased to say how and why Ramji Sonar and others came to be recruited in the Central Provinces, and why no legal action was taken against those who were responsible for their recruitment ?

(d) Is it not a fact that under section 26 of the Emigration Act, recruitment by means of intoxication, coercion, or fraud, is punishable with imprisonment, or fine, or both ?

Mr. J. W. Bhore : (a) If the Honourable Member refers to the letter published in the *Servant*, dated April 13th, the Government of India have seen it.

(b) As I said in my reply to the Honourable Member's question No. 567 on the 2nd February last, the allegation regarding the fraudulent recruitment of the men concerned is not correct. The Bengal Government's report then obtained shows that the Protector of Emigrants, Calcutta, sent back the recruits in question to their homes at the expense of the Mauritius Government not because they had been fraudulently recruited but because at that stage they expressed their unwillingness to go to Mauritius. No further report on this point is necessary.

(c) The statement referred to gives names, etc., of recruiting agents employed to recruit men for the Benares depot. Emigrants recruited in the Central Provinces were sent to the Calcutta depot and consequently the recruiting agents employed in the Central Provinces were not included in the statement. The second portion of this part does not arise.

(d) Yes.

Mr. Devaki Prasad Sinha : Sir, what is the name used in the official terminology for persons who are recruited and taken to a place where they are not willing to go, if it is not fraudulent recruitment ?

Mr. J. W. Bhore : I have just pointed out that this is not a case of fraudulent recruitment at all. In this particular case the men in question merely changed their minds, and directly they changed their minds, they were sent back.

Mr. Gaya Prasad Singh : Did the officer satisfy himself, when the men were recruited, that they were willing to go and that they subsequently changed their minds ?

Mr. J. W. Bhore : He did Sir ; the Bengal Government satisfied themselves on that point and reported this conclusion to us.

Mr. Gaya Prasad Singh : Are Government in possession of the report of Lieutenant-Colonel Gourlay, and if so, will Government lay it on the table ?

Mr. J. W. Bhore : We have not got Lieutenant-Colonel Gourlay's report, but we have the report of the Bengal Government, which is presumably based on Lieutenant-Colonel Gourlay's report.

Mr. Gaya Prasad Singh : My information is that Lieutenant-Colonel Gourlay in his report made a specific allegation to the effect that these people were fraudulently recruited, and if this is so, do Government think it necessary to call for that report and lay it before this House for verification ?

Mr. J. W. Bhore : I have told the Honourable Member that the report of the Bengal Government does not bear out the allegation which he has just referred to.

ALLEGED ILLEGAL CONFINEMENT OF CHOTAY LAL RECRUITED UNDER FALSE PRETENCES.

885 ***Mr. Gaya Prasad Singh :** With reference to my starred question No. 299 of the 27th January 1925, will the Government be pleased to say whether the evidence of the Brahman boy, Chotay Lal, and Dr. Mani Lal, Bar-at-Law, was taken by the officers who made inquiries about the illegal confinement, and recruitment under false pretext, of the boy Chotay Lal ? And if so, will the Government be pleased to lay a copy of the evidence on the table ?

Mr. J. W. Bhore : From the United Provinces Government's report it does not appear that the evidence of the boy Chotay Lal or Dr. Mani Lal was taken.

Mr. Gaya Prasad Singh : Will Government kindly state why the evidence of that boy Chotay Lal who was concerned in this case was not taken, and also that of Dr. Mani Lal, barrister ?

Mr. J. W. Bhore : I cannot say why the United Provinces Government did not consider it necessary to have their evidence taken when they made their report.

Mr. Gaya Prasad Singh : Will Government be pleased to ascertain this from the Government of the United Provinces ? If not, why not ?

Mr. J. W. Bhore : Sir, the matter has been closed long ago, and no useful purpose will be served by reopening it.

Mr. Gaya Prasad Singh : Is not the evidence of that boy and of Dr. Mani Lal on the record now ? Has the record been destroyed ?

Mr. J. W. Bhore : I should not think it has been destroyed, but it is certainly not with the Government of India.

THE INDIAN MARRIAGES AND DIVORCES ACT IN TRINIDAD.

886. ***Mr. Gaya Prasad Singh :** With reference to my starred question No. 569 of the 2nd February 1925, will the Government be pleased to say if it is a fact that an Act, called the Indian Marriages and Divorces Act has been, or is about to be passed in Trinidad ; and will the Government be pleased to obtain, and lay a copy of it on the table ?

Mr. J. W. Bhore : A draft Bill relating to Indian Marriages and Divorces was prepared in 1924 for introduction into the Legislative Council of the Colony of Trinidad. The object of the Bill was to legitimize the children of unregistered marriages contracted according to Hindu or Muhammadan rites. Since, however, opposition to the Bill has developed among Indians, the Governor has decided to postpone its introduction until its effect is more generally understood and the demand for it more clearly expressed. A copy of the Bill prepared in 1924 has been placed in the Library of the House.

ALLEGATIONS AGAINST THE ACCOUNTANT GENERAL, UNITED PROVINCES.

887. ***Mr. Amar Nath Dutt :** Has the attention of the Government of India been drawn to letter in the *Servant* of the 18th August 1925 headed " Affairs in the United Provinces Accountant General's Office " ? If so, will the Government be pleased to state :

- (1) Whether junior men have been placed in charge of sections in preference to senior men ?
- (2) What are the reasons for getting an accountant named Mr. A. K. Ghose invalided ?
- (3) Is it a fact that the men who contributed for the silver tea set, have got promotions out of their turn, or duty allowance ? To whom was the silver tea set presented ? Has the cost of the same been refunded in full ?
- (4) How many of the recruits made from Madras are relations of the Accountant General ?
- (5) Besides the silver tea set was any other present received ? by any officer ? If so, by whom and what was the nature of the presents ?
- (6) Are certain branches of the office kept open on holidays under the Negotiable Instruments Act ?
- (7) The total number of men whose increments have been stopped ?

The Honourable Sir Basil Blackett : The attention of the Honourable Member is invited to my reply to his questions Nos. 671 to 675 during the current Session, and to the reply I gave to Mr. M. Yusuf Imam's question No. 336 on the 27th January.

REFUSAL OF COMPLIMENTARY PASSES BY THE RAILWAYS TO THE ALL-INDIA RAILWAYMEN'S UNION FEDERATION.

888. ***Mr. Amar Nath Dutt :** (a) Is it not a fact that in opening the fifth Session of the Legislative Assembly on the 20th January, 1925, His Excellency the Viceroy and the Governor General of India admitted that "great weight must be given to the view that at a moment when labour has commenced organisation and is assuming prominence, recognition should be given by Statute to the fact and development on the right lines should be secured" ?

(b) Is it not a fact that in order to organise the railway employees in India on sound and correct lines, the All-India Railwaymen's Unions Federation approached all the Railway Administrations and the Railway Board to grant it a few complimentary card passes for its executive officers ?

(c) Is it not a fact that all the railways have refused such passes, although they on many occasions allow complimentary passes to Associations and Unions and other public Institutions, Railway Institutes and Credit Societies and even private individuals who are not connected with the Railways ?

(d) If the answers to (a), (b) and (c) be in the affirmative, will the Government be pleased to state reasons for the refusal of passes to the All-India Railwaymen's Unions Federation ?

The Honourable Sir Charles Innes : Government leave it to the discretion of Agents to grant or refuse free passes.

RESOLUTION REGARDING GRIEVANCES OF THE SUBORDINATE EMPLOYEES OF INDIAN RAILWAYS.

889. ***Mr. Amar Nath Dutt :** (a) Will the Government be pleased to inform the House as to whether any action has been taken up to date to give effect to the Resolution passed by this House on the 5th February 1925, recommending to the Governor General in Council to hold an inquiry into the grievances of the subordinate employees of the Indian Railways ?

(b) If the answer be in the negative, will the Government be pleased to state reasons for the same and also state when they propose to hold the inquiry ?

The Honourable Sir Charles Innes : The Honourable Member's attention is invited to the answer given to a similar question No. 336 asked in this Assembly on 1st September 1925.

Lala Duni Chand : May I know, Sir, exactly what value the Government put on the Resolutions passed by this Assembly ?

The Honourable Sir Charles Innes : All such Resolutions are most carefully considered by the Government, but in this case the Government were not prepared to subordinate their own opinion to the opinion expressed by this House.

Pandit Shamlal Nehru : May I inquire, Sir, if there has been a single instance of a Resolution having been accepted by the Government ?

Dr. K. G. Lohokare : May I know, Sir, whether Government will be prepared to lay on the table statements giving their reasons for not accepting Resolutions in each case ?

The Honourable Sir Charles Innes : As regards this particular Resolution I must refer the Honourable Member to the various speeches I made during the debate.

Mr. M. K. Acharya : May I know, Sir, if there has been any case in which the Government of India have subordinated their opinion to the opinion of this House ?

Mr. A. Rangaswami Iyengar : May I know, Sir, with regard to this particular Resolution whether, after it was passed and that in spite of the Honourable Sir Charles Innes's speech, the Government further considered the matter ? And if so, whether they will lay before the House the reasons why they did not carry out that Resolution ?

The Honourable Sir Charles Innes : The Government did further consider the matter. The reasons are contained in a confidential Government of India file and I cannot therefore lay them before the House, but they were much the same reasons as I gave in my speeches.

Mr. A. Rangaswami Iyengar : So there is not much confidence about a Government of India confidential file !

LOWER DIVISION EMPLOYEES IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

890. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state what is the total number of employees in the lower division under the Accountant General, Posts and Telegraphs and what would be the actual expenditure of establishment cost every year if all such employees are paid at the upper division rate ?

ACTIONING ALLOWANCES TO MEN OF THE LOWER DIVISION PERFORMING UPPER DIVISION WORK IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

891. ***Mr. Amar Nath Dutt :** (a) Are the Government aware that some lower division assistants are often made to perform upper division work in times of arrears or on some emergency in the office of the Deputy Accountant General, Posts and Telegraphs, Calcutta, without any acting allowance ?

(b) If so, do Government propose to pay suitable acting allowances for their efficient discharge of upper division work ?

(c) If not, why not ?

UPPER AND LOWER DIVISION MEN IN THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

892. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state :

(a) What percentage of men both upper and lower, under the Accountant-General, Posts and Telegraphs, Calcutta, would retire on Rs. 50 before the introduction of the time-scale of pay ?

(b) What percentage of men serving in the upper division retired on Rs. 60 and upwards ?

- (c) Did any upper division men ever choose voluntarily the lower division to ensure an early promotion in the grade before 1919 ?
- (d) What percentage of revision was made in the pay and prospects of the upper and lower division men during the introduction of the time-scale of pay ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to the reply given by me on the 7th September 1925 to his other questions regarding these offices.

EXPENDITURE ON LONGWOOD, SIMLA.

893. ***Baba Ujagar Singh Bedi :** (a) Is it a fact that Longwood at Simla was purchased by the Government and the money spent was public money ?

(b) Is it further a fact that Longwood was purchased at Simla for the residence of the Members of the Imperial Legislature only ?

(c) How many cottages or other buildings, with their numbers since then, have been built in Longwood and how much money has been spent on them ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) Longwood was purchased primarily to accommodate Members of the Legislature, but the allotment of quarters to Government officials was also contemplated.

(c) One block of 22 quarters, Nos. 33 to 54, has been built at a cost of Rs. 1,31,043.

QUARTERS FOR MEMBERS OF THE CENTRAL LEGISLATURE AT RAISINA, DELHI.

894. ***Baba Ujagar Singh Bedi :** (a) How many buildings, bungalows and quarters, have been built at Raisina, Delhi, for the residence of the Members of the Imperial Legislature ; and how much money has been spent on them ?

(b) Is not the money spent public money ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Eighty-five quarters have been built and equipped at a cost of approximately fifteen and three quarter lakhs charged to capital.

RENT REALISED FROM MEMBERS OF THE CENTRAL LEGISLATURE AT SIMLA AND DELHI.

895. ***Baba Ujagar Singh Bedi :** (a) What amount of rent, was realised from the Members of the Central Legislature, in the year 1924, both at Simla and at Delhi, respectively ?

(b) How much money, was realised as rent from persons other than the Members of the Central Legislature in 1924, both at Simla and at Delhi, respectively ?

The Honourable Sir Bhupendra Nath Mitra : (a) In Simla Rs. 9,177 : in Delhi Rs. 29,112.

(b) In Simla Rs. 3,13,371 : in Delhi 3,87,487.

RESERVATION OF LONGWOOD FOR THE EXCLUSIVE USE OF MEMBERS OF THE CENTRAL LEGISLATURE.

896. ***Baba Ujagar Singh Bedi** : (a) Is it a fact, that the main building of Longwood is allotted to persons other than the Members of the Imperial Legislature ?

(b) Is it also a fact that the accommodation in Longwood is insufficient even for the Members of the Imperial Legislature, who come up to Simla with their families, and having regard to this, do the Government propose not to allot the main building, of Longwood in future to any person other than the Members of the Imperial Legislature ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) The accommodation at Longwood together with the quarters provided on the Cart Road and at Summer Hill is considerably in excess of the requirements of Members of the Legislature ; and in the circumstances Government do not propose to incur the very considerable loss in revenue which would result from reserving the main building at Longwood for the exclusive use of Members of the Legislature.

Pandit Shamlal Nehru : Are the Government aware, that the Members of this Legislature are put to a great deal of inconvenience on account of these quarters not being decent enough for them to live in, and that they prefer going to a third-rate hotel to going to the Assembly slums ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point, Sir.

ALLOTMENT BY BALLOT OF QUARTERS AT SIMLA AND DELHI TO MEMBERS OF THE CENTRAL LEGISLATURE.

897. ***Baba Ujagar Singh Bedi** : 1. Will the Government be pleased to state what principle is adopted for the allotment of quarters, buildings, bungalows, etc., both at Simla and at Delhi to the Members of the Central Legislature for their residence ?

(2) Who was and is the officer in charge of such allotment both at Simla and at Delhi, in 1924, and 1925 ?

(3) (a) Do the Government propose for the future to make allotment of the quarters, both here at Simla and at Delhi, according to the number of the applications for such quarters, bungalows, cottages, rooms, etc., through a select committee, consisting of the members of both of the Houses, namely, Council of State and the Legislative Assembly ?

(b) Do they propose to make allotment by ballot in future ? If not, why not ?

Mr. L. Graham : (1) I would refer the Honourable Member to the reply given to him on the 7th instant to question No. 702.

(2) The Secretary of the Legislative Assembly.

(3) (a) Government would be very pleased to hand over the allotment to a House Committee containing representatives of both Chambers.

There is however a practical difficulty because the allotments have to be made before the Members come up and the Committee would therefore be obliged to assemble some considerable period before the beginning of the session.

(b) The Honourable Member is referred to the reply given to his question 702 (c) on the 7th instant.

Khan Bahadur Sarfaraz Hussain Khan : May I know, Sir, why has Longwood Annexe not been allotted to Members this year as it used to be allotted in previous years ? Will the Government please give reasons ?

Mr. L. Graham : I am sorry I heard nothing at all, Sir.

APPLICATION TO THE WHOLE OF INDIA OF LEGISLATIVE MEASURES NECESSITATED BY THE RATIFICATION OF INTERNATIONAL CONVENTIONS ON BEHALF OF INDIA.

898. ***Mr. N. M. Joshi :** (1) Will Government be pleased to state whether it is British India or the whole of India which is a member of the League of Nations ?

(2) Have the Government of India ratified any conventions, recommendations, and resolutions passed by (1) the Assembly of the League of Nations, (2) the Opium Conference, (3) the International Labour Conference and other bodies connected with the League of Nations ?

(3) Will the Government of India state whether legislative or administrative measures necessitated by the ratifications have been taken in the whole of India or whether they were only confined to British India ?

Mr. L. Graham : (1) India.

(2) (1) and (3). Yes.

(2) The Government of India have not yet ratified the agreement and protocol of the first Opium Conference or the convention and protocol of the second Conference.

(3) Government are not in a position to make any statement about action taken in those parts of India which are not included in British India.

Mr. N. M. Joshi : May I ask the Government, Sir, what is the reason why they do not propose to make any statement ?

Mr. L. Graham : We cannot make any statement because any such statement must relate to the administration of territories of Princes and Chiefs under the suzerainty of His Majesty within the meaning of the proviso to rule 9 of the Rules of Business. Therefore such a statement could not be made, I submit, Sir.

Mr. B. Das : Will the Government be pleased to say if these delegates to the League of Nations all draw equal allowances or are there special allowances for some high personages ?

Mr. L. Graham : I submit, Sir, that question does not arise.

Mr. N. M. Joshi : May I know, Sir, whether the Government feel justified in ratifying a convention or any resolution when they cannot take action in the whole of India ?

Mr. L. Graham : Government have not said they cannot take action in the whole of

POSITION OF INDIANS IN SOUTH AFRICA.

Mr. M. A. Jinnah : Sir, I have given private notice to the Honourable Member of certain questions which with your leave I propose to put.

Is it a fact that since 1924 the Government of India have made several representations to the Secretary of State to arrange a settlement of the Indian question in South Africa by consultation and conference ?

Mr. J. W. Bhore : The reply is in the affirmative.

Mr. M. A. Jinnah : Is it a fact that in April last the Government of India addressed the Union Government direct in the matter and suggested a conference to bring about a satisfactory settlement of this important Indian question ?

Mr. J. W. Bhore : Yes, Sir.

Mr. M. A. Jinnah : What was the answer given by the Union Government to these communications and when were they received ?

Mr. J. W. Bhore : The Union Government replied last June indicating the difficulties which confronted them in agreeing to a conference but they have not yet given a final answer to the rejoinder made by the Government of India.

Mr. R. K. Shanmukham Chetty : When was the rejoinder made ?

Mr. J. W. Bhore : I am afraid I cannot tell the Honourable Member straight off, the exact date.

Mr. R. K. Shanmukham Chetty : Was it about three or four months ago ?

Mr. J. W. Bhore : No, not so long ago.

Mr. R. K. Shanmukham Chetty : Have the Government of India represented to His Majesty's Government through the Secretary of State that the Indian question in South Africa is an Imperial question and that His Majesty's Government must so consider it and take action and bring pressure to bear upon the Union Government ?

Mr. J. W. Bhore : We have placed the whole matter before the Secretary of State for India and we have asked him to use his best offices to secure a satisfactory settlement.

Mr. M. A. Jinnah : Will the Honourable Member, Sir, state what were the exact terms of the proposal that the Government of India made to the Union Government and what were the exact terms of their reply ?

Mr. J. W. Bhore : That, Sir, I am unable to do at the present moment because I have not the papers with me, but I have already stated the general purport of them.

Mr. M. A. Jinnah : What was the general purport ?

Mr. J. W. Bhore : It was, as I have already said, that this question which was a matter vitally concerning the future of Indians in South Africa could only be settled satisfactorily at a round table conference.

Mr. M. A. Jinnah : Will the Honourable Member say what the general purport of the Union Government's answer to that was ?

Mr. J. W. Bhore : I have already stated that their reply placed before us certain difficulties in the way of a settlement by a round table conference. We did not consider this final and we therefore again approached them.

Mr. M. A. Jinnah : What were the difficulties ?

Mr. J. W. Bhore : I am not prepared, Sir, to give the Honourable Member a reply at this stage when negotiations are still in progress.

Mr. B. K. Shanmukham Ohetty : What action have the Government of India taken, since they received the text of the new anti-Asiatic Bill ?

Mr. J. W. Bhore : If the Honourable Member will wait, he will have a reply as a question on that point is being put.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member if the Government of India are justified in keeping back the difficulties which the South African Government say they feel in accepting the proposal of the Government of India ?

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Mr. J. W. Bhore : Certainly, Sir, because as I have already suggested the Government of India do not consider that the negotiations have yet been finally concluded.

Mr. A. Rangaswami Iyengar : May I know, Sir, if it is merely a question of difficulties in the way of accepting a round table conference or difficulties in the way of accepting any proposal at all of the round table conference ?

Mr. J. W. Bhore : I do not quite follow the distinction which the Honourable Member has made in his question.

Mr. A. Rangaswami Iyengar : The point is this : Is it that they have difficulty in accepting the proposal for a round table conference, or is it that they feel that it would be difficult to solve this question at a round table conference ?

Mr. J. W. Bhore : The former, Sir.

Pandit Shamlal Nehru : May I ask, Sir, whether the Government remember that some years ago they promised to adopt retaliatory measures against the South Africans in India if this question were not satisfactorily settled, and if so what action do they propose to take ?

Mr. J. W. Bhore : I have no recollection of that promise, Sir.

Sir Hari Singh Gour : May I remind the Honourable Member that there is such a thing as the Reciprocity Act on the Statute-book and that the Government of India are empowered to make rules for the purpose of enforcing that Act and that that Act was passed at a single sitting of this Legislature ?

Mr. J. W. Bhore : I am well aware of that fact, Sir.

Sir Hari Singh Gour : I wish to ask, Sir, what action the Government of India contemplate taking in case the negotiations fail.

Mr. J. W. Bhore : That, Sir, is a hypothetical question. The Government of India consider that the time has not yet arisen to take any action under the Act.

Sir Hari Singh Gour : Is the Honourable Member aware that Indians have been excluded by a decree of the Supreme Court of America and that the Reciprocity Act might be enforced against America ?

Mr. J. W. Bhore : I submit, Sir, that that question does not arise.

Mr. M. A. Jinnah : May I ask the Honourable Member or the Government that he represents to consider that it is very misleading and it is doing great injustice to the people of India here and to the Indians in South Africa not to state frankly as soon as possible the difficulties that exist with regard to the reply of the South African Government ?

Mr. J. W. Bhore : I have already explained to the Honourable Member that while negotiations are in progress it is not possible, without jeopardising those negotiations, to make public the preliminary stages.

Mr. M. A. Jinnah : May I ask in connection with these negotiations when was the last communication made by the Government of South Africa ?

Mr. J. W. Bhore : The Honourable Member has already put that question—either he or Mr. Shanmukham Chetty—and I have already given a reply.

Mr. Chaman Lall : May I ask if the attention of the Government of India has been drawn to the resolution passed at the Empire Labour Conference authorising a deputation of the All-India Trade Union Congress to meet the representatives of South African labour and settle this question, and if so whether the Government of India are prepared to afford facilities for the meeting ?

Mr. J. W. Bhore : I have not seen that resolution, Sir.

Mr. M. A. Jinnah : I do not think the Honourable Member is correct : there was no question put by me before. My question was when was the last communication made by the Government of India and what reply, if any, was sent by the South African Government, and when ?

Mr. J. W. Bhore : I have already given a reply to my Honourable friend, Mr. Shanmukham Chetty ; and I regret that that is all that I can say, for I do not recollect the exact dates : I cannot go beyond that.

Mr. A. Rangaswami Iyengar : May I know, Sir, what Government consider to be a reasonable period of time within which to get an answer ?

Mr. J. W. Bhore : That, Sir, is a matter of opinion.

Mr. M. A. Jinnah : Is it a fact that the Union Government in face of these communications have already introduced a Bill called the Areas Reservation and Restriction Bill in the South African Parliament on the 23rd July 1925 ? Have the Government got a copy of the said Bill and are not the provisions of the Bill intended virtually to drive Indians out of South Africa ?

Mr. J. W. Bhore : The Government have received a copy of the Bill. The Minister of the Interior in introducing it stated :

"I must say that the Bill frankly starts from the general supposition that the Indian, as a race in this country, is an alien element in the population, and that no solution of this question will be acceptable to the country unless it results in a very considerable reduction of the Indian population in this country."

Mr. Devaki Prasad Sinha : May I inquire, Sir, if Government consider it worth while negotiating with a Government which during the period of negotiations adopts measures that are intended for the extermination of Indians there ?

Mr. J. W. Bhore : Certainly, Sir.

Sir Purshotamdas Thakurdas : Referring to the principle which the Honourable Member has just now mentioned as being the principle of the Bill, is it not terrible enough to move the Government of India to realise that the problem is one which ought not only to command their best attention but on which they should take this Assembly into their confidence as to the difficulties which the South African Government perceive in regard to the round table conference that has been suggested ?

Mr. J. W. Bhore : My Honourable friend seems to have overlooked the explanation I have already given.

Sir Purshotamdas Thakurdas : I am afraid it is not satisfactory ; otherwise I would not have asked a supplementary question.

Mr. J. W. Bhore : I regret, Sir, if it does not appear satisfactory to my Honourable friend ; but to me—and I hope it will to all reasonable-minded men in this Assembly—it appears quite satisfactory.

Sir Purshotamdas Thakurdas : That can be judged, Sir, from the number of supplementary questions that are being put on the answer about which the Honourable Member seems to be so very self-satisfied.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member if, after the introduction of the Bill, he still regards the position as hopeful or whether he considers that he should still withhold the difficulties of the Union Government which have themselves introduced a Bill which strikes at the very root of the matter ?

Mr. J. W. Bhore : Sir, I have already pointed out that we ought not to lose hope until we get the final reply of the Union Government putting out of court all possibility of a satisfactory solution of this question.

Sir Hari Singh Gour : I wish to ask if it is not a fact that the Bill contains a clause to the effect that it will operate from August 1925 and that the second reading of that Bill was to have taken place some time in July and whether the negotiations have had any effect with the South African Government in stopping the further progress of this Bill.

Mr. J. W. Bhore : I think the Honourable Member's information is not quite correct.

Sir Hari Singh Gour : I got a letter to that effect yesterday.

Mr. J. W. Bhore : The information is probably incorrect. May I say

Mr. N. M. Joshi : May I ask how long Government propose to wait for the final reply of the South African Government ?

Sir Hari Singh Gour : My question has not yet been answered. My Honourable friend was answering the question when he was interrupted.

Mr. J. W. Bhore : If you will permit me, Sir, I shall answer Sir Hari Singh Gour's question first. I wanted to point out that all that has taken place is the introduction of the Bill in the South African Parliament. Dr. Malan, the Minister of the Interior, in introducing it said that no further steps would be taken during the current Session of the Union Parliament, and that it would be proceeded with further only at the next Session, which we understand does not take place until January. He also made it clear that the door to negotiations was still open and that the Union Government were prepared to receive representations in regard to the matter.

Mr. M. A. Jinnah : Has the Honourable Member received any communication from the Union Government and, if so, which was the last communication after the introduction of the Bill ?

Mr. J. W. Bhore : I really cannot say which was the last communication, Sir.

Mr. M. A. Jinnah : Can the Honourable Member tell the House whether he received any communication from the Union Government after the introduction of the Bill ?

Mr. J. W. Bhore : As far as I remember the only communication after that date was the letter communicating to us copies of the Bill.

Mr. Devaki Prasad Sinha : May I ask, if during the period of negotiations the Government of South Africa could proceed with the Class Areas Bill, what is there to prevent the Government of India from proceeding under the Reciprocity Act during the period of the negotiations ?

Mr. J. W. Bhore : The reply is simple—the interests of the resident population of Indians in South Africa.

Sir Hari Singh Gour : May I inquire if it is not a fact that during the progress of the negotiations with the Government of India Dr. Malan introduced that Bill and promised to Union Parliament that that Bill, whenever it is passed, will take effect from August 1925 ?

Mr. J. W. Bhore : I do not think that he merely promised that—I think it is a clause in the Bill itself.

Mr. M. A. Jinnah : Sir, what steps do the Government propose to take in the matter and will they be pleased to make the fullest statement on the question, having regard to the very grave and vital issues that are involved regarding the status and relationship of India, South Africa and the British Empire ?

Mr. J. W. Bhore : In the first place the Government have subjected the proposed legislation to the closest examination and are taking steps to place their views before the Union Government. They have already sent them a telegram on the subject and are considering other methods of representing to them the strength of the Indian case against this measure and the depth and unanimity of feeling on the subject in this country. They have consulted the Standing Emigration Committee fully and have had the advantage of hearing a debate on the subject in the Council of State. Government are fully alive to the very grave issues involved but are anxious to commit themselves to no course of action which may react adversely on the interests of the Indian community resident in South Africa. They are taking all possible steps to ascertain the needs and wishes of that community, but are not in a position

to indicate what further action they may take until the results of this inquiry are available.

Mr. M. A. Jinnah : Do not the Government consider that it will be in the best interests of the residents in South Africa and also of India to openly declare that they are utterly hopeless in this matter ?

Mr. J. W. Bhore : No, Sir, I do not think so. That is a counsel of despair which is not justified at present.

Mr. Devaki Prasad Sinha : Do Government propose to send a final letter to the Government of South Africa that if within a certain period the negotiations are not brought to a successful close, they will take action under the Reciprocity Bill ?

Mr. J. W. Bhore : I do not think the Government of India will be justified in doing so.

Mr. Chaman Lall : Are these the advantages of Indians remaining within the British Empire ?

Mr. J. W. Bhore : I suppose the Honourable Member will answer that question for himself.

Sir Purshotamdas Thakurdas : Will the Honourable Member be pleased to say whether the minutes of the meeting of the Standing Emigration Committee were circulated to the Members before the Honourable Member in charge of the Department gave it as his opinion that the Standing Emigration Committee had come to a certain decision ?

Mr. J. W. Bhore : I am afraid I do not follow what the Honourable Member means.

Sir Purshotamdas Thakurdas : The Honourable Sir Mian Fazli-Husain said that the Standing Emigration Committee had come to a certain decision. Were the minutes of the Committee at which that decision was said to have been arrived at circulated to the Members who were present at the meeting of the Standing Emigration Committee ?

Mr. J. W. Bhore : I think, Sir, to the best of my belief the minutes of the Standing Emigration Committee were circulated. They were passed by me before circulation.

Sir Purshotamdas Thakurdas : Will the Honourable Member take it from me that I as a Member have not yet received the minutes ?

Mr. J. W. Bhore : I am sorry if the Honourable Member has not received the minutes. I will see that he receives them without delay.

Sir Purshotamdas Thakurdas : Is the Honourable Member aware that the Honourable the Leader of the Swaraj Party and the Leader of the Independent Party who are said to have been present at the meeting of the Committee, take exception to what was mentioned in their names by the Member in charge ?

Mr. J. W. Bhore : I cannot say what they feel, Sir.

Sir Purshotamdas Thakurdas : Is the Honourable Member aware of that, I am asking ?

Mr. J. W. Bhore : I understand that is so from a conversation with a Member of this House.

Mr. B. K. Shanmukham Chetty : Has the attention of the Honourable Member been drawn to the fact that a statement was made by

the Honourable Sir Mian Fazl-i-Hussain about the conclusions arrived at by the Standing Emigration Committee ?

Mr. J. W. Bhore : I have not seen that statement.

Mr. R. K. Shanmukham Chetty : Does the Honourable Member think that that statement represents the correct decision or opinion of the Standing Emigration Committee ?

Mr. J. W. Bhore : That is a matter of opinion. I have, as I said, not yet seen the statement.

Mr. N. M. Joshi : Sir, I strongly protest against the action of the Honourable Member who made known the decision of the Committee.....

Mr. J. W. Bhore : The Honourable Member may put a supplementary question, if he wishes.

Mr. N. M. Joshi : Because it is a statement made about the proceedings of the Committee.

Mr. R. K. Shanmukham Chetty : Will the Honourable Member be pleased to lay on the table the minutes of the Standing Emigration Committee ?

Mr. J. W. Bhore : No, Sir. But I would like to say that the Government fully realise the anxiety in this House on this question. They realise that it is a true reflection of the anxiety in the country. The minutes of the proceedings of the Standing Emigration Committee are of course confidential, and I cannot place them on the table of this House. But I want to make it quite clear that the whole question was considered by the Committee absolutely fully and frankly, and the Government have lost no time in putting into effect those suggestions which it was possible to act upon at once.

Mr. M. A. Jinnah : Sir, was it not a breach of faith on the part of the Honourable Member in charge to have given the purport of what was absolutely and strictly confidential in his speech in the other House ?

Mr. J. W. Bhore : I must decline to answer that, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF A LOWER DIVISION CLERK OF THE METEOROLOGICAL DEPARTMENT TO AN UPPER DIVISION VACANCY IN THE CENTRAL BOARD OF REVENUE.

151. **Mr. Kumar Sankar Ray :** (a) Is it a fact that a lower division clerk of the Meteorological Department was appointed in an upper division vacancy in the Central Board of Revenue in April last ?

(b) Is it also a fact that usually all the appointments in the Government of India Secretariat and Attached Offices (unless exempted) are made by the Staff Selection Board ?

(c) Is it a fact that the nomination for this appointment was not obtained from the Staff Selection Board and that it was made by the Central Board of Revenue itself on the suggestion of an officer in the office ?

(d) Was this appointment of a special nature involving duties which could be performed by that particular clerk only ?

(e) If not why was he appointed without first asking the Staff Selection Board to suggest the name of the most suitable and deserving candidate on their waiting list ?

(f) Is it a fact that the clerk is only a Matriculate (if at all) and has not passed any University Degree examination, while there are other unemployed candidates on the Staff Selection Board's waiting list who have passed the same test as the candidates elected in addition to possessing higher University qualifications ?

(g) Do the Government propose to issue instructions that in future all appointments should not only be sent to the Staff Selection Board for formal approval, but would be made strictly on nomination by the Board to ensure the selection of the most suitable candidate on the waiting list ?

APPOINTMENT OF A LOWER DIVISION CLERK OF THE METEOROLOGICAL DEPARTMENT TO A VACANCY IN THE SAME DIVISION IN THE CENTRAL BOARD OF REVENUE.

152. **Mr. Kumar Sankar Ray :** (a) Is it a fact that a lower division clerk of the Meteorological Department was appointed in a vacancy in the same division in the Central Board of Revenue a few weeks ago ?

(b) Is it a fact that he was not nominated by the Staff Selection Board and that this is the second time that he has been appointed by the Central Board of Revenue direct as a special case ?

(c) Is it also a fact that the starting pay in the lower division is Rs. 75 while he was as a special case given Rs. 123 in view of his permanent pay in the Meteorological Department ?

(d) What was the necessity of bringing in this particular clerk when there were so many other passed men waiting on the Staff Selection Board list who were unemployed and could be appointed in the same vacancy on the usual starting pay, namely, Rs. 75 ?

(e) What was the special nature of the work for which he was selected and what are his special qualifications if any for the performance of the work ?

(f) Is it a fact that on appointment in the Central Board of Revenue office he was put on routine diary work which is being done in this and all other offices ?

(g) Are the Government aware that by appointing an outsider on Rs. 123 (instead of Rs. 75), the Central Board of Revenue has created a good deal of dissatisfaction among the lower division clerks in that office receiving less than the pay on which he has been appointed and who have been doing most satisfactory work for several years ?

(h) When is the term of the vacancy in which he has been appointed to expire and do the Government propose to issue instructions to revert the clerk to his own office ?

The Honourable Sir Basil Blackett : I am sending the Honourable Member the replies to these two questions. I doubt if the time of the House need be taken up in listening to them or in reading them in the Debates.

ALLEGED ASSAULT BY MR. GASPER, LOCO. FOREMAN, KATIHAR, ON PHOOL MOHAMMAD, PUMPING DRIVER, KATIHAR.

153. Dr. K. G. Lohokare : (a) With reference to Government reply to starred question No. 2148 asked in the Legislative Assembly on the 17th September, 1924, will the Government be pleased to state whether it is a fact that the Loco. Foreman, Mr. Gasper's letter to the Railway Medical Officer contained the following remarks " This man complains of a pain in the right wrist and is trying to make out that I assaulted him and is reporting sick because I got on to him for not working satisfactorily " ?

(b) If the answer to (a) be in the affirmative, will the Government please inform the House as to what made the Loco. Foreman add the aforesaid remarks in the Memo. which was a simple request to the Medical Officer asking him to treat the Pumping Driver ?

(c) Is it not a fact that the Pumping Driver failing to receive treatment and unfit certificate from the Railway Medical Officer, attended the local charitable dispensary and obtained unfit certificate from the Medical Officer in charge of the Dispensary, Rai Sahib H. K. Ganguly and submitted the same to the Loco. Foreman ?

(d) If the answer to (c) be in the affirmative, will the Government be pleased to state whether the said certificate was forwarded to the Railway Medical Officer for his countersignature and what steps the Government have taken or propose to take in this case of the Pumping Driver ?

Mr. G. G. Sim : (a) and (b). Government have no information beyond what was given in the reply referred to by the Honourable Member. They do not propose to inquire further.

(c) and (d). The attention of the Honourable Member is invited to the reply given to Khan Bahadur Sarfaraz Hussain Khan's question No. 149 in the Assembly on 23rd January 1925. Government do not propose to take any action.

CASE OF PHOOL MOHAMMAD, PUMPING DRIVER, KATIHAR, ON THE EASTERN BENGAL RAILWAY.

154. Dr. K. G. Lohokare : (a) With reference to Government reply to starred question No. 149 asked on 23rd January, 1925, will the Government be pleased to state if it is a rule and practice that in case of fit certificate being submitted by a subordinate to his immediate superior, the same is to be forwarded to the Railway Medical Officer for countersignature and to allow that man to resume his duty ?

(b) If not, why will not the Pumping Driver Phool Mohammad be reinstated ?

Mr. G. G. Sim : (a) The rule and practice is that a fit certificate has to be obtained by the employee from the Railway Medical Officer in whose district he is working before he is allowed to resume work.

(b) Pumping Driver Phool Mohammad absented himself from duty and was therefore discharged from service.

INCREASE OF STAFF ON THE EASTERN BENGAL RAILWAY.

155. Dr. K. G. Lohokare : (a) With reference to Government reply to starred question No. 123 asked on 23rd January, 1925, are the Government aware that the diversion of additional traffic has taken place over

the B. S. B. section for more than a year and no additional staff has yet been posted ?

(b) Will the Government please state why additional men have not been yet posted ?

(c) Are the Government aware that there are several stations on that section which are not interlocked and any little mistake on the part of the overworked train-passing staff might cause a serious accident ?

The Honourable Sir Charles Innes : Inquiry is being made and the result will be communicated to the Honourable Member in due course.

REMOVAL OF THE OFFICE OF THE GOODS SUPERVISOR, SEALDAH, TO A SAFE SITE.

156. Dr. K. G. Lohokare : With reference to Government reply to starred question No. 245 asked on 26th January, 1925, will the Government be pleased to state if there is any road or overbridge for the staff to go to the Goods Supervisor's Office at Sealdah, Eastern Bengal Railway ?

Mr. G. G. Sim : Government have no further information in the matter than that given in the reply to the question referred to by the Honourable Member.

GRANT OF LOCAL ALLOWANCE TO EMPLOYEES OF THE EASTERN BENGAL RAILWAY WORKING IN CALCUTTA.

157. Dr. K. G. Lohokare : With reference to Government reply to starred question No. 248 asked on 26th January 1925 will the Government be pleased to state :

(a) The class of railway staff who are given the house allowance excepting the ministerial staff in lieu of quarters working in Calcutta ?

(b) At what rate such allowance is given ?

Mr. G. G. Sim : The Government have not this information which is being obtained and will be supplied to the Honourable Member on receipt.

PROMOTION OF INDIAN GUARDS ON THE EASTERN BENGAL RAILWAY.

158. Dr. K. G. Lohokare : With reference to Government reply to starred question No. 249 asked on 26th January, 1925, will the Government be pleased to state why two discharged guards of the Engineering Department, Lalmonirhat, Eastern Bengal Railway, have been posted permanently as " B " class guards who were already working there ?

Mr. G. G. Sim : Government have no information.

PROMOTION OF MR. PHILLIPS, ASSISTANT STATION MASTER ON THE EASTERN BENGAL RAILWAY TO BE TRAFFIC INSPECTOR OF THE LALMONIRHAT DISTRICT.

159. Dr. K. G. Lohokare : With reference to Government reply to starred question No. 252 asked on 26th January, 1925, (a) will the

Government be pleased to refer to the Eastern Bengal Railway regarding the posting of men in places such as Santahar, Lalmonirhat, Farhatipur and Saidpur ?

(b) Will the Government be pleased to state why an Anglo-Indian who changed his name from Mr. Mascaran to Mr. Mascreeen and then to Mr. Phillips with only about 6 years' service as an assistant station master, has been allowed to work as Traffic Inspector of the Lalmonirhat District in preference to senior Indian station masters who are already working in that District ?

Mr. G. G. Sim : (a) No.

(b) Government have no information.

PROMOTIONS TO THE SUBORDINATE ACCOUNTS SERVICE.

160. Mr. N. C. Kelkar : (1) (a) Will Government please state whether it is contemplated to revise the standing of all existing *sub pro tem* accountants and fix for promotion to the Subordinate Accounts Service the seniority of all clerks who have passed the Subordinate Accounts Service Examination under old Rules ?

(b) If the answer to question (1) is in the affirmative, will Government be pleased to state the circumstances that have necessitated this revision and on what lines the arrangements under contemplation are to be made and in what respects do they differ from the procedure hitherto followed ?

(2) (a) Is it not a fact that seniority among the passed candidates was duly considered at the time of their *sub pro tem* appointments ?

(b) Was seniority in the past of *sub pro tem* accountants disturbed every time when filling permanent vacancies in the accountant's grade ?

(3) If the reply to 2 (a) is in the affirmative and that to 2 (b) in the negative, will Government be pleased to give the reasons for the proposed overhauling of the standing that has been fixed and allowed to remain for the last five years ?

(4) Will Government please state for what period the present *sub pro tem* incumbents have been holding the *sub pro tem* appointments and the number that will have to revert as a result of the fresh arrangement to be made ?

The Honourable Sir Basil Blackett : The several grades in the clerical service of the Military Accounts Department were abolished as from the 1st of April 1920, and it was decided by the then Military Accountant General that, irrespective of their standing in the several grades, the seniority of passed clerks for promotion to the all-India list of accountants should be determined with reference to the dates of their joining the department. This decision had the effect of placing some of the men holding appointments in the higher clerical grades lower in the list than men in the lower clerical grades who had joined the department at an earlier date. Representations were received from clerks thus affected, and after a careful investigation of the whole case it has been decided that the fairest and most equitable solution of the anomaly will be that the seniority of such clerks for promotion to the accountant's grade should be regulated strictly in accordance with their seniority in the various clerical

grades on the 1st April 1922 with due regard to the dates of their passing the Subordinate Accounts Service Examination. The majority of the present *sub pro tem* incumbents have been holding the *sub pro tem* appointments from the 1st of April 1922. It is not possible to say at present how many men will revert under the revised arrangement as the promotions have not yet been actually notified. The number will probably not exceed 20.

REDUCTION OF *SUB PRO TEM* ACCOUNTANTS TO CLERKS.

161. Mr. N. O. Kelkar : (a) Have not all *sub pro tem* vacancies in the accountant's grade up to 31st March 1925 been notified by the Military Accountant General, following the old practice of fixing seniority among a group of clerks passing the accountant's examination held each time? Will Government please say whether the arrangements under contemplation do ignore the dates of passing the qualifying examination?

(b) If the answer to the concluding portion of part (a) above is in the affirmative, will not some of the *sub pro tem* accountants who passed the Subordinate Accounts Service Examination as early as in 1919 be reduced to clerks and those passing that examination after five years supersede them by being promoted as accountants? Will Government please say how these supersessions are justified? Will they issue orders to the Military Accountant General with a view to prevent such anomalies?

The Honourable Sir Basil Blackett : (a) (i) Yes.

(ii) No.

(b) Does not arise.

ABSORPTION IN THE MILITARY ACCOUNTS DEPARTMENT OF DIVISIONAL ACCOUNTANTS AND CLERKS OF THE MILITARY ENGINEERING SERVICES.

162. Mr. N. O. Kelkar : (a) Is it a fact that in the new arrangements divisional accountants and clerks of the Military Engineering Services are to be absorbed in the Military Accounts Department in vacancies which occurred before the absorption of the late Military Works audit staff in the Military Accounts Department? Is it a fact that the individuals were not then qualified for promotion by passing the Subordinate Accounts Service Examination of the Military Accounts Department?

(b) If the answer to part (a) is in the affirmative, will Government please state the reasons for such promotions? Is it not a fact that the interests of *sub pro tem* accountants of the Military Accounts Department who were qualified for the promotion before amalgamation of the Military Engineering Services, are sacrificed thereby?

The Honourable Sir Basil Blackett : (a) The reply is in the negative. All divisional accountants and clerks of the late Military Works Services have been absorbed from 1st April 1922 in vacancies which occurred, or in new additional appointments created, on that date. A few of the additional appointments sanctioned exclusively for the Military Works

Accounts were given to the divisional accountants, Military Works Services, provisionally subject to passing the examination, as there were no qualified men with Military Works experience then available.

(b) Does not arise.

PERMANENT PROMOTIONS OF *SUB PRO TEM* ACCOUNTANTS.

163. Mr. N. C. Kelkar : (a) Will Government please state whether the present arrangements in the accountant's grade are being based on the standing of clerks in the old grades on 31st March 1920 ? Do *sub pro tem* appointments of clerks in higher grades give them seniority over the clerks of lower grades ?

(b) If the answer to part (a) is in the affirmative, why are not the existing *sub pro tem* accountants being given priority for permanent promotions—under the same principle—in the accountant's grade ?

(c) Is it not a fact that the *sub pro tem* accountants were appointed at a time when no other senior qualified clerks were available ?

(d) Will Government state whether any representations were received by the Military Accountant General on this subject and if so, how were they disposed of ?

The Honourable Sir Basil Blackett : (a) Under the old arrangements, promotions to the *sub pro tem* accountants' grade were made with reference to the standing of clerks in the seniority list based on the dates of their appointments to the clerical grade and steps have since been taken to revise their seniority with reference to their standing in each of the old clerical grades on 31st March 1920. Under the revised arrangement, the clerks who were holding appointments in the higher grades on 31st March 1920 will be senior to clerks of the lower grade.

(b) *Sub pro tem* accountants ordinarily take their turn for permanent promotions according to their seniority in the *sub pro tem* grade.

(c) Yes, in some cases.

(d) A representation regarding the point raised in the first portion of the question above has been received by the Military Accountant General and the matter is under consideration.

CASUAL LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

164. Mr. N. C. Kelkar : (a) Is it a fact that the Controller of Military Accounts at Quetta has been insisting on the production of the Civil Surgeon's certificate for absence over a day ? Is there no standing order in the Military Accounts Department placing reliance on an employee in respect of his absence owing to sickness for two successive days ? Are Government prepared to state how far the Controller is justified in demanding a certificate to support even two days' absence ?

(b) Will Government please say to what extent the orders of the Controller at Quetta have involved additional work on the Government's medical authorities ? Will Government please issue instructions deprecating the insistence on the Civil Surgeon's certificate in each and every case for grant of a few days' leave ?

The Honourable Sir Basil Blackett : The required information has been called for and will be furnished when received.

SICK LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

165. Mr. N. C. Kelkar : (a) Will Government please say what a Government servant should do when he feels physically unable to attend the Government hospital and for a failure on his part to do so is liable to punishment ? Are there any rules or standing orders to cover such a case ? If so, will the attention of the Controller be drawn to them ?

(b) Is it a fact that the Controller of Military Accounts, Western Command and Baluchistan District, has issued an office order calling upon a sick absentee to fill in a certain form devised by him and which is not provided for by any rule or order, in which information having no bearing on his sickness or recommendation of leave by the Civil Surgeon, Quetta, is asked for ? Are Government prepared to instruct the Controller to rescind the office order ?

The Honourable Sir Basil Blackett : The required information has been called for and will be furnished when received.

REDUCTION OF THE CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

166. Seth Govind Das : (a) Is it a fact that with effect from the 1st June 1925 the strength of the clerical establishment of the Railway Board has been reduced by 17 men with a view to meet a part of the cut of Rs. 77,000 made by the Assembly in March last in the provision for the officers of the Board ?

(b) If the answer to above be in the affirmative, will Government be pleased to place a statement on the table giving the names, length of service, date of confirmation (in the case of permanent men) of the persons concerned ?

(c) Is it a fact that some of them were confirmed by the Board's orders of the 22nd January 1925 with retrospective effect from the 1st November 1924 ?

(d) Is it a fact that the orders of the 22nd January 1925 were in some cases reversed by the orders of the 21st May 1925 as a result of which some of the men who were holding provisional permanent appointments in the first division were reduced to the third division whereas some of the third division men were promoted to provisional substantive appointments in the first division ? If so, will Government kindly state the reasons ?

(e) Is it admissible under rule 13 of the Fundamental Rules to reduce a man holding a provisional substantive appointment unless the permanent incumbent in whose place the arrangement was made returns to duty ?

(f) Is it a fact that some of the permanent hands of the Railway Board's Office were discharged and their places were filled by the confirmation of temporary men ? If so, will Government kindly state how many vacancies were so filled up and why ?

The Honourable Sir Charles Innes : (a) The reduction of the demand under the head " Railway Board " did not specify that it related only to the provision for the officers of the Board. It is a fact that 17 posts

in the clerical establishment have been held in abeyance since 1st June 1925.

(b) There were 5 vacancies in the clerical establishment on the 1st June 1925 and only 12 men were brought under reduction. Particulars concerning them will be sent separately to the Honourable Member. Every one of these men has been provided with other appointments under Government.

(c) Yes.

(d) No.

(e) Yes. The reversions were made to keep within the reduced cadre and not with reference to rule 13 of the Fundamental Rules.

(f) No.

FURTHER REDUCTION OF THE CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

167. **Seth Govind Das :** (a) Is it a fact that in addition to the 17 men retrenched a further reduction of 10 men from the permanent pensionable staff of the Railway Board's Office is in contemplation? If so, on what basis has the selection been made?

(b) If the reply to part (a) of the question be in the affirmative, will Government kindly lay a statement on the table giving the names, length of service and the concessions (if any) to be given to the men concerned?

(c) Do Government propose to fill up the vacancies created by the retrenchment of permanent hands? If so, what economy will be effected thereby?

(d) How many new appointments have been created and how many promotions have been given since the 1st June 1925 in the Railway Board's Office?

The Honourable Sir Charles Innes : (a) 10 members of the office establishment are being retired but no further reduction in the scale is being made. The men selected to be retrenched are those nearing the age of retirement or considered unsuitable for further employment in the Board's office.

(b) A statement giving the information will be supplied separately to the Honourable Member.

(c) Yes. Details of the economies effected have been furnished to the Standing Finance Committee for Railways and will be available to the Honourable Member in the proceedings of that Committee.

(d) No new appointments have been created and promotions have only been given within the sanctioned cadre in the ordinary course and it is not proposed to detail these.

PROMOTION OF MR. RUNDELL TO OFFICIATE AS AN ASSISTANT SECRETARY IN THE RAILWAY BOARD.

168. **Seth Govind Das :** (a) Is it a fact that the post of the Assistant Secretary to the Railway Board is being abolished whereas the post is

of a Deputy Secretary and a Chief Superintendent are being created ? If so, what will be the annual additional expenditure on this account ?

(b) Is it a fact that one Mr. Rundlett, an assistant, has been promoted to the Assistant Secretaryship in the Railway Board over the heads of all Superintendents and senior assistants ? If so, will Government kindly state whether the men superseded by him were tried in the higher post and found unfit ? If not, why were the claims of his seniors overlooked ?

Mr. G. G. Sim : (a) Yes. These are part of a scheme of reorganisation resulting in retrenchment of expenditure and not additional expenditure.

(b) Mr. Rundlett was selected to officiate in the post of Assistant Secretary as he was considered most suitably qualified for it. He has since reverted.

ATTACHMENT OF FIRST AND SECOND CLASS CARRIAGES TO ALL TRAINS BETWEEN KALKA AND SIMLA.

169. **Lala Duni Chand :** (a) Is it true that two out of the four down trains and two out of the four up trains running between Kalka and Simla have no first and second class carriages attached to them ?

(b) If the reply to (a) be in the affirmative, do the Government in view of the fact that a number of first class and second class passengers find it convenient to travel by these trains, propose to issue instructions that at least one first class and one second class carriage be attached to each train ?

Mr. G. G. Sim : (a) The reply is in the affirmative.

(b) The suggestion will be brought to the notice of the Agent.

DIRECT RAILWAY COMMUNICATION BETWEEN RAJPUTANA AND KARACHI.

170. **Lala Duni Chand :** (a) Is there any project under consideration with a view to connect Rajputana with Karachi by means of a direct Railway line ?

(b) If so, will this line pass by Bhiwani, an important town in the Hissar District ?

(c) Do the Government propose to issue instructions to the Bombay, Baroda and Central India Railway Administration, to open a booking office in the town of Bhiwani ?

Mr. G. G. Sim : (a) and (b). There is no project under consideration now for a direct connection between Rajputana and Karachi. The Agra Karachi railway of which the prospects were under examination sometime ago has been postponed for the present.

(c) The matter is within the competence of the Railway Administration and Government do not propose to issue any instructions.

REGISTRATION OF MESSRS. CHIRAGH DIN MOHAMMAD DIN AND SONS IN THE LIST OF APPROVED CONTRACTORS IN THE INDIAN STORES DEPARTMENT.

171. **Lala Duni Chand :** (a) Is it a fact that the name of Messrs Chiragh Din Mohammad Din and Sons, a firm of tent makers in Lahore

has been registered in the list of approved contractors in the Indian Stores Department ?

(b) Is it a fact that the proprietor of the firm Mohammad Din son of Chiragh Din, was fined Rs. 500 by the Punjab Chief Court in a bribery case ?

(c) Has the attention of Government been drawn to certain articles in the *Civil and Military Gazette*, Lahore, dated the 11th August 1916 and 24th September 1916 publishing a full text of the judgment in the above case ?

(d) If so, is it in conformity with the policy of the Government to register such firms in the list of approved contractors ?

(e) Will Government be pleased to state what action they propose to take in this connection ?

The Honourable Sir Bhupendra Nath Mitra : (a) Yes.

(b) Government have no information to this effect.

(c) The reply is in the negative.

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

LEVY OF A HOUSE TAX IN THE KASAUJI CANTONMENT.

172. Haji Wajihuddin : Is it a fact that in the Cantonment of Kasauli, a house tax is being proposed to be levied and if so at what rate and whether churches, mosques and temples have been exempted from the operation of the said tax ?

Mr. E. Burdon : House tax is already in force in the Kasauli Cantonment under Punjab Government Notification No. 382, dated 11th February 1897, at the rate of seven and a half rupees per centum per annum on the annual value of buildings. So far as the Government of India are aware, this tax has never been levied on churches, mosques or temples in the Kasauli Cantonment.

MEMBERSHIP OF CANTONMENT BOARDS.

173. Haji Wajihuddin : (a) Is it a fact that in the Army Department Circular No. 2/136/2/A.D., dated the 12th June 1925, the Government of India has stated that in case a Local Government directs under section 15 (4) of the Cantonments Act that an outgoing member ceases to continue in office before the notification of the nomination of his successor, the incoming member will automatically enter upon his office and be a member of the Cantonment Board ?

(b) Do the Government mean that in the case referred to above, a nominated member has the right to sit on the Cantonment Board without his name being notified in the local Gazette as a member ?

(c) If so, how does this meet the requirements of section 14 (2) under which the nomination of a member must be gazetted before he can sit on the Cantonment Board ?

(d) Are the Government aware that under section 15 (4), the Local Government can only terminate the membership of an outgoing member but can not dispense with the obligation of the notification of the nomination of his successor ?

(e) Is it a fact that these instructions if carried out will enable a military officer to sit on the Cantonment Board without his name having been gazetted as a member ?

(f) Do the Government propose to withdraw the circular in view of the discontent that it has given rise to and its conflicting character with the Cantonments Act ?

Mr. E. Burdon : (a) The answer is in the affirmative.

(b) Yes, Sir, if the Local Government so directs.

(c) and (d). Under section 15 (4) of the Cantonments Act, 1924, a Local Government can direct an incoming nominated member to take his seat on the Cantonment Board in anticipation of the Gazette Notification required by section 14 (2) of the Act. The direction of the Local Government under section 15 (4) does not dispense altogether with the Notification required by section 14 (2).

(e) Yes, Sir, if, as I have already stated, the Local Government so directs.

(f) The Government do not propose to withdraw the circular, as the instructions contained therein are in accordance with the provisions of the Cantonments Act.

MEMORIAL OF THE INDIAN APPRENTICES OF THE MACLAGAN ENGINEERING COLLEGE TO THE CHIEF MECHANICAL ENGINEER, NORTH WESTERN RAILWAY.

174. **Mr. S. Sadiq Hasan :** (a) Are the Government aware of the fact that the Indian apprentices of the MacLagan Engineering College have submitted a memorial to the Chief Mechanical Engineer, North Western Railway ?

(b) If so, will the Government please inquire if it has been favourably considered ?

Mr. G. G. Sim : Government have no information.

PUNISHMENT OF GUARDS FOR THEFTS ON TRAINS IN THEIR CHARGE.

175. **Mr. Amar Nath Dutt :** Is it a fact that guards are fined or heavy contributions are debited out of their provident fund money or pay in case of thefts whether the train is in motion or shunted to a siding ? Is it a fact that train controllers and not guards are solely responsible for the movement of trains ? If so, will the Government be pleased to take steps so that the man who is really responsible for thefts may be punished ?

Mr. G. G. Sim : Train controllers order the movement of trains, but a guard is responsible for the train which is in his charge. So far as Government are aware, guards are not punished in theft cases unless it is found that the theft was due to negligence on their part.

CASE OF MR. G. B. MITRA, A GUARD ON THE EAST INDIAN RAILWAY.

176. **Mr. Amar Nath Dutt :** Is it a fact that an Indian guard Mr. G. B. Mitra was transferred from Asansol to Madhupur on the East Indian Railway on 1st June 1925, but was not granted leave to make arrangements for removing his family and had to live in an open place

for want of quarters, with family, for some days? If so, will the Government be pleased to take steps so that such cases may not occur in future?

Mr. G. G. Sim : Government have no information.

APPOINTMENT OF INDIAN INSTRUCTORS IN THE RAILWAY SCHOOLS AT ASANSOL AND CHANDAUSI.

177. Mr. Amar Nath Dutt : Are there any Indian instructors in the Higher Training Schools and Colleges at Asansol and Chandausi? If not, are the Government prepared to take steps to appoint Indian instructors?

Mr. G. G. Sim : Yes. Two statutory Indians at the Railway School of Transportation, Chandausi, and two at the School at Asansol.

RECRUITMENT OF TRAVELLING TICKET COLLECTORS.

178. Mr. Amar Nath Dutt : Is it a fact that a large proportion of travelling ticket collectors are recruited from Anglo-Indian ticket collectors in preference to educated Indian ticket collectors?

Mr. G. G. Sim : Government have no detailed information. Such appointments are necessarily filled by men of some education.

RULES FOR ADMISSION TO THE RAILWAY TRAINING SCHOOL AT CHANDAUSI.

179. Mr. Amar Nath Dutt : Will the Government be pleased to state whether there are any printed rules of admission to the Railway Training School at Chandausi? If so, will the Government be pleased to lay the same on the table? If not, will the Government be pleased to state the curriculum the number of years for training and the prospects of the students of the School at Chandausi?

Mr. G. G. Sim : The attention of the Honourable Member is invited to the reply given to Mr. C. S. Ranga Iyer's question No. 651 on the 3rd September 1925 in this Assembly.

GRANT OF CONTRACTS FOR MUHAMMADAN REFRESHMENT ROOMS AT DELHI AND BAROG TO SUITABLE MUHAMMADAN CONTRACTORS.

180. Mr. Abdul Haye : (1) Is it a fact that contracts for Muhammadan refreshment room at Delhi and Barog Railway stations and for Muhammadan "Nawabi" at Barog Railway station for the current year are with non-Moslem contractors?

(2) Are the Government aware that the Musalmans resent such contracts being given to non-Moslems?

(3) Is it also a fact that the Railway Department does not charge anything for such contracts and that they are given gratis to suitable persons?

(4) In view of these facts are the Government prepared to issue instructions that in future such contracts should only be given to suitable Muhammadan contractors?

Mr. G. G. Sim : Government have no information. The matter is within the competence of the Agent and a copy of the question and answer will be sent to him.

RESTRICTION UPON THE SALE AND USE OF BEEF, BACON, AND JHATKA IN REFRESHMENT ROOMS AND DINING CARS.

181. Mr. Abdul Haye : (1) Have the Government or the Railway Department placed any restrictions upon the sale and use of raw or cooked bacon, beef or *jhatka* on the railway premises, i.e., in the various refreshment rooms and dining cars ?

(2) If restrictions have only been placed upon the sale and use of beef and not of bacon and *jhatka*, are the Government prepared to direct the adoption of a uniform practice in future ?

Mr. G. G. Sim : (1) The reply is in the negative.

(2) Does not arise.

NUMBER OF MUSLIMS IN THE SUPERIOR AND SUBORDINATE ACCOUNT SERVICES OF THE MILITARY ACCOUNTS DEPARTMENT.

182. Khan Bahadur Ghulam Bari : (1) Will the Government please furnish a comparative statement showing the number of Muslims as against non-Muslims in :

- (a) the Superior Service of the Military Accounts Department ;
- (b) Subordinate Accounts Service of the Military Accounts Department (gazetted rank) ;
- (c) Subordinate Accounts Service of the Military Accounts Department (non-gazetted rank) ?

(2) If the answer to the above question discloses that the number of Muslims is out of proportion to their due representation, what steps do the Government propose to take in order speedily to restore an appreciable equilibrium in the comparative strength of Muslims and non-Muslims in this Department ?

The Honourable Sir Basil Blackett : (1) A statement containing the information asked for is placed on the table.

(2) In so far as the Superior Service of the Military Accounts Department is concerned, the Government of India have already decided to set apart a proportion of the vacancies every year to redress inequalities between classes and communities by nomination.

Promotions to the Subordinate Accounts Service (gazetted) are made by selection of the best qualified accountants in the Department and Muslim accountants have an equal chance of selection for such promotion with accountants of other communities.

Promotions to the Subordinate Accounts Service (non-gazetted) are made generally from among members of the clerical service who have passed the prescribed departmental examination and the claims of the Muslim members of that service receive due consideration for such promotion. Direct appointments to the Subordinate Account Service (non-gazetted) are also made in exceptional cases and if properly qualified Muslims apply for such appointments their claims will be duly considered.

Statement showing the number of Muslims as compared to non-Muslims in the Superior and Subordinate Account Services of the Military Accounts Department.

	Non-Muslims.	Muslims.
Superior Service	59	1
Subordinate Account Service (Gazetted) ..	87	nil
Subordinate Account Service (non-Gazetted) ..	489	20

DIRECT RECRUITMENT OF MUSLIMS IN THE SUPERIOR AND SUBORDINATE ACCOUNT SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

183. Khan Bahadur Ghulam Bari : Will the Government please state whether they propose to encourage direct recruitment of Muslims of superior educational qualifications in the Superior and Subordinate Account Services of the Military Accounts Department ? If so, what steps do the Government propose to take ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to the answer to question No. 182.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

184. Khan Bahadur Ghulam Bari : (a) Is it a fact that the Provincial Muslim League of Rajputana Ajmer passed a Resolution at a meeting of the League in August 1925, with regard to the paucity of Muslims in the Education Department of Ajmer-Merwara ?

(b) Is it a fact that a copy of the above Resolution was sent to the Agent to the Governor General, Rajputana, and to the Government of India ?

(c) If so, will Government kindly state what action, if any, has been taken on it ?

Mr. J. W. Bhore : (a), (b) and (c). The Honourable Member is referred to the reply given to Maulvi Muhammad Yakub's starred question No. 862 this morning.

PAUCITY OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

185. Khan Bahadur Ghulam Bari : (a) Is it a fact that out of a total of 188 appointments in Ajmer-Merwara comprising inspection officers, professors in the Government College, Ajmer, Government High School, Normal Training Secondary and Primary Schools for boys and girls (excluding Momia Islamia High School), 171 appointments are held by non-Muslims and seventeen by Muslims ?

(b) Is it a fact that there is not a single Muhammadan in the inspecting staff in Ajmer-Merwara ?

(c) Is it a fact that since the creation of the Ajmer-Merwara Educational Department there has never been a Muslim officer in the inspection staff ?

(d) Is it a fact that this paucity of Muhammadans in the Education Department is due to the inspecting staff ?

(e) If so, will Government kindly take steps to increase the number of Muslims in the Department ?

APPOINTMENT OF MUSLIMS IN THE EDUCATION DEPARTMENT OF AJMER-MERWARA.

186. **Khan Bahadur Ghulam Bari :** (a) Is it a fact that a deputation of the Rajputana Provincial Muslim League, Educational Conference and other influential persons waited upon the Agent to the Governor General and other heads of Departments many times ?

(b) Is it a fact that these deputations pointed out the apathetic attitude of Government towards Muslims ?

(c) If so, will Government kindly say what, if any action, has been taken to redress the grievances ?

ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

187. **Khan Bahadur Ghulam Bari :** (a) Is it a fact that a deputation of the Rajputana Provincial Muslim League and other Muslim gentry waited upon Sir R. E. Holland, the then Agent to the Governor General in February 1925 in connection with the newly created appointment of Assistant Superintendent of Education ?

(b) Is it a fact that the Agent to the Governor General gave a sympathetic hearing to the deputation and promised that a local man would be appointed to the post ?

(c) Is it a fact that the person appointed is not a local man ?

(d) Is it a fact that the person appointed is a resident of the Almora District of the United Provinces and does not possess any secondary and primary teaching experience and is not trained ?

(e) Will Government kindly state reasons for this appointment ?

Mr. J. W. Bhore : The Honourable Member is referred to the replies given to Maulvi Muhammad Yakub's starred questions Nos. 863, 864 and 865 this morning.

ARTICLE IN THE *Muslim Outlook* REGARDING GRIEVANCES OF MUHAMMADANS.

188. **Khan Bahadur Ghulam Bari :** (a) Has the attention of the Government been drawn to the article by "Fairplay" in the *Muslim Outlook*, dated the 16th of August last ?

(b) If so, do Government propose to take any action to redress Muhammadan grievances ?

Sir Alexander Muddiman : The attention of the Honourable Member is invited to Sir Denys Bray's reply to question No 705 by Maulvi Muhammad Yakub on the 4th September 1925. The necessary report from the Chief Commissioner, Ajmer-Merwara, has not yet been received.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Bill further to amend the Indian Penal Code, which was passed by the Legislative Assembly, at its meeting held on the 3rd

September-1925, was passed by the Council of State on the 10th, September 1925, with the following amendments :

“(i) The following clause was inserted after clause 3 :

‘ 4. Notwithstanding anything contained in section 2 sexual intercourse by a man with his own wife is, not rape although the wife has not attained the age of thirteen years, if he was married to her before the date on which this Act comes into operation and she had attained the age of twelve years on that date.’

“(ii) Clause 4 was re-numbered 5.

The Council requests the concurrence of the Legislative Assembly in the amendments.”

THE COURT FEES (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF SELECT COMMITTEE.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I have the honour to present the Report of the Select Committee on 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.

RESOLUTION *RE* PROTECTION TO THE PAPER INDUSTRY—*contd.*

Mr. President : The House will now resume the discussion on the Resolution moved by the Honourable Sir Charles Innes regarding protection to the paper industry.

Mr. N. M. Joshi (Nominated Labour Interests) : Sir, I beg to move the amendment which stands in my name :

“ That at the end of the Resolution the following be added..... ”

The Honourable Sir Charles Innes (Commerce Member) : May I rise to a point of order, Sir ? May I ask, Sir, whether clause 1 of this Resolution is in order. You are no doubt aware, Sir, of the ruling given on this point by the Honourable Sir Chimanlal Setalvad and by your predecessor. I also beg to draw your attention to Standing Order No. 59 (a) which says that a Resolution must raise substantially one definite issue. Standing Order No. 64 says that an amendment is subject to the Rules and Standing Orders relating to Resolutions. I submit, Sir, that this amendment raises an entirely separate issue, and therefore, it is out of order under the Standing Order I have quoted. I submit, Sir, that it is outside the scope of my Resolution. I submit, Sir, that the amendment is also barred for another reason. Welfare and Labour is a provincial subject. It is perfectly true that it is subject to legislation by the Indian Legislature, but there is nothing in the Government of India Act which empowers the Indian Legislature or the Government of India to take over the administration of a provincial reserved subject, and Part I of this Resolution purports not only to regulate Welfare and Labour, but also to take over the administration of the subject.

Mr. N. M. Joshi : Sir, on the point of order made by the Honourable Member, I wish to say one word. You will remember, Sir, that when the

Steel Protection Bill was considered in this House about a year ago, the President had accepted an amendment that any firm receiving protection must have capital owned by Indians, and also that that firm should have a certain proportion of Indian directors on its board. I submit, Sir, that if that amendment was in order at that time, I am quite sure that my present amendment putting down certain conditions is certainly in order. Moreover, Sir, some of the conditions which I have suggested in my amendment are part and parcel of the legislation of several other countries where there is protective legislation for industries. For instance, I have suggested here that there should be some form of Government control over the industries which are protected by Government. If the Honourable Member will read the Madras State Aid to Industries Act, he will find that the Madras Government have put down certain conditions of this nature. In the same way, if the Honourable Member will read the legislation in Australia on this subject, he will find that the Australian Government make it a condition that any industry receiving protection must satisfy them that the labour conditions in that industry are satisfactory. I may quote several other instances in which with regard to any proposals for protection which are made, certain conditions on the lines which I have laid down are made. Therefore, I suggest that my amendment is in order. Moreover my amendment is supported by the ruling of one of your predecessors in the Chair when he allowed a proviso to be added that a certain amount of capital of the industry to be protected must be Indian and a certain number of directors of companies seeking protection must be Indian. I submit that my amendment is in order.

The Honourable Sir Charles Innes : I beg to point out, Sir, that my objection is based on clause 1 of the amendment.

Mr. President : I understand the objection of the Honourable Commerce Member refers only to Part 1 and that he does not object to the admissibility of Parts 2 and 3 of Mr. Joshi's amendment. I will confine myself, therefore, to the determination of the question whether Part 1 of Mr. Joshi's amendment is in order. In doing so, I have to take into consideration and pay due respect to the ruling of my Honourable predecessor of the 26th January 1925 on the discussion of the amendment of the Honourable Member from Bombay (Mr. Joshi) to the steel bounty Resolution. The Honourable Sir Frederick Whyte ruled that, as the original Resolution proposed a bounty to the steel industry as at that time constituted any further measures for nationalising, Indianization or treating in any other way the steel industry would have to be done under some other Resolution.

Mr. N. M. Joshi : I would like to be heard, Sir, before you give your ruling.

Mr. President : Order, order. The Honourable Member had his say already.

I take the effect of this ruling to be that the restrictions of this nature are impositions on the working of the industry itself and not properly restrictions on the grant of the bounty and that consequently, the proposal to impose such restrictions is outside the scope of the Resolution. With due respect to my distinguished predecessor I must confess I find the point difficult to appreciate. It appears to me that any amendment which operates as a restriction on the grant of the benefit proposed by the Resolution is a restriction on the Resolution and is therefore within the scope of the Resolution. This is a proposal to impose a duty

[Mr. President.]

on certain classes of paper coming from abroad and thereby to raise the cost to consumers in this country. The Members of this House, as representatives of the people, are entrusted with the care and the interests of the consumers, and I cannot agree that they should be debarred from attaching conditions to the grant of assistance to industries in this country by the imposition of a tariff.

There is only one other ruling to which I think fit to refer at this stage and that is a ruling in the case of Steel Protection Bill which was given on the 4th of June, 1924, by the Acting President, Sir Chimanlal Setalwad. That was a case in which the amendment before the House was an amendment requiring that at least $\frac{2}{3}$ of the capital invested in the business concerned should be Indian. The point was discussed at great length but I feel that it was in the end completely summed up by Sir Alexander Muddiman who remarked that the amendment in question was an amendment limiting the scope of the Bill and therefore was in order whatever its merits might be as an amendment. Sir Chimanlal Setalwad gave his ruling that that amendment really circumscribed the scope of the Bill and limited it to companies of a particular kind and that being the case he held that the amendment was in order. I consider that this ruling supports my view and I rule that Mr. Joshi's amendment which aims at limiting the enjoyment of the benefit promised by this Resolution to companies, labour conditions, in respect of which satisfy a certain standard, is in order.

Mr. N. M. Joshi : By my amendment* I propose, Sir, to raise a certain question of principle, and before I raise that question of principle I shall state very frankly my attitude towards the question of the protection of the paper industry. Sir, at the very outset I must state very clearly that like certain friends of mine, I am not a free trader. (Hear, hear.) I do not believe that a country like India can accept the principle of free trade as long as the other countries in the world have not yet given up their spirit of fighting against other nations and as long as they have not given up the spirit of killing the trade of other countries. (Hear, hear.) I therefore, Sir, stand very clearly for the protection of industries in our country. But, Sir, I do not approve of certain methods which the Government of India have so far adopted for protecting these industries. I believe that if the industries are to be protected without doing any harm to the people in this country, the first thing which Government should do is to nationalize the industry which they propose to protect. It is no good protecting an industry which is in private hands. If the industry is in private hands and you protect the industry, then when it makes profit it will usurp the profits to itself, and when the industry makes losses, it will come to the Assembly and to the Government for

* "That at the end of the Resolution the following be added :
' Provided—

(1) That the company receiving the assistance shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of the company are satisfactory.

(2) That the Government of India are given such representation on the board of directors of every company receiving the assistance as the Government of India may consider adequate.

(3) That the company receiving the assistance shall undertake to pay an amount to the Government of India out of the balance which may remain of the profits after the distribution of 8 per cent. dividend to the shareholders of the company, equal to the amount which the company may have received through the rise in prices of paper due to the imposition of the protective duty."

protection. Therefore the country as a whole loses, while only the few people who have money invested in these industries gain. I think, Sir, it is a wrong method which the Government of India have adopted in protecting industries in the country. Now, if the Government of India have to protect an industry and if they will not accept the principle of nationalization, I hold that they should at least give protection to the industries by means of bounties and provide that the amount of bounties should be repaid to the State as soon as the industry was in a position to repay those bounties. If the Government of India accept this principle, the country as a whole will not lose, because if the bounty is paid at a time when the industry is in a bad condition, at the time when the industry makes profits the Government of India will be able to recoup the money which has been paid to the industry. That would have been the second best course. But, Sir, the Government of India do not accept even the second best course. They adopt a course which in my opinion is most dangerous to the interests of this country, especially to the interests of the poor tax-payer. Knowing very well that if I propose an amendment for nationalization or for bounties, Sir, I may be ruled out of order, I have by my amendment adopted a course which in my judgment is only the third best course, that is, to put in certain safeguards in order that the interests of the tax-payer should be protected and in order that the interests of the workers engaged in that industry should also be protected. But I will make it very clear that although I have suggested certain amendments here, I consider the Resolution, even amended as I suggest, will only be the third best course for protecting the industries of the country.

Sir, by my amendment I have suggested that if an industry receives protection by the means which Government now propose, namely, by increasing the customs duties, then the capitalists will get a certain benefit by means of the rise in prices. The tax-payer in India will have to pay the increased price of the material, and therefore the tax-payer should be repaid the money whenever the industry makes profits over a certain limit. I have proposed in my amendment that if an industry which receives protection is able to give a dividend of 8 per cent. and has some balance left out of the profits, that balance should be paid to Government in order that the tax-payer should be given back the money which he has paid to the industry.

Sir, this is a very fair proposal. If an industry wants protection at a time when it is losing, certainly that industry must pay back the money to the Government whenever that industry is in a position to do so ; otherwise, it is the capitalists and the industrialists who will receive money from the country whenever they are making losses on the ground that the industry is a national industry and it is necessary to maintain the industry in the interests of the nation ; but when the industry makes profits, the industrialists will claim that it is a private industry and therefore they must be entitled to receive all the profits. Sir, this is not a very fair method of dealing with this question. The interests of the tax-payer must be protected and I have therefore made a suggestion in the third part of my amendment.

The second suggestion which I have made in my amendment is this that if an industry requires protection from Government and from the country as a whole, that industry must submit to the extent of the pro-

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tection to control by the Government ; otherwise the industry will not be properly managed and the country will suffer. When the country is asked to make a sacrifice for the sake of the industry, the country has a right to control the industry to the extent to which the country gives protection. That is my second principle. I do not think that anybody will quarrel with these principles. As I have already said, the Madras Act, called the State Aid to Industries Act, provides that if the Madras Government give a subsidy to an industry, the Madras Government shall have the right of representation on the Board of Directors of that industry. I suggest that the Government of India should also claim certain representation on the Boards of Directors of those companies which receive protection. It may be said that it would be very difficult for the Government of India to secure representation on the Boards of Directors of several companies ; but if an industry wants protection from the country that industry should make arrangements so that it may not be difficult for Government to be represented on the Board of Directors. Let the industry as a whole combine and then go to the Government for protection. But it is not difficult, I suggest, for Government to secure control over those industries which are protected ; otherwise the industry will not be managed properly. They will not be managed efficiently ; they will not be managed economically and they will be receiving protection at the cost of the country. I think, Sir, it is a very wrong principle. The principle which I have suggested has also found place in other legislation. As a matter of fact, the Government of India know this principle very well. The Government of India have helped the railway companies in India with their money and whenever they gave money and guaranteed interest to the railway companies they claimed a right to be represented on the Board of Directors of these railway companies. I cannot understand why Government do not ask for any control over the industries now to be protected, except the fact which I have mentioned several times in this House, that recently an alliance has come into existence between the Government of India and the capitalists, Indian as well as European, in this country to exploit the poor people here. Otherwise, I cannot understand why Government should not lay down a condition like this, a very reasonable condition which any Government will lay down ; similar conditions have been laid down by this Government in other cases.

Sir, there is another provision in my amendment, and it is this. If an industry is to be protected by the nation at a great sacrifice, all the people interested in that industry should be protected. In the first place, if an industry is to be protected by the tax-payers of India, it is necessary that the employees of these companies should be also Indians. The industry is not going to be protected by Indian tax-payers to find employment for certain Europeans.....

The Honourable Sir Charles Innes : I rise to a point of order. The Honourable Member, I submit, is travelling outside the scope of his amendment. He has said nothing in his amendment about Indianisation. Clause (1) refers purely to labour conditions.

Mr. President : The Honourable Member will confine himself to his amendment.

Mr. N. M. Joshi : I am not talking of Indianisation. I am talking of the condition of the employees in the companies which are receiving protection, and I say, Sir, that it is absolutely necessary that any company or any industry receiving protection from the Indian tax-payer must only employ employees who are Indians. As a matter of fact, if the Government of India insist upon it—and they ought to insist upon it—there will be a great saving made for the tax-payer in India. If the Honourable Member had read the report of the Tariff Board on this point, he would have known that the Tariff Board themselves say that if the employees of these companies are Indians.....

Mr. President : Order, order. I must say the Honourable Member is absolutely out of order. He has all along been talking of Indianisation, about which there is no reference in his amendment. He should strictly confine himself to the three distinct points raised by his amendment and not travel beyond them.

Mr. N. M. Joshi : My suggestion is that the labour engaged in these industries must be Indian and their interests must be protected. I have talked only of labour and I consider every labourer, every wage-earner is a labourer. It is only in that sense that I have used the word here and I have always used the word in that sense. However, leaving that aside, you will rule it quite in order, Sir, that I should say that it is necessary for the companies that receive protection that in the interests of the tax-payers they should economise and should show efficiency. The Tariff Board have already laid down that if these paper companies employ Indian employees, then they will make a saving of Rs. 12 per ton. In the interests of economy it is necessary that only Indians should be employed as employees of these companies.

Mr. President : If the Honourable Member persists in the same course, I shall have to ask him to resume his seat.

Mr. N. M. Joshi : All right, Sir, I will not raise that point.

My second point is this. When the Tariff Board make inquiries about the condition of industries, it sometimes becomes necessary for them to ask questions of the employees and of the labourers of these companies and I do not find anywhere in our legislation provision giving protection to these employees who have to make certain statements as regards the condition of those industries. I find, Sir, from the Tariff Board Act of Australia that the Tariff Board give protection to these employees who have to make certain statements which may be against the interests of the capitalists of that industry to make those statements without any fear of being dismissed. They are protected against dismissal by the Act itself. I want to know, Sir, whether the Government of India and the Tariff Board have taken any steps to see that the employees of the firms which want protection and into the affairs of which inquiries are made by the Tariff Board will be protected from dismissal by the employers or from being treated in any way to the disadvantage of the employees whenever they have to make certain statements to the Tariff Board about the affairs of that company. I feel Sir, that this sort of protection is absolutely necessary for the employees of any company the affairs of which are inquired into by a Tariff Board.

Lastly, I would like to say one word about what you interpret as the labour conditions. Sir, in any industry, there is the interest of the

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capitalists who invest money and there is the interest of the people who invest their labour and I may say their very life in an industry. I should like to know when the Tariff Board make inquiries into the conditions of an industry and decide whether that industry should receive protection or not whether they inquire into the labour conditions and find out whether those labour conditions in that industry are satisfactory. Here also, Sir, I may quote the example of Australia. In Australia, whenever any industry is given a bounty and is protected, Government lay down that that industry will not pay wages below a certain limit and the conditions there will be satisfactory. That is the way with all Governments. Even in England when Government want to give a contract to any company for anything, it lays down a condition that the company receiving the contract must give fair conditions of work to its employees. I do not know why the Government of India do not lay down such a condition. If the Governments of other countries have laid down such conditions whenever they have given certain kinds of protection and whenever they have given certain kinds of patronage to the companies asking for protection, I do not know why the Government of India do not lay down such a condition. If the industry is to be protected, let all the elements in that industry be protected. Let the capitalists be also protected; I am not against them. But if the capitalist is to be protected, certainly the interests of labour also should be protected. I know, Sir, that there are people here who always say, if an industry is not protected, where will the labourers go? They will be thrown on the street. And they sometimes express wonder why I ask for certain conditions to be laid down, when I know fully well that if an industry is not protected, the labourers will be thrown on the street. Sir, my reply to these people is this. I know that the capitalists know their interests very well. The capitalists want protection and they want certain sums of money from the Government for their industry. And, if the Government lay down certain reasonable terms as regards the labour conditions, the capitalists are not going to refuse protection. They will certainly accept the protection as well as give better conditions to the workers.

Mr. President : The Honourable Member is aware that we have a very heavy agenda to get through and his time limit is also up.

Mr. N. M. Joshi : I am almost concluding my remarks, Sir. In fact, this is the last point.

I therefore say that this is not the only alternative that the labourers will be thrown on the street if I lay down certain conditions. If I lay down these conditions and if the Government and the Assembly insist upon these conditions, I am quite sure the capitalists engaged in this industry will accept them. Therefore, there is absolutely no danger of the labourers being thrown on the street. Secondly, Sir, where is the guarantee that, even if you give protection, the labourers will not be thrown on the street? Those people who had studied the conditions as regards the retrenchment in the Jamshedpur steels works last year know very well that, even after protection, many thousands of labourers lost their jobs and at the same time 70 Europeans were employed. So, after all, there is no guarantee that even if you give protection to the paper industry, all the labourers in that industry will retain their jobs and some of them will not be thrown on the streets. Thirdly, Sir, I have studied this question

Mr. President : No "thirdly". The Honourable Member must resume his seat.

Mr. N. M. Joshi : This is the last remark, Sir.

Mr. President : The Honourable Member must realise that we have got a very heavy agenda to get through. Besides what the Honourable Member is saying is nothing new to the House.

Mr. N. M. Joshi : I, therefore, place my amendment before the House and appeal to the House that they should support my amendment because, if they support it, the interests of all will be safeguarded. The interests of the capitalists will be safeguarded because they will receive their protection, the interests of tax-payers will be safeguarded because they will get back their money, and the interests of the labour engaged in that industry will be safeguarded because the capitalists will have to produce a certificate that the labour conditions are satisfactory. I hope, Sir, that the House will accept my amendment.

The Honourable Sir Charles Innes : Sir, I propose, if the House will agree with me, that I should deal with my Honourable friend's amendment as briefly as I can. I think that everybody in this House must admire the pertinacity and, I may add, the sincerity with which Mr. Joshi moves amendments of this kind. But I am quite sure that the House will agree with me that the actual amendment proposed by Mr. Joshi is quite unworkable. Let us take the first clause of the amendment. I noticed that Mr. Joshi referred at some length to what they do in Australia and other countries. I also noticed that Mr. Joshi was extremely careful to say nothing or very little about this particular clause of his amendment. I will ask the House to observe that it is suggested that :

"The company receiving the assistance shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of the company are satisfactory."

Now, it is nowhere stated what that means. What is it that this officer is going to do ? We have got to have a separate officer for practically every mill in India. All we are told is that he has got to see that labour conditions are satisfactory. Does it mean that he has got to fix the wages ? Or does it mean that he has got to see to the housing accommodation of the labourers ? Surely, the House will see that there is a grave danger in having an officer of that kind. He may be regarded as a Government spy, and the danger is that he may set employers and employees by the ears. This is my main objection to this clause of the amendment. It is wrong in principle. It is wrong in principle for the Government to interfere in this vague way between the master and man instead of leaving them to work together as they should. That is my first objection to the amendment.

Now, the second objection is this. As I said, this officer has got to be appointed in every mill in India. Supposing one mill is reported to have its labour conditions unsatisfactory and the other mills are reported to have their labour conditions satisfactory, what remedy has Mr. Joshi proposed in such a case ? The only penalty could be to take away the protection. That is to say, because the labour conditions at one mill are unsatisfactory all the mills should be deprived of the protection which the Legislature thinks necessary for them. I do not think I need

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say more about clause 1. I hope the House will agree with me that it is entirely unworkable.

Then, again, take clause 2. The Government of India are to be given such representation on the Board of Directors of every company receiving the assistance as the Government of India may consider adequate. Mr. Joshi knows very well that at least one of the important companies making paper in India is a private company and has got no Board of Directors at all. How, therefore, can we provide for this measure of Government control on the Board of Directors if there is no board of directors. That shows that so far as the paper industry is concerned, clause 2 is not workable.

Finally, Sir, I come to clause 3, which runs as follows :

“That the company receiving the assistance shall undertake to pay an amount to the Government of India out of the balance which may remain of the profits after the distribution of 8 per cent. dividend to the shareholders of the company, equal to the amount which the company may have received through the rise in prices of paper due to the imposition of the protective duty.”

It is quite impossible to insert a clause like that. And, again, I submit that Mr. Joshi is on the wrong lines. What Mr. Joshi means is that we must protect the tax-payer. But, surely, the right way to protect the tax-payer in this matter is that as soon as the company's profits rise to a figure mentioned by Mr. Joshi, you reduce your protective duties and then take away the protection. That is the best way of benefiting the tax-payer. If we were to adopt Mr. Joshi's amendment, it would mean that we should impose protective duties in order that an uncertain sum should be paid back to Government. However we may admire Mr. Joshi's pertinacity and his sincerity in this matter, I think that the House will agree with me that this amendment is entirely unworkable. I oppose it, Sir.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Sir, when this amendment was first placed before the House my Honourable friend the Commerce Member began by saying that it was out of order. But, when he came to discuss the amendment after my Honourable friend Mr. Joshi has explained it, he says that it is unworkable. Well, Sir, the first objection which the Honourable the Commerce Member has put forward against this amendment is that it is very difficult for all paper industries of the country to unite in making the labour conditions prevailing in those industries satisfactory.

The Honourable Sir Charles Innes : May I rise to a point of explanation ? I did not say anything of the sort. What I said was that it was quite impossible to appoint an officer with these vague duties.

Mr. Devaki Prasad Sinha : With regard to the point about an officer, my Honourable friend says that we shall have to appoint spies and the appointment of spies will disturb the relations between the employers and the employees. Well, Sir, I do not know if Government think that all their Factory Inspectors are spies. I do not know if all the other officers that are appointed to safeguard the interests of the different sections are spies. It is only the Honourable the Commerce Member who has proposed this and I submit that he is only trying to create prejudice against this amendment by bringing in the names of spies and informers. The Government have an abundant supply of spies and informers. In this case, what we want is that they should have some

official who will look after the interests of those whose interests require looking after. Objection is taken on the ground that it is very difficult to see that paper industries all over India will look after the conditions of labour. If paper industries all over the country can join in a demand for protection, I do not see why they cannot organise and see that they deserve protection before they demand it.

Then the second objection of my Honourable friend, the Commerce Member, is that one of the companies that is going to be benefited by this measure of protection is a private concern. How are we going to insist upon Government having a representative on the Board of Directors of that concern? The proper remedy for that is that before giving a subsidy or protection or help to such a private concern we should insist upon its being transformed into a joint stock company or a limited company, so that Government may have a share in the management of the concern. I am reminded by my Honourable friend to my right that the Naihati Mill in its representation to Government promised to transform itself into a joint stock company. The amendment is therefore not unworkable, though it may be unpalatable to those who do not want to give anything in return for what they get from the tax-payers.

The principal object in putting forward this amendment is—to put it bluntly—that we should make full use of this moment of necessity for the employers, for the capitalists, and if at this moment of necessity we do not insist upon their giving proper facilities to the labourers working under them, we shall lose that opportunity for ever. If at this moment of necessity they are not going to listen to the demands for amelioration of the conditions of labour, they will not listen to such demands in the days of prosperity. Therefore we want that before we give help and assistance to any capitalists we must insist upon their safeguarding the interests of those whose interests it is their duty to safeguard. There is nothing unworkable, nothing revolutionary, nothing unconstitutional about this amendment. We only demand what is due to the tax-payer, what a man who comes to Government for help ought to submit to before Government agree to help him, namely, a certificate of good character. It is very necessary to have this, before we give assistance or subsidies to those that demand them. I therefore support this amendment.

Several Honourable Members : I move that the question be now put.

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question is :

“That at the end of the Resolution the following be added :

‘Provided :

(1) That the company receiving the assistance shall produce a certificate from any officer appointed by the Government of India for that purpose, that the labour conditions prevailing in the works of the company are satisfactory.

(2) That the Government of India are given such representation on the board of directors of every company receiving the assistance as the Government of India may consider adequate.

[Mr. President.]

(3) That the company receiving the assistance shall undertake to pay an amount 1 P.M. to the Government of India out of the balance which may remain of the profits after the distribution of 8 per cent. dividend to the shareholders of the company, equal to the amount which the company may have received through the rise in prices of paper due to the imposition of the protective duty."

The Assembly divided :

AYES—37.

Abdul Haye, Mr.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Khan Bahadur.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Bhat, Mr. K. Sadasiva.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghulam Abbas, Sayyad.
Govind Das, Seth.
Hans Raj, Lala.
Hari Prasad Lal, Rai.
Joshi, Mr. N. M.
Kazim Ali, Shaikh-e-Chatgam Maulv.
Muhammad.

Lohokare, Dr. K. G.
Majid Baksh, Syed.
Misra, Pandit Harkaran Nath.
Murtaza Sahib Bahadur, Maulvi Sayad.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Phookun, Mr. Tarun Ram.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Syamacharam, Mr.
Venkatapetiraju, Mr. B.
Yusuf Imam, Mr. M.

NOES—53.

Abdul Mumin, Khan Bahadur Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Ayyar, Mr. C. V. Krishnaswami.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Chalmers, Mr. T. A.
Chartres, Mr. C. B.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Das, Mr. B.
Dumasia, Mr. N. M.
Fleming, Mr. E. G.
Ghose, Mr. S. C.
Gordon, Mr. E.
Gordon, Mr. R. G.
Gour, Sir Hari Singh.
Graham, Mr. L.
Gurner, Mr. C. W.
Harper, Mr. K. G.

Hira Singh Brar, Sardar Bahadur Captain.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Kasturbhai Lalbhai, Mr.
Langley, Mr. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Mr. M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Mutalik, Sardar V. N.
Panduranga Rao, Mr. V.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vijayaraghavacharya, Diwan Bahadur T.
Webb, Mr. M.

The motion was negatived.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That at the end of the Resolution the following be added :

‘ Provided that every paper pulp or paper manufacturing concern shall satisfy the following conditions :

- (1) At least one-third of the capital of such concern is held by natives of India.
- (2) The concern is registered in India and has a rupee capital.
- (3) The concern takes a reasonable number of Indian apprentices to be trained in the art of paper and pulp manufacture.
- (4) At least one-third of the quantity of paper pulp produced is utilised for paper manufacture in India ’.”

This is an amendment, Sir, on a subject which we discussed at the time of the first Bill giving protection to industries. We as Indians were delighted when the principle of protection was accepted by this Government, and we thought Government had come in to aid the industries, and every one of us was jubilant over the proposal. But, unfortunately, we found that, with the introduction of the principle of protection, the necessary details of working the principle of protection were absolutely left out. It was, as it were, a half-hearted measure of protection. Those of us here who were eager to have protection, having seen what such proposals meant for the fair distribution of the benefits of protection, gave expression to the inadequacy of the proposals from Government and are unfortunately being taken as persons who desired to block the way of industrial progress. Sir, I have no direct interest either in the capitalists or in the labour organisations ; I look at this matter from the standpoint of the country. I maintain that, since the country is going to sacrifice something for the sake of having protection for industries, it is but fair that all the component parts of the industry should receive a fair distribution of the advantages of protection....

Mr. R. K. Shanmukham Chetty : If seven mills satisfy these conditions and three mills do not, what are you going to do ?

Dr. K. G. Lohokare : We have the legislation in our hands, and we are here to set it right.

Mr. R. K. Shanmukham Chetty : How ?

Dr. K. G. Lohokare : We shall sit together and find out. Sir, we have the same kind of measures of protection before us again. In the first Session of the Assembly I was compelled to suggest an amendment, and I am sorry to see when a fresh Bill has been brought in here no consideration has been given to the speeches that were then made regarding such proposals. Moreover, in this industry we find that there are companies who have been ready to manufacture pulp in India in order that it might serve the purpose of some foreign country. I could not find out from the Tariff Board's Report any provision by which they could prohibit such foreign concerns from taking advantages behind the tariff wall here. It is very well to say that if these foreign companies want the advantages of protection, let them be here for a while, but considering the amount of sacrifice that the country has to make, that the tax-payer has to make, it is questionable whether we should allow such a thing without having proper provisions in the Bill which is before us. I find in these proposals again no fair distribution of the advantages of protection either to the consumer or to

[Dr. K. G. Lohokare.]

the capitalist or the labourer or to the industry itself. If the industry has to be developed, all such component parts have to be attended to. I wish at least that some of the provisions I have suggested in my amendment should find room in the Bill when it comes before the House for final disposal.

The Honourable Sir Charles Innes : Sir, I think the House will remember that the exact question raised by Dr. Lohokare was discussed at very great length in regard to the Steel Protection Act. The result of that discussion was embodied in section 5 of that Act, and the House will remember that we definitely confined conditions of that kind to firms not already engaged in the manufacture of steel at the time when the Act was passed, who were in receipt of bounties. It was put in that form because the House recognised quite clearly that it would be impossible to impose these conditions where the assistance you give is merely tariff protection and not a specific bounty. As my Honourable friend Mr. Shanmukham Chetty said, how on earth are we to enforce conditions of this kind ? As Mr. Shanmukham Chetty said, supposing one firm does not carry out those conditions and seven do, what is your penalty to be ? Are you going to withdraw the protection from the whole industry ? Dr. Lohokare's amendment, I submit to the House, is quite unworkable.

Now, I would point out Dr. Lohokare that because of the desire expressed in the debates on the Steel Protection Bill, we appointed a committee to go into the whole question of the flow of external capital into India, and the committee's report is now in draft. In a very short time I hope it will be available to Members of this House. There the whole question has been discussed and I hope Dr. Lohokare will accept my assurance that this amendment is quite useless, and that, in view of the fact that in a very short time the House will be in possession of this report, he will withdraw his amendment.

Dr. K. G. Lohokare : Will the decision of the House which is reached on that report be binding on this Bill, on this industry ?

The Honourable Sir Charles Innes : Not on this Bill.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I feel very little need be said to show that the House cannot at this stage accept this amendment of Dr. Lohokare, but, Sir, I cannot help sympathising with Honourable Members like my friend Mr. Joshi and Dr. Lohokare, who raised questions of a similar nature more than a year back when the Steel Protection Bill was before the House. The division that you declared a few minutes back shows what percentage of Members of this House sympathise with the sort of scheme which my Honourable friend Mr. Joshi put forward before this House, saying that according to him his scheme was one which would benefit those interested in the industry concerned, secondly, it would benefit also the tax-payers because he said they would get back the money, and thirdly also benefit labour. If there was anything in this ideal scheme of my Honourable friend Mr. Joshi I feel that Government should, in view of what happened a year back, have before now put before the House some sort of means by which a comprehensive scheme of the primary conditions entitling an industry to protection could be discussed and decided upon by this House. This measure is the second of its nature by way of protection which is

being submitted by Government for the sanction of this House. I very strongly feel that a good deal of misapprehension and a good deal of misunderstanding which could have been avoided is being continued by the House not being given an opportunity of deciding what it considers to be the primary necessities entitling any industry to protection from the State. I am quite aware that on the score of the flow of capital from outside behind what is known as the tariff wall created at the expense of the consumer in India a Committee was appointed by Government last year. More than 15 months have passed by and we are now told that the report of the Committee will soon be available. Surely, Sir, it should have been considered very advisable to make that report available to this House before it was asked to vote on protection to another industry.

The same applies to my mind to the case of labour and I cannot help saying that if the House feels that those who claim protection at the expense of the tax-payer should also agree to a certain standard of treatment of labour, I at any rate cannot help sympathising with them. In order therefore to avoid such differences of opinion as appear to-day—and one is very pleased to see that the difference of opinion after all is concerned not with the principle of protection being made available but regarding the details of what would be the necessary conditions entitling an industry to protection,—I say, Sir, that on this very important score it would be only fair to this House that the Government should have a sort of comprehensive scheme devised by which these questions may be settled one way or the other before another measure of this nature comes before this House. I am sure Dr. Lohokare himself does not expect this House to vote on his amendment carrying it ; but I feel it is very necessary that there should not be repetitions of similar amendments on further questions of protection and that Government should give the House an opportunity, by moving a Resolution themselves, by which the House can satisfy itself by appointing one or more committees to consider and decide once for all questions of the nature raised to-day. With these words, Sir, I would make it clear that, if Dr. Lohokare presses his amendment to a division, I will vote against it.

Several Honourable Members : I move that the question be now put.

Dr. K. G. Lohokare : Is there any reply coming from the Government Benches ?

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question I have to put is that at the end of the Resolution the following be added.....

Dr. K. G. Lohokare : Sir, at this stage.....

Mr. President : Does the Honourable Member desire to make a speech ? If he wishes to withdraw his amendment, he can do so in so many words. There need be no speech on it.

Dr. K. G. Lohokare : I am withdrawing it, but I wish just to give the reason for my withdrawing it.

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

Mr. President : The question is :

“ That the following Resolution, as amended, be adopted, namely :

“ This Assembly recommends to the Governor General in Council that assistance be given to the bamboo paper and paper pulp industry in India by the imposition until the 31st March 1932 of a specific protective duty at the rate of one anna per pound on all printing papers (other than chrome, marble, flint, poster and stereo and supercalendered paper imported in reels) which contain less than 65 per cent. of mechanical wood pulp and on all writing paper ’.”

The motion was adopted.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL.

The Honourable Sir Charles Innes (Commerce Member) : I move, Sir, for leave to introduce a Bill to provide for the fostering and development of the bamboo paper industry in British India.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : Sir, I rise to oppose the introduction of this Bill. It has become almost a habit in our public life that we are apt to treat economic matters in a very superficial manner. The great need to my mind is that we should bring to bear upon a subject of this importance all the scientific thinking that we can command. Honourable Members here, Sir, have been heard relating their experiences and discussing this question from the point of view of pure anecdotage. You cannot determine the operations of economic law or the great principles of political economy by reference to stray conversations about the price of turnips with your village green-grocer. That is not the way, I submit, Sir, to discuss an important matter of this kind. The question is a very simple one. What is it that we are being asked to do ? To-day we have in India 9 paper mills. Out of 9 paper mills there are 5 which produce practically the total amount of paper being used in this country. They are the most important mills and I venture to say that these 5 mills are mostly European owned. Now if the report is carefully read you will discover that the paper mills do not need protection, that the policy of protection which is being advocated is said by the report itself to be a policy which is not in consonance with the principles laid down by the Fiscal Commission. In spite of all that, it is discovered that there is a particular kind of mill producing paper from bamboo pulp, and in order to protect that particular mill, the policy of protection must be advocated for the whole of India. That in brief is the verdict of the wise economists of the Tariff Board. 33,000 tons of paper are produced in India. Out of this, 2,750 tons are produced by this particular mill from bamboo pulp mixed with wood pulp. Now, it has been declared by the Tariff Board that these other mills which produce nearly 30,000 tons of paper in India do not satisfy the principles laid down by the Fiscal Commission and that therefore the policy of protection advocated for these mills is a policy which we should not accept. Illogically enough, they go on to state that we must protect this industry anyhow because there is a probability—not a certainty—but a probability, that these mills which are producing paper may cease to produce paper in the near future. Now the question that I want to draw the attention of the House to is this, that you have advanced reasons here in this House for the protection of paper which to my mind appear to be absolutely fallacious. I see no reason why the tax-payer of this country should be burdened in

order to support a certain number of mills which have been in existence—not for a few months, not for a few years, but for nearly half a century. A policy of protection if it is to be advocated—I do not agree with that statement—but if it is to be advocated, it must be advocated, protectionists tell us, for nascent or infant industries. That is the right principle of the matter according to them ; but in this particular case these industries are really grey-bearded and grey-headed industries ; they are not nascent industries ; they have been in existence, as I said, for nearly half a century. The question is very clearly stated in the Report of the Tariff Board. Here I ask your permission to read a few lines from pages 84 and 85 of the Report : they say in the first paragraph :

“ The existing paper mills which use *sabai* grass do not satisfy the conditions laid down by the Fiscal Commission and their needs are therefore irrelevant in considering the claim to protection.”

If this is the verdict of the Tariff Board, why should the Tariff Board have gone to state with a passion for illogicality that this protection that we are giving to paper produced from bamboo pulp must also apply to those mills that are using *sabai* grass ? If their needs are such that the matter is absolutely irrelevant to the discussion we are holding here to-day, why should the Tariff Board or Government or anybody else advocate a policy of protection for the mills which use *sabai* grass ? All that I can see is this, that for the sake of protecting the production of 2,750 tons of paper in this country you are levying a duty from the people of this country which amounts to a total of about 21 lakhs of rupees, and that the benefit of this duty will go, not to further the interests of this country at all, but to further the interests of a monopoly which at the present moment happens to be in the hands of European firms. (*An Honourable Member* : “ Question.”) If you wanted to protect the paper industry in this country following the suggestion of the Tariff Board you could have given it loans, because the great need at the present moment is capital. There is a mill in the Punjab to which the Honourable the Commerce Member referred the other day which wants capital. The Tariff Board say that that particular mill has every advantage that this country can give it for the starting of the paper industry and yet you are not giving it any assistance of any kind. That mill, an Indian mill, cannot come into existence unless and until the proper amount of capital has been raised in the country. It could easily be done by the State taking over such concerns. But that particular subject has not been faced and under cover of the plea that the paper industry is in peril we are presenting to-day the monopolist paper mill owners in this country with a protective duty which will give them the advantage of a bonus of Rs. 21 lakhs per year. I am entirely against any such principle.

Then again, Sir, the second question that arises is this.....

Mr. President : The Honourable Member must be aware that this is a motion for leave to introduce the Bill and he has no right to speak for more than ten minutes, which he has already exhausted.

Mr. Chaman Lal : I agree with your statement, Sir, that I have only ten minutes on the introduction of the Bill and since that is so I shall reserve my remarks for a subsequent occasion when the Bill is taken into consideration.

Mr. President : The question is :

“ That leave be given to introduce a Bill to provide for the fostering and development of the bamboo paper industry in British India.”

The motion was adopted.

The Honourable Sir Charles Innes : Sir, I introduce the Bill.

The Honourable Sir Charles Innes : Sir, I move :

“ That the Bill to provide for the fostering and development of the bamboo paper industry in British India be taken into consideration.”

The only point I have to make is that this Bill carries out the Resolution which has just been unanimously passed by the House.

Mr. Chaman Lal : With this interlude, Sir, I resume my speech. As I was saying, the second question which arises is this. For the sake of protecting one particular mill producing 2,750 tons of paper from bamboo, we are actually imposing a serious burden on the poor people of this country. As far as this particular Bill is concerned, if Honourable Members will only read the Report of the Tariff Board they will discover that there is no finality as far as the production of paper by this particular mill is concerned. The whole affair is in an experimental stage ; nothing has been decided—it has not been proved that you will be able to run this particular mill, which produces paper from bamboo pulp, on a commercial basis. It will take years according to the Tariff Board Report itself before any definite opinions can be passed upon the activities of this particular mill. Indeed, for a matter which is in an experimental stage, for a matter which one does not know whether it is going to be a success or a failure, for a mill which is producing only 2,750 tons out of a total of 33,000 tons, we are bringing in the principle of protection for the whole country. The indirect effect of that will be that whereas the Tariff Board say that assistance should be given for a specified concern only, you are actually, by passing this Bill, giving protection to all mills producing paper. I see no justification whatsoever for placing these burdens on the people of this country. Protection in itself is an evil—everybody must grant that ; even those who are very protectionist in their views grant that protection is needed only for a certain period. The Tariff Board recommend that you should give protection for a period of five years : the Government go beyond that and say that you must give protection for seven years. But I venture to say that with these conditions prevailing there will be no end to the period of protection. Even according to the findings of this Report conditions are not likely to arise which may change the verdict arrived at by those who are protectionists as regards the protection of the paper industry in India. No reason has been advanced, no argument has been given why this particular protective duty should not even after the expiry of seven years continue for another seventy years. I submit, Sir, that the principle of protection is admittedly this that protection should be not permanent, but that it should be ephemeral, that it should last only for a certain period, that it should last for the purpose of supporting and sustaining a particular industry. In this particular case I venture to say that no facts have been given to us to prove that this paper industry is not likely to subsist or be kept alive or even to thrive if protection is not granted to it. As far as the general principle of protection is concerned, I am not going to weary the House.

with the old arguments which those who take an interest in the matter must be fully aware of. But let me for a moment give you the opinion of a very high authority on the subject. Talking of the United States, Sir Josiah Stamp says :

“ But even so, it is not improbable that the States would have had practically a free trade history if it had not been for the Civil War, with the revenue tendencies it started, and the interests it set up.”

As far as the question of the general welfare of the people is concerned, it has been advanced as an argument that the interests of the country will suffer if this particular industry is not protected. I want Honourable Members to remember that the interests of a few monopolist capitalists are not coincident with the interests of the general mass of the people. That is a mistake which Honourable Members over and over again make because it is obvious that every capitalist thinks that he himself is the country. Dr. Marshall, the great economist, said :

“ Unfortunately the experience of many centuries shows that a policy which will confer a considerable benefit on each of a compact group of traders or producers, will often be made to appear to be in the interest of the nation ; because the hurt wrought by it, though very much greater in the aggregate than the gain resulting from it, is so widely diffused that no set of people are moved to devote much time and energy to making a special study of it. Its advocates speak with zeal and the authority of expert knowledge. But they are bad guides, even if unselfish and perfectly upright ; for a policy that makes their peculiar profit is invested in their eyes with a deceptive glamour.”

But I have no doubt that the Honourable Members claiming protection now have learned nothing and forgotten everything.

Then again Dr. Marshall asks, “ whether a greater national income badly distributed is a boon ”. That is the question which we have to consider. That is the main point, Sir. The interests of the capitalists in this country are not coincident with the general interests of the masses, and yet you are advocating protection for the benefit of a few and to the detriment of the many. It is said that there are quite a few capitalists who happen to be foreigners, but yet I find Honourable Members who are oftentimes indignant because they find that industries in India are going out of their hands into European hands, getting up and telling us in this particular instance that they consider the interests of their country are at stake. Sir, when they say that the interests of the country are at stake, the interests as a whole of this country must be considered, I mean the interests of the masses, and not the interests of a few individual capitalists.

Again, Sir, another argument has been adduced, and that is the question of the key industry. Now, paper does not happen to be the key industry—except in so far as it is the key to the dissemination of false information through newspapers. This is what a great economist says about this key industry question :

“ I need not labour the key industry question, and I think that, if a matter is so vital to a State as to be protected on this ground, its risks and profits should not be left entirely to private persons even behind a tariff wall, but that the State should take its share of the capital involved, so that the tax-payer may, in the event of profits, participate in them, as against any burden he may assume as consumer.”

Sir, the proposition was put before the House that in any protection or assistance to be given to this industry, the interests of the Government, as representing the people of this country, must be safeguarded. But, Sir, while I find that Honourable Members are quite prepared to give

[Mr. Chaman Lall.]

assistance to capitalists, they do not reckon the consequences of that assistance to the workers and consumers in this country, in so far as their interests are concerned.

Then the last argument was that this is an infant industry. I have already said that paper is not an infant industry. It has made tremendous profits during the War. Therefore, no question of protection can at all be raised. During the War they had the unnatural protection of the submarine and the commercial blockade. But now the question of protection is raised, after those interested in the paper mills have made enormous profits during the War, because they feel that those profits are not going to be on the same level as the profits made during the War. Here is the evidence of another economist on the question of the protection of infant industries :

"The protection of infant industries is the one case of protection which is held to be theoretically justified by practically all parties, but by no means all agree that the same result cannot as well be obtained by other methods, such as direct subsidies. The whole matter is so conspicuous for the thoroughness with which it has been worked out in theory in the text-books rather than the extent to which it has been illustrated either by them or in real tariff history."

That is the position, Sir. Now, take the paper industry as it is in India to-day. What are the difficulties that it is faced with? We have got in evidence that, as far as the bulk of the paper that comes to this country is concerned for purposes of newspapers, there is no possibility of any competition arising from the activities of the Indian paper mills in this country. But there is an enormous difficulty, and that difficulty has been very clearly pointed out by the Tariff Board. They say that the great trouble is that Indian paper mills have not been as efficiently managed as they should have been. That trouble is not that they could not make decent profits during the past 40 or 50 years, but that they have been negligent of their own interests. They have been so ignorant as to the real possibilities of the paper industry that they have gone in for immediate profits without looking to the future. First of all, the charge levelled by the Tariff Board is that the paper mills in this country have not learned the advantages of diversification in production. That is one of the charges levelled by the Tariff Board against these mills. The second charge which is levelled is that of bad quality of paper, and the third charge, of which we have heard many echoes in this House, is that of an expensive establishment. Most of these mills, as I said already, most of the important mills are European mills.....

Sir Darcy Lindsay (Bengal : European) : May I know, Sir, what mills the Honourable Member refers to as European mills?

Mr. Chaman Lall : I think the Honourable Member is perfectly aware that the Titaghur and Naihati Mills are entirely in the hands of the Europeans. He further knows that most of the important mills manufacturing paper.....

Sir Darcy Lindsay : I question this, Sir. There are three mills that are managed by European firms. I should say that the bulk of the shareholders in those mills, with the exception of the Paper Pulp Mill, which is a private company, are Indians.

Mr. Chaman Lall : Sir Darcy Lindsay says that the bulk of the shareholders are Indians. I challenge his authority, Sir. I challenge his authority to deny the fact that the most important mills in India are European mills. Further, I challenge his authority for his statement that the Naihatti Mills, for whose benefit a duty is imposed, is not an entirely European or private concern. It is in this very vague fashion.....

Sir Darcy Lindsay : I should like to point out.....

Mr. President : I cannot allow the interruptions to go on, but if the Honourable Sir Darcy Lindsay wants to say anything, he will have his opportunity.

Mr. Chaman Lall : You have here a representative of one of the paper mills (Sir Willoughby Carey). He realised that he should not vote on this proposition, but he spoke. But I ask him whether it is not a fact that the most important paper mills in this country are European mills. It is very easy to hoodwink the public by saying that a good part of the capital of the mills comes from Indians. I do not want to argue that point at all. I am not standing here for the purpose of introducing any question of racial discrimination. I know that capital has no country. Capital has no national boundaries. I am not concerned whether the capital comes mostly from Europeans or Indians. The difference in my mind lies in this, whether the people of my country are going to be taxed and exploited for the benefit of either Indians or foreigners under any system of protection. That is the main question.

Now, Sir, I will come to this point, that the trouble in the paper industry is the trouble of mismanagement, of high salaries and bad technical knowledge, and the trouble which arose during the War, namely, that these mills made enormous profits during the War, whereas now they are unable to keep pace with those profits. I do not think this House would be justified in helping these people out of their difficulties. It is not right, Sir, that for the sake of a few capitalists, the representatives of the people of this country should be asked to take the money out of the poor because in this case the rich is the bargainer. It is robbing the poor Peter to pay the rich Paul. (Laughter.) It is a joke which you, Sir, I am sure, will appreciate. I do not see any reason whatsoever for granting any protection to this industry because some Honourable Members ask for it in the name of national prosperity or in the interests of their country though it is for their own interests. I welcome the remarks of my Honourable friend Sir Purshotamdas Thakurdas. But, Sir, he is one of the few capitalists in India who has no conventional bias in his mind when he comes to discuss this matter.

Mr. K. Ahmed : How do you know it ? (Laughter.)

Mr. Chaman Lall : Now, Sir, I come to the question of the support that has been asked for. I hold in my hand a telegram which arrived two days ago from a gentleman who is supposed to be a great supporter of the workers, but whose past is a very doubtful past, a gentleman who is very well known to the Government and possibly very well known to the Home Department. I challenge this gentleman's *bona fides* in asking Honourable Members of this House to support this Resolution because he alleges labour will suffer. "Kankinara Labour Union requests you support this Bill labour will lose jobs. Roy Chaudhury". Everybody knows him, Sir. I say Sir, this is nothing else but blackmail. I am

[Mr. Chaman Lall.]

sorry to say that a gentleman should have been put up by the employers to do this sort of thing. I wish Honourable Members would examine his record. Such statements do not frighten me, Sir. I who stand here to fight for the cause of the worker am not going to be frightened if it is falsely alleged that a few of these workers are going to lose their jobs.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadian Rural) : May I inquire, Sir, if the gentleman named by Mr. Chaman Lall had said something about Mr. Chaman Lall in the local Council, how would he have liked it without a chance of replying to him ?

Mr. Chaman Lall : I have said in public, Sir, and I say again that if this gentleman has any cause to complain, he has got the remedy in his hands (Hear, hear). Sir, I say definitely here now that I do not believe that a single worker in my country is going to lose a single job if this protection is not granted to the paper industry. (*An Honourable Member* : " Does the Honourable Member mean to say.... ") You will have your say, Sir. It is nothing else but pure bluff and bluster to try and frighten us into granting protection. The position is perfectly simple. If you read the Report of the Tariff Board properly and carefully, you will find that their verdict is that as far as the major portion of our mills is concerned, no protection should be given, and that as far as this particular mill, the Naihati Mill, is concerned, which produces only 2,750 tons of paper, we must protect it because it is in an experimental stage and because we ought to find out the possibilities of this particular new process for the manufacture of paper. That is all. Sir, is there no other way of finding out the possibilities of this process ? It would take years to put this process on a permanent basis but when that permanent basis has been arrived at, you will then be in a position to find out the possibilities of paper manufacture from bamboo pulp and whether that method is necessary and essential and commercially sound for the purposes of this country. That is the position. I say, there is no justification whatsoever for the imposition of this general burden upon the poor people of this country for the sustenance of an experiment. You are protecting not paper but actually ignorance by passing this Bill. Honourable Members who jibbed at my Honourable friend, Mr. Devaki Prasad Sinha, the other day rightly called him a Socialist and were amazed. There is an old anti-Jacobin Poem which correctly describes their position to-day—regardful of the rich, indifferent to the poor, adding burden upon burden and calling with amazement to be delivered from those who might lead them out of their difficulties. Here is a variation of it :

" Again the Taxing-man appear'd
No deadlier foe could be ;
A Schedule—' Times of India ' length
Within his hands bore he."

Saying—

" Let India's youth unite in arms,
And every capitalist hand
With honest zeal subscribe their mite
To save their Native Land !
God bless us all from factious foes,
And Devaki Sinha's hiss
And grant the Lord may never make
Another socialist like this."

(*Cries of "Divide, divide."*)

The Assembly then adjourned for Lunch till Five minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President in the Chair.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

" I am directed to inform you that the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export, which was passed by the Legislative Assembly at its meeting held on the 3rd September, 1925, was passed by the Council of State at its meeting on the 14th September, 1925, with the following amendment :

In clause 12 (2), sub-clause (a) of the Bill, for the word and figure ' section 4 ' the word and figure ' section 3 ' were substituted.

2. The Council of State requests the concurrence of the Legislative Assembly in the amendment."

Sir, I lay on the table the Bill as amended by the Council of State.

THE BAMBOO PAPER INDUSTRY (PROTECTION) BILL—*contd.*

The Honourable Sir Charles Innes : Sir, I notice that Diwan Chaman Lall is not present. I have very little to say in reply to his very eloquent speech. I must confess that I welcome speeches of this kind in debates of this kind, for, I think, it is most essential that these important questions of protection should be discussed from every single point of view. But the only point I have to make in regard to the Honourable Member's speech is that I think it would have been better if that speech had been made on the Resolution and if he had not waited until the Bill was moved, for the very reason why I have adopted this procedure of proceeding by a Resolution and following it up by a Bill was in order to open the whole question of the report of the Tariff Board for discussion of the House and that there might not be any more restrictions, which would be inevitable in the case of a Bill, on full and free discussion of this matter. The position as I see it is this. Only this morning the House committed itself to the Resolution which has just been passed. Now, the Honourable Member who has just spoken has asked the House to reverse that decision and I am quite sure that the House will not place itself in that extremely awkward position.

Mr. President : The question is :

" That the Bill to provide for the fostering and development of the bamboo paper industry in British India be taken into consideration."

The motion was adopted.

Mr. President : The question is :

" That clause 2 do stand part of the Bill."

Sir Hari Singh Gour : Sir, I have an amendment.

Mr. President : The Honourable Member has no amendment on clause 2.

Sir Hari Singh Gour : I have an amendment on the Preamble, Sir.

Mr. President : The question is :

“ That clause 2 do stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is :

“ That the Schedule do stand part of the Bill.”

The motion was adopted.

The Schedule was added to the Bill.

Mr. President : The question is :

“ That clause 1 do stand part of the Bill.”

Sir Hari Singh Gour : I have an amendment on that, Sir.

The Honourable Sir Charles Innes : Sir, I rise to a point of order in reference to this amendment. As I have just explained, on the Resolution I took no points of order and that was in order that the whole Report of the Tariff Board might be open to discussion by the House. I submit, Sir, that the amendment in the name of Sir Hari Singh Gour is out of order, because it enlarges the scope of the Bill. It is perfectly true that the Schedule to the Bill applies to all kinds of paper, but the Bill has definitely been drawn as a Bill for fostering the bamboo paper industry in India, and there is a real point of substance here. If the experiments that the Bill is intended to give scope for are not carried out, I reserve the right within a reasonable period to come and suggest that the Bill should be repealed. The Honourable Member is now enlarging the scope of the Bill to take in not merely bamboo paper, but all kinds of paper. I submit, Sir, it is out of order.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, my amendments do not enlarge the scope of the Bill for the following reasons. When the general discussion on the Bill and on the Resolution of the Honourable Sir Charles Innes took place, Sir Charles Innes distinctly gave this House to understand that the imposition of the import duties would benefit the paper industry of all kinds, whether it is the bamboo paper, or paper pulp or grass paper industry. It is on that assurance that we have passed the Resolution confirming the Honourable Sir Charles Innes' motion, and it is on that understanding that we are prepared to pass this Bill. The Honourable Member is well aware of the fact that he gave this assurance to the House, and in view of that assurance the amendment I propose to make is merely verbal.

Mr. President : There are a number of amendments of a similar kind on the paper. It seems to me that, although these amendments do not affect the operative portions of the Bill, there is no doubt that they commit Government to an extended policy of protection in regard to all kinds of paper. That being my view, I rule that all these amendments are out of order.

The question is :

“ That clause 1 do stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

Mr. President : The question is :

“ That this be the Preamble and Title to the Bill.”

The motion was adopted.

The Preamble and Title were added to the Bill.

The Honourable Sir Charles Innes : Sir, I move that the Bill to provide for the fostering and development of the bamboo paper industry in British India be passed.

Sir, in moving that motion, I should just like, with your permission, to refer to an amendment which is down in the name of Mr. Dumasia, who is not present here. Mr. Dumasia proposed an amendment the other day regarding super-calendered paper. That amendment, I explained to the House, put me in a great difficulty, because I had been taken by surprise, and with that tendency to subordinate my own opinion to that of others, which has always been my defect, I left the decision in that matter to the House. Since then I have had a great number of telegrams from various parts of India. Some paper mills have pointed out that they can make this paper. But the thing that really impressed me is that I have had telegrams from Allahabad and from Madras saying that, if this amendment is allowed to be inserted in the Bill, it would place certain papers in an unfair position in their competition with the *Times of India Weekly*. I have had the advantage of discussing this matter with some of my friends opposite and we have

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arrived at an agreement. I will explain what that agreement is. I have given an undertaking

to these Members and I will repeat it here. I will have the whole question of super-calendered paper, whether in reels or not, carefully examined and I will place it before the Commerce Department Departmental Advisory Committee ; and if we arrive at a decision that we should make some exception in favour of this super-calendered paper, then I will undertake to include the item in a small Tariff Bill which, in all probability, I shall have to place before the House next Session. If the decision is against doing anything, then I will inform the House of the decision we have arrived at. I must express my acknowledgment to my Honourable friend Mr. Dumasia, whom I see opposite, for having agreed to this suggestion. I have made this explanation and I move that the Bill be now passed.

Mr. N. M. Dumasia : Mr. President, in view of the explanation given by the Honourable the Commerce Member, I withdraw this amendment.

Mr. President : No question of withdrawal arises. (Laughter.) The Honourable Member has not moved any amendment and he was not in the House when the clause was considered.

Mr. N. M. Dumasia : Then all I can say is that I am helpless and I accept the arrangement, as I promised it to the Honourable Sir Charles Innes.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muham-madan Rural) : Sir, before this Bill is finally placed on the Statute-book, I desire to draw the attention of the House to the fact that the final form in which this Bill appears is not as satisfactory as some of us would like it to be. It has now become very familiar to us that

[Mr. M. K. Acharya.]

the Government are always ready to accept those recommendations that suit them or those parts of the recommendations only that are to their advantage, and reject unceremoniously any recommendation or any part of a recommendation that is not to their advantage. So, it has been in this case. The Tariff Board made a recommendation consisting of two parts, one of which has been to the advantage of the Government and therefore has been very readily accepted. But that part which has not been so much to their advantage has not therefore found a place either in the Resolution moved by the Honourable the Commerce Member or in the Bill which he has now put before the House. I therefore wish that, while finally voting on this Bill, we should vote with a full knowledge of what the Government have practically done in the matter. The Government have imposed a protective duty which means that they have asked us to agree to the consumer paying more hereafter for the paper that he will require than he has been paying hitherto. The recommendation of the Tariff Board was slightly different, as we already know ; because we have discussed that. I wish once more to emphasise the fact that we all feel very sorry that the Government have not been prepared to accept even the very reasonable suggestion that they should investigate further any case that might be made out for giving any additional impetus in the way of subsidies or loans or other financial help to this industry, before it can become a very thriving and prosperous national industry. This Bill only proposes to put on a tariff duty which will bring to the coffers of the Government an additional 21 lakhs of rupees according to the estimate of the Tariff Board. It is, of course, a very pleasant thing to have more money in the Government coffers. But what is going to be done with the 21 lakhs ? How it is going to benefit any of the various concerns in India that are engaged in paper making, is a thing which is very problematic. I still hope that the door has not been closed, and wiser counsels will prevail. I appeal particularly to the Commerce Member, and to the Honourable the Finance Member, who, of course, is going to get the additional sum of money in the form of additional customs. I appeal to them whether it is not possible, in the light of any further investigation that may be made either by the Tariff Board or by any other expert Committee, that some portion of this additional revenue that they are going to get on the imported paper may not with advantage to the nation and to the industry concerned be given in the form of financial help to some of those that may need and may deserve the help required under conditions that may be devised hereafter. I refer, therefore, once again to the amendment which was discussed in this House and which the Honourable the Commerce Member and the Honourable the Finance Member chose very unfortunately to oppose, and get defeated by this House. I therefore, once again wish that it should not be taken that the final word has been said upon this matter ; and, if hereafter a good case is made out for financial help to any good national concern engaged in the paper industry, I hope the Government will consider the case of such a concern and will make it possible for them to come to the help of such a concern ; otherwise I do not believe that many of us will be at all supporting this Bill with a good will and easy conscience. It looks as if we are simply paying for nothing at all. On the other hand, if we are sure that some real help

will be given to any struggling industry, we may feel more happy and more ready to vote for the Bill before us. As it is, we are very sorry that Government have not been as reasonable as we should have expected them to be. With these words, Sir, I support the Bill.

Sir Hari Singh Gour : I also wish to join my Honourable friend, Mr. Acharya, in expressing my regret that, while I should vote for the passage of this Bill, I shall not do so with an easy conscience because I see before me a Resolution moved by the Honourable Sir Charles Innes which is worded, as the Honourable Members are aware, in the following terms :

“ This Assembly recommends to the Governor General in Council that assistance be given to the bamboo paper and paper pulp industry..... ”

Now, Sir, as I understood this Resolution, I thought that there was no clear enunciation of policy pinning the Government down to giving the assistance merely to the bamboo paper industry. And in the course of the debate, when we raised this question as to whether the Government were enunciating their policy in favour of bamboo paper and excluding the possibilities of development of paper from other pulps such as fern, grass, etc., the Honourable the Commerce Member assured this House that the imposition of the import duty would not prejudice the other industries engaged in the manufacturing of paper in this country. That, Sir, gave me the necessary assurance and I thought that the Resolution would be followed up by an Act which would be either equally committal or equally non-committal. And, when I found, Sir, that there was a difference between the Resolution moved by the Honourable Member, and acceded to by this House, and the Preamble and section 1 of the consequential Bill, I tabled two amendments of which the House knows. These amendments have been ruled out of order, but I still hope that the Honourable the Commerce Member will reiterate the position he took up the other day when he said that there was no intention to help any particular class of industry and that the imposition of the import duty would benefit the paper manufacturers generally, whether that manufacture is confined to bamboo paper or bamboo paper pulp or paper from grass or other forest produce such as wood pulp, of which I understand there is abundant raw material in the forests of this country. I submit that the Honourable the Commerce Member should not pin down the issue to this that this Bill should not be confined merely to the subvention of the bamboo paper industry. I hope, Sir, that better counsels will prevail and if the Government are convinced that those industries, which do not make paper from bamboo pulp alone, are deserving of Government support, such support would be forthcoming. On these grounds, Sir, I ask the Honourable the Commerce Member to make a statement which should allay the doubts which exist not only in my mind but also in the minds of the co-authors of similar amendments which have been ruled by you, Sir, as out of order.

The Honourable Sir Basil Blackett (Finance Member) : Sir, Sir Hari Singh Gour has much too acute a mind to have any doubts on this subject. He was merely anxious to get off a speech on this question which he was not allowed to make when moving his amendment. But I will none the less try to resolve his doubts. The Government have accepted the recommendation of the Tariff Board that they should give

[Sir Basil Blackett.]

protection to the industry of making paper from bamboo and they have introduced this Bill with a view to giving such protection. This Bill commits them to the policy of attempting to give protection to the industry of making paper from bamboo. It does not commit them to the policy of giving protection to paper generally, because that would be exactly contrary to the recommendation of the Tariff Board. But the result of this Bill will be to impose an enhanced protective duty on all paper coming in from outside India. And, whatever the material from which the paper is being made inside India, it will, in competition with paper from outside India, get the benefit of the enhanced protective duty. Practically it gets the same benefit. But the Government have been careful not to commit themselves to a policy of protecting the paper industry generally in view of the recommendation of the Tariff Board that such a policy would not be in the interests of India. I hope that resolves Sir Hari Singh Gour's doubts.

May I just add one word about Mr. Acharya's speech? He complains that the result of this Bill will be to put 21 lakhs of rupees annually in the pockets of the Government and that none of it is being used in order to give additional bounties to the industry. Now, the effect of the imposition of the extra duty is to give very considerable assistance to all paper mills in this country and in particular to the mills making paper from bamboo. What the Government have decided is that they would not be justified in addition in making grant or loan or subsidy to this particular bamboo paper mill, or any of the other mills mentioned, out of that 21 lakhs, and that 21 lakhs, which I have heard described as a tax on education, will, at any rate, be available to the tax-payers, and in the tax-payers pocket will be available, for example, for hastening the moment when the Madras provincial contribution can be further reduced, and education stimulated in Madras.

Sir Darcy Lindsay (Bengal : European) : Sir, in offering our full support to the safe passage of this Bill, I would just like to bring one point before the House, and that is, in addition to the protection now offered to what we must all consider a national industry, the Government should do all that they can to support that industry by purchases in India of requirements for Government use. I find, Sir, that in reply to a question the other day the Honourable Member for Industries, I think it was in reply to question No. 182, stated that orders for Indian mills amounted to 5,525 tons in 1924-25 and 5,794 tons in 1925-26, which indicated that the Stores Department were keeping up the average of the orders for Indian mills. On the other hand I find that while in 1924-25 the orders placed abroad amounted to 370 tons out of a total of 5,945 tons, equal to $6\frac{1}{4}$ per cent., the orders placed this year amounted to no less than 1,988 out of a total of 7,783 tons, or 25 per cent. of the total orders. It is on those grounds that I urge upon Government that they should give every assistance possible to the Indian mills. I am perfectly well aware that owing to the rise in exchange the price of foreign paper has fallen in India, and in reply to question No. 246, on the 25th August, the Honourable Member for Industries informed the House that he had placed an order for 670 tons of badami paper abroad, because it effected a saving of Rs. 43,600. I contend that it is not altogether right of Government to sacrifice this industry merely for the sake of a small saving of money. My Honourable friend, Sir Willoughby

Carey, explained to the House the other day the very large sums that were involved in this industry, that is, money coming in to Government. I think he told us that sixteen lakhs of rupees were spent on railway freight alone. Then there were royalties and the very large employment of labour. In my opinion, Sir, under these conditions the saving of a small sum of money, such as I have put before the House, should not have been taken seriously into account when placing the orders.

Just one other point. My Honourable friend, Diwan Chaman Lall, challenged me this morning as regards the statement I made about the mills that were worked in this country. I would like to say to the House that out of 9 mills either in operation or in course of construction, 3 may be said to be managed by European firms. Two of them are joint stock companies and one of them is proprietary, which, later on if the particular industry of bamboo pulp looks at all successful, will be formed into an Indian company with Indian money. (*An Honourable Member* : "Which mill is that ?") The Indian Paper Pulp Company. Now, as regards the other two, there is the Tittaghur Paper Mill with a very large capital which has recently been very considerably reduced, owing to the bad position in which the Company are placed. Of the capital at least 70 per cent is Indian money, belonging to Indian shareholders. On the register of the Company the names of Indian shareholders represent 70 per cent of the capital.

Mr. Chaman Lall : May I ask the Honourable Member to let us know who the Managing Agents are ?

Sir Darcy Lindsay : Messrs. Heilgers and Company.

Mr. Chaman Lall : Are they an Indian firm ?

Sir Darcy Lindsay : No, European.

Mr. Chaman Lall : Quite !

Sir Darcy Lindsay : On the Board of the Company four are Indian and four are European Directors and the Company employ Indian chemists, and Indians in the departmental management of the mill. The other Company, Sir, is the Bengal Paper Mills Company, managed by Messrs. Balmer Lawrie and Company, an English firm. They have a much smaller capital, eleven lakhs, and debentures 7 lakhs. This company, I believe I am correct in saying, has 33 per cent. of its capital held by shareholders on the register who are Indians. (*An Honourable Member* : "What is the share amount ?") The share amount is 11 lakhs, of which 33 per cent. is held by Indians. As you know, in this country shares pass from hand to hand and I can only go by the share register. (*An Honourable Member* : "What about the debentures ?") I believe the same thing applies.

That takes up the challenge offered by my Honourable friend. I very much regret that he should have also referred in such very strong terms, and to my mind in very hurtful terms, to my friend Mr. Roy Choudhry. Mr. Roy Choudhry is a very earnest worker in the field of labour, and one thing to be said about him is that he does go amongst the people. I do not know that that can be said of all representatives of labour. It is not altogether fair of the Honourable Member to get up and openly abuse Mr. Roy Choudhry on the floor of the House.

Several Honourable Members : I move that the question be now put.

Mr. President : The question is that the question be now put.

The motion was adopted.

Mr. President : The question is :

“ That the Bill to provide for the fostering and development of the bamboo paper industry in British India be passed.”

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, in view of the state of the business of the House, which I will not conceal causes me the gravest concern, and may possibly cause the House some anxiety, I propose to move the motion standing in my name as briefly as possible. I move that the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration.

This Bill makes certain minor amendments in the Code of Criminal Procedure as amended in 1923. They have been brought to the notice of Government either by Local Governments or by judicial authorities or by both. I think I am justified in saying that they are all of a minor character and that there is no change of substance which affects the subject with the exception of the first amendment in clause 2, to which I will therefore refer in a little detail.

Prior to the amendment of section 123 of the Code by section 21 (2) of Act XVIII of 1923, Courts had discretion to award either simple or rigorous imprisonment in respect of proceedings under section 109. Now in a House composed as this is, there are very few Members who do not know what section 109 means. (Laughter.) It used to be referred to in my young days as the *khana badesh* section. As a matter of fact it is the section which enables security to be taken for good behaviour in the case of suspected persons and vagrants. Two years ago a change in the law was made so that, as the law now stands, in default of security simple imprisonment alone can be imposed. This has proved a serious administrative mistake. I will read to the House, if I may, the opinions of the Local Governments. They are unanimous and they come from all parts of India.

The Madras Government say that the form of imprisonment might well be left to the discretion of the Court, as in some cases the persons bound over belong to a class of criminals for whom simple imprisonment is entirely unsuitable.

The Bombay Government say simple imprisonment affords an entirely inappropriate punishment for the persons concerned.

The Bengal Government say discretion should be left so that professional criminals caught under suspicious circumstances might be given rigorous imprisonment, while harmless vagabonds might be given simple imprisonment.

The United Provinces take the same view. They say the section as it stands is entirely ineffective and the discretion should be restored.

The Government of Burma take the same view.

The Government of Bihar and Orissa make the same recommendation. The Inspector General of Prisons in that Province refers in his annual report to hardened criminals being allowed to be idle in jail.

The Central Provinces Government made the same recommendation and pointed out that the discretion should be restored, as it is eminently undesirable that persons who are ordinarily sentenced to simple imprisonment on grounds of age or infirmity should be herded with vagrants whose habits are frequently filthy.

Therefore the Local Governments have made out a very strong case; the Government of India agree with them; the Local Governments are unanimous, and I trust the House will agree, without further discussion, to the passage of this Bill. But if the House are not prepared to do so, I trust they will at once throw out my motion that the Bill be taken into consideration. Sir I move.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, with your permission, I beg to move the amendment which stands in my name with a slight alteration. I sent a notice that the Bill be referred to a Select Committee with instructions to report by the 15th September 1925. Instead of this date I wish to put the words "as early as possible," the Select Committee to consist of the following members :

The Honourable Sir Alexander Muddiman,

Mr. H. Tonkinson,

Mr. C. Duraiswami Aiyangar,

Mr. K. C. Neogy,

Mr. T. C. Goswami,

Pandit Nilakantha Das,

Pandit Shambhu Dyal Misra,

Mr. Kumar Sankar Ray,

Mr. A. Rangaswami Iyengar, and

Mr. M. K. Acharya,

and with your permission, Sir, allow me to add the name of Mr. S. C. Ghose, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Now my object in having a Select Committee to consider the Bill, which will make such alterations as are necessary, are these. I think many of us are aware that this section 109 has been a very ready weapon in the hands of the Executive to pursue the Congress-workers in the provinces, and we also know how some Congress men have been sent to jail even under this section.....

The Honourable Sir Alexander Muddiman : Will the Honourable Member give me a single instance of any Congress man who has been sent to jail under section 109 ?

Mr. Amar Nath Dutt : I think there were a lot. Be that as it may, when this Criminal Procedure Code was amended in the year 1923, after taking into consideration all the circumstances and also taking the opinions of the various Local Governments, the provision of section 123 was changed and rigorous imprisonment was changed to that of simple imprisonment..

Mr. H. Tonkinson : I should like to correct that statement. The opinions of the Local Governments were never taken on this point.

Mr. Amar Nath Dutt : Now, Sir, the Code was amended only two years ago and I think the gentlemen who sat in the Select Committee and the gentleman who introduced the Bill with a full sense of the responsibility of his position knew what they were doing, and I do not think anything has happened within the last two years, and there is no circumstance available which the Honourable Member has given us which would lead to the conclusion that it is a bad law, save the opinions of a few Local Governments, who are generally biassed. Of course you may laugh (to an Honourable Member), you represent the Local Government; you have come here to uphold the prestige, the dignity, and so far as possible the powers of the Local Government. However, I think my amendment is a harmless one. If a few of us sit together and see what should and what should not be done there is no harm in it. I move the amendment.

The Honourable Sir Alexander Muddiman : Sir, I beg to oppose the motion of the Honourable Member. It will have the effect of postponing the passage of this Bill till next January. There is nothing in this Bill to need reference to a Select Committee. If the House will not take the Bill as it stands, I hope they will reject it. There is no scope for a reference to Select Committee. My Honourable friend said "a few Local Governments." May I tell him *every* executive Government in India has made this recommendation, and it is supported by the Government of India. I am aware there is some difficulty in getting recommendations accepted in this House, but I beg the House will consider seriously before it rejects a proposal for a simple amendment of the criminal law, which can have no possible political aspect of any kind, and which has been recommended by every executive Government in India, and is supported from these Benches with the weight of the Government of India. I have nothing more to say.

Mr. President : The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1898, be referred to a Select Committee, with instructions to report as early as possible, consisting of :

The Honourable Sir Alexander Muddiman,
Mr. H. Tonkinson,
Mr. C. Durniswami Aiyangar,
Mr. K. C. Neogy,
Mr. T. C. Goswami,
Pandit Nilakantha Das,
Pandit Shambhu Dyal Misra,
Mr. Kumar Sankar Ray,
Mr. A. Rangaswami Iyengar,
Mr. M. K. Acharya,
Mr. S. C. Ghose,
and the Mover,

and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was negatived.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban) : I rise to a point of order. The Honourable the Home Member has told us that if we are opposed only to clause 2, we may reject the whole Bill. I do not know whether he wishes us to speak on clause 2 separately, if it will be put separately.

Mr. President : It will be put separately. The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration.”

The motion was adopted.

Mr. President : The question is :

“ That clause 2 do stand part of the Bill.”

Diwan Bahadur T. Rangachariar : I am sorry, Sir, I have to oppose this clause. I have paid every attention to the earnest remarks by the Honourable the Home Member in respect of this clause. Sir, the last Assembly deliberately made this change. The view we took of this section was that, after all, these are preventive sections for preventing crimes being committed, and so long as a man is not convicted of a crime, it is not proper to give him rigorous imprisonment. It is well enough if a man is convicted of a serious crime that he should be rigorously confined ; but why when he is unable to find people to give security. Take, for instance, people who have no ostensible means of livelihood. There are millions of people of that sort in our country. Take the Sadhus who go about the country. There are millions of such people and any policeman may run them down and say “ Here you have no ostensible means of livelihood ; you must find security ”. By all means if he is unable to find security, confine him so that he may be prevented from crime ; but why give him rigorous imprisonment ? If he is an offender give him conviction under the proper section and send him to jail, but so long as he is unable to find security it is most improper to confine persons rigorously simply because they are persons who have no ostensible means of livelihood. That is, under section 109. And, Sir, it is very difficult to call upon people specially in a country like ours where there are millions going about the country. This was the view we took in the last Assembly. I had a hand in the shaping of the Criminal Procedure Code and got the Government to consent to it. Now what has happened ? It is only two years since it was passed in Delhi. No new facts have come to light except that the Executive Government in each province wants this power to be restored. Of course Executive Governments always want power. Whatever power you take away from them they will always say “ Do not take it away ”. That will not satisfy us. I therefore ask the Assembly to reject it without any hesitation.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, as I also took some little part in 1923 in the amendment of the Code of Criminal Procedure I may briefly give the reasons which prevailed with that Assembly in altering the law. As we then understood criminal law and as I understand it still, there are two broad divisions of criminal law in England and in this country. The first branch is the branch known as preventive law and the second is that known as punitive law. Now, Sir, it has been an axiom with those who have studied criminal jurisprudence that a preventive action should never be converted into a punitive action, and if Honourable Members will turn to section 109 they will at once see the wisdom of the decision which our predecessors in 1923 took in making the amendment which is now sought to be reversed. Section 109, Sir, consists of two clauses. Clause (a) says :

“ (a) if any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction and if there is reason to believe that such person is taking such precautions with a view to committing any offence, or

[Sir Hari Singh Gour.]

(b) if there is within such limits a person who has no ostensible means of subsistence or who cannot give a satisfactory account of himself"—*now mark the last sentence*—"such Magistrate may in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties for his good behaviour, etc."

All that section 109 demands is that for a certain period the person bound over shall be of good behaviour, and if he is not able to give security, by incarcerating him you ensure the continuance of that good behaviour which section 109 postulates. You take him away from his surroundings and lock him up where he cannot be of bad behaviour. Therefore, I submit, Sir, that so far as section 109 is concerned, its purpose is served and completely fulfilled by incarcerating a man who is not able to give security for the reasons stated in the two clauses which I have read out to Honourable Members. Now, Sir, the Honourable the Home Member has informed this House that all the Executive Governments and the Government of India are agreed that this amendment made in 1923 should be annulled. That is a very good reason, but Honourable Members here want a better one, and that against the reason which influenced the decision of this Assembly in 1923. What answer have the Treasury Benches to give to what was passing through the minds of the Honourable Members in 1923 when they passed the amendment which the Honourable Member now seeks to revise. That is my first submission. (Mr. K. Ahmed : "What is the necessity ?") Now, Sir, my Honourable friend Mr. K. Ahmed asks where is the necessity ? I echo the sentiment. I could well understand if this enactment had been given a sufficiently long trial and if any cases had occurred when it was found that simple imprisonment did not ensure that good behaviour which section 109 of the Code of Criminal Procedure is intended to safeguard, then I submit a good *prima facie* case would have been made out to this House.

Now, Sir, there is also another thing. We have also section 110—that is sub-clause (b) of sub-section (2). I admit that section 110 stands on a somewhat different footing ; but at the same time Honourable Members will remember that section 110 deals really with perpetrators of substantive offences against the Indian Penal Code. I do not wish to take the time of the House by reading through the section ; I shall only read a few words to illustrate my meaning :

"(a) is by habit a robber, house-breaker, thief, or

(b) is by habit a receiver of stolen property knowing the same to have been stolen, or

(c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(d) habitually commits or attempts to commit or abets the commission of the offence of kidnapping, abduction, etc., etc."

Section 110 therefore deals with habitual offenders and I submit that if a man is a habitual offender and has been laid by the heels for committing a crime in respect of which he has been dealt with under section 110, I do not see why he is not prosecuted and convicted, or rather bound over, under section 110. I admit that the case of a man under section 110 stands upon a different footing ; but I am now pleading for the deletion of that clause which excludes section 109, and on that point, Sir, I feel sure that the Government have to make out a much stronger case than they have made out in the opening speech of the Honourable the Home Member.

Mr. H. Tonkinson (Home Department : Nominated Official): Sir, as I also took a part in the passing of the Bill of 1923, I should like to make some remarks upon this clause which is the most important clause in the present Bill. I propose to present the case of Government for this clause. It is, Sir, an absolutely unanswerable case. In the first place, it has been suggested that section 109 of the Code of Criminal Procedure, 1898, is a preventive provision in our law. Well, Sir, in English law cases practically analogous to those dealt with under section 109 are treated as substantive offences and are punishable with imprisonment for one year.....

Mr. A. Rangaswami Iyengar : What division of imprisonment ?

Mr. H. Tonkinson : I will come to the division of imprisonment at some length later. Let me refer to section 7 of the Prevention of Crimes Act. One part of it says :

“ If, on his being charged by a constable with getting his livelihood by dishonest means, and being brought before a Court of summary jurisdiction, it appears to such Court that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means.....”

Then again another part runs as follows :

“ If he is found in any place, whether public or private, under such circumstances as to satisfy the Court before whom he is brought that he was about to commit or to aid in the commission of any offence punishable on indictment or summary conviction ; or was waiting for an opportunity to commit or aid in the commission of any offence punishable on indictment or summary conviction.”

If Honourable Members will compare those provisions with the clauses of section 109 read with section 55 (1) (a), they will find that they are distinctly analogous. There are also of course very similar provisions in the English vagrancy law where such cases are again treated as substantive offences.

Mr. A. Rangaswami Iyengar : How do you deal with European vagrants ?

Mr. H. Tonkinson : Our proposal is this: to change the present wording of section 123 as amended in 1923 so as to enable a Magistrate in his discretion to impose a sentence of rigorous imprisonment. We do not propose to say that he must impose a sentence of rigorous imprisonment—we propose to give him a discretion.

Now in this connection I think it is necessary to refer to what simple imprisonment consists of. Section 36 of the Prisons Act says :

“ Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.”

I wish to draw the attention of the House to the fact that it is only if the prisoners so desire that employment is provided for them. I wish, in fact, in this connection to refer to the very anomalous position in India in regard to the point that we have in our jails very large classes of persons sentenced to simple imprisonment which is of the nature I have just indicated. My Honourable friend, Mr. Rangaswami Iyengar, asks what division prisoners under the Prevention of Crimes Act were sentenced to in England. Now what are the classes of imprisonment in England ? So far as imprisonment is concerned, imprisonment may be without hard labour or with hard labour. Persons sentenced without hard labour are classified in three divisions—first, second and third. Prisoners in the first division are treated in very much the same way as prisoners awaiting

[Mr. H. Tonkinson.]

trial. Prisoners in the second division are kept separate from other prisoners, and so on, but they are employed on industrial work. Prisoners in the third division are employed exactly in the same way as prisoners sentenced to imprisonment with hard labour except for the first period of one month. In that connection let me read to the House an extract from a publication by the Permanent Under Secretary for the Home Office, published in April of this year. He refers to the legal requirement in regard to the classification of prisoners in England and says :

“ The first division represents the old first class misdemeanants, but the number sentenced to imprisonment in this division is almost negligible. The courts are properly reluctant to allow the luxuries of this class to persons wealthy enough to pay for them, and they are rarely given even to the political prisoners for whom they were originally intended since the time when the suffragettes sent to Holloway in the first division used the privilege of free visits and letters to conduct a political propaganda from the prison. But the distinction between the second division and the third is of great value, and the Home Office has been insistent in endeavouring to induce the courts to place in the second division all prisoners of good antecedents and to leave in the third division only those already of bad or doubtful character.”

It will be seen, then, that prisoners sentenced to the first division are practically negligible, and, as I have already indicated, they are the only prisoners who are not employed on labour. We have a further report on the same subject from a very able and experienced retired prisons official from India, who was a member of the Indian Jails Commission and has recently reported for us upon the English system of prison administration. He points out that offenders in the first division can work at their own trade and so on. Offenders in the second division are given the same labour as those sentenced to imprisonment with hard labour. Offenders in the third division are given labour the same as prisoners sentenced to imprisonment with hard labour. It is important to note how few prisoners are committed by courts to the first division which is the only analogue in the English prisons to the simple imprisonment of Indian prisons. The Governor of an English prison told me “ You might find half a dozen in the whole of England.”

Then again he goes on :

“ There is now no distinction in the labour allotted to offenders in the second and third divisions of imprisonment and that given to persons sentenced to imprisonment with hard labour. Debtors also have to work. It will thus be seen that imprisonment without labour is practically non-existent in England.”

Then again he says at present in England every effort is being made to ensure continuous occupation of the inmates in all prisons. “ All Governors of English prisons would heartily concur in the dictum that an idle prison is a bad prison.”

Diwan Bahadur T. Rangachariar : Then let there be no simple imprisonment.

Mr. H. Tonkinson : That of course, Sir, is the logical result to a large extent of the arguments I am adducing ; our provisions as regards simple imprisonment are anomalous in the present times. Now, Sir, we are sending people sentenced and unable to find security under section 109 to simple imprisonment, the same class of imprisonment as these half dozen people in the whole of England who are sentenced to imprisonment without hard labour in the first division. The people who are dealt with under section 109 must be known to the whole of this House. They are the

ne'er-do-well, the man who will never do any work if he can help it, the man who lives by petty and sometimes by serious thieving, the vagrant, rogue and the vagabond. It has been suggested that we have not had a very long experience of this law. The Honourable the Leader of the House has referred to the opinions of the Executive Governments on the matter. I should like to refer....

Mr. D. V. Belvi : What are the grounds on which the recommendations are made ?

Mr. H. Tonkinson : I should like to refer to the reports which are just coming in on the same subject. For example, the Annual Administration Report on the Jails in the Bengal Presidency was received in the Government of India Secretariat, I think, last week. This is what the Inspector General of Prisons says :

“Prisoners detained in jail under section 109, Criminal Procedure Code, are now given simple imprisonment and cannot be made to work unless they volunteer.”

—that is of course in accordance with the provisions of section 36 of the Prisons Act which I cited—

“It is difficult to imagine anything more absurd and demoralising. From a police point of view it may be convenient to get a lot of known habitual offenders kept in safe custody, but from a jail point of view it is deplorable. It is impossible to attempt reformation under these conditions. These men contain the dregs of the criminal world ; habitual thieves, burglars, *goondas* and such like are sent to jail to idle for six months or a year. They are provided with free board and lodging, have congenial companions to plan mischief for the future, and generally have a pleasant time. They enjoy the advantages of a residential club without the draw-backs of paying a subscription and monthly bills.”

Well, Sir, the same is being indicated now in the Administration Reports from practically all provinces.

Diwan Bahadur T. Rangachariar : If they make the same mistake, they have no value. Habitual offenders do not come under section 109.

Mr. H. Tonkinson : My Honourable friend says that they make the same mistake. I say, Sir, that persons sentenced in England under such provisions would be treated as guilty of substantive offences and no one would be so foolish as to sentence them to imprisonment in the first division.

Mr. A. Rangaswami Iyengar : You have not got five classes of prisoners here, have you ?

Mr. H. Tonkinson : I submit, Sir, it is quite clear that it is bad both for the jails and for the men concerned, and that it is a gross waste of public funds to provide that these persons who are convicted under section 109 of the Criminal Procedure Code must be sentenced to simple imprisonment.

Mr. M. K. Acharya : Have the opinions been circulated ?

Mr. H. Tonkinson : They have been published.

Colonel Sir Henry Stanyon (United Provinces : European) : Sir, the ground in support of clause 2 given in the Statement of Objects and Reasons attached to the Bill is this, that most persons against whom proceedings are taken under section 109 are men for whom simple imprisonment is quite unsuitable. Section 109 sufficiently indicates that these men, if not potential criminals, are idlers, vagrants, tramps, and persons who have no ostensible means of subsistence, and who cannot give satisfactory accounts of themselves. Persons of this class are apt

[Colonel Sir Henry Stanyon.]

to prey on society. They live by their wits, which generally means by fraud or crime. Now, when a gentleman of this class cannot give security for good behaviour, what is the best thing for society to do with him? Is he to be an honoured guest of the tax-payer, encouraged in a life of idleness? If so, then give him simple imprisonment. Or, is he to be made to work for his board and residence, taught to give up his idle habits and learn the healthy lesson that livelihood should be earned by work? If so, give him rigorous imprisonment. With simple imprisonment we encourage the habitual idler and vagrant; with rigorous imprisonment we teach him to work. I would ask the House not to be carried away by any exaggerated sense of the term "rigorous imprisonment." There are different degrees of work and labour, and no properly constituted jail administration would give a person of this kind anything but reformatory labour; that is to say, penal servitude, not hard labour. That is a matter of detail inside the jail. But I do think that the principle which underlies clause 2 of this Bill is a principle which ought to have the support of this House. If a man of the above class cannot give the security asked for, he should certainly be given an imprisonment in which he will be reformed and by which he will learn to work honestly for himself.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Sir, we are placed in a great difficulty, because the Honourable Sir Alexander Muddiman, the Leader of the House, states that he has got information or reports of all the Local Governments and judicial officers, which were not circulated to us.....

The Honourable Sir Alexander Muddiman : I said Local Governments. If the Honourable Member thinks I have not got the reports from the Local Governments, I can give them to him.

Mr. B. Venkatapatiraju : But in the Statement of Objects and Reasons he states Local Governments and judicial authorities. At any rate, we have not got those opinions. The question is this. Sir, these very arguments were advanced on the last occasion in the year 1923, and it was decided that there should be simple imprisonment for persons convicted under section 108 and also under section 109. Under section 108, political offenders were convicted, while under section 109 vagrants and persons who were suspected of likelihood to commit an offence were convicted. The Honourable Sir Alexander Muddiman asked us whether any politician was convicted under section 109. I would only remind him that in Nagpur several people were convicted in connection with the flag incident. Several people had gone to Nagpur to assert their right to unfurl the national flag. On the ground that they were vagrants they were thrown into prison under section 109. From Madras too there was a batch which had gone to Nagpur, and they were also convicted under section 109 as vagrants. If all these people come under section 109, I think the

4 P.M.

Honourable Sir Alexander Muddiman would have been fair if he had introduced a similar provision for European vagrants also. In that case, I am sure, my Honourable friend Sir Henry Stanyon would not have stood up to support this, because we see European vagrants roaming about the streets without any ostensible means of livelihood, and they should also be sent to jail with hard labour, instead of being taken

before a first class Magistrate for financial help for sending them to England at the expense of Government. That is the treatment accorded in our own country to foreigners, while the Government will not be satisfied unless they take substantial securities from our own people and give them hard labour if they cannot get sureties. It is true that not only the jail authorities but the Local Governments also represented in 1923 that unless the Government got work out of these people, they would have to be fed unnecessarily at State expense. We want to discourage the habit of the executive of throwing into prison a large number of people when the Government are unable to detect the offences. What we say is, if you want to keep those people, then feed them, and therefore now the Local Governments come up and say that unless they take work from those people they cannot keep them. But, Sir, I do not understand why this Bill should be brought in in such a hurry.

With reference to the other provisions, the Honourable Sir Alexander Muddiman says, they are all formal. It is quite true. We are now mainly concerned with reference to the change it is proposed to make in the law regarding the security provisions. I think with the help of the Swarajists we must win this, because without their help we were able to defeat the Government in 1923.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, it seems to me that this measure is an outcome of one of the three reasons which I gather actuated Government to bring it forward. The first reason may be that the number of persons who are now bound over under section 109 has increased since the amendment of the Code of Criminal Procedure in 1923. If this be the real reason, the Honourable the Home Member should have enlightened the House on this point. The second reason perhaps is that Government find that a large amount of public money is wasted on feeding these people, and that there is no reason why people imprisoned for failure to furnish security under section 109 should be fed *gratis*. The third reason may be, that it has now dawned upon the minds of the Legal Advisers of the Crown that the law in India should be put on the same level as the law in England in regard to this matter. Now, Sir, these reasons have not been disclosed to the House. We are simply told bluntly that there is a unanimous recommendation from the Provincial Governments. Now what are their reasons ? Do they think such a law should not be prevalent in this country, or is it that it is not advisable to keep people in prison without taking work from them, or is it thought that people should be made to work for the greater use of the Crown ? It was for the Honourable the Home Member to enlighten the House on these points, but he did not choose to do so. The Criminal Procedure Code was amended only in the year 1923, and it is really singular that it should have struck Government to amend this section within such a short time all at once. I am not satisfied as to the validity of the reasons advanced by the Honourable the Home Member. I am not prepared to give my vote in favour of this measure simply because Local Governments have been unanimous in making this recommendation. What are the grounds ?

The Honourable Sir Alexander Muddiman : Sir, this clause restores the law as it was before the change in the law, made without consulting Local Governments, was given effect to. That change in the law was

[Sir Alexander Muddiman.]

in my judgment and in the judgment of the Government an unfortunate one. I have endeavoured to place before this House the reasons to-day ; but if this House is always to take the line, that any measure in support of law and order should be turned down, then it would be well to affirm that proposition definitely. The point has been made that for failure to give security under the security sections simple imprisonment is the only suitable penalty. If that was so, why did the House retain rigorous or simple imprisonment in the case of security under section 110 ? (*An Honourable Member* : " Habitual offenders. "). The reason you take security is that you have not a substantive offence, and the argument put forward—valid or invalid—is that save for a substantive offence rigorous imprisonment is unsatisfactory. We have been told that the framers of the Code, those who sat on the Select Committee, in their wisdom made this change in the law and that the House is entirely as I understand unable to reconsider the matter. The change does not seem to have been made very advisably for the Committee was not, as I understand, fortified with the opinions of the Local Governments, which have now been obtained. Of course it may be well to despise the opinion of executive officers and of Governments responsible for law and order. It may be well ; I doubt it but I leave it to the House to decide. But the fact remains that a change was made as I suggest inadvisedly in the law two years ago. Since then we have had the opinion of jail officers throughout India and of Local Governments throughout India saying that it would be better.....

Mr. D. V. Belvi : How many cases have there been under section 109 during the last two years ? Has the number gone up ?

The Honourable Sir Alexander Muddiman : I am not giving way to the Honourable Member, nor do I understand his point. What I was saying was this, that it is the definite opinion of the jail authorities in India and of the Executive Governments that it would be better to repeal section 109 altogether than to leave it in its present position. If *that* is the wish of the House, I suggest some Member should bring in a Bill to that effect. But let it be quite clearly understood that people who hold that view do desire that persons suspected of burglary and habitual vagrants should be allowed to wander about without any power of control. That is the issue.

Diwan Bahadur T. Rangachariar : We do not want them to be allowed to wander about. Confine them by way of simple imprisonment.

The Honourable Sir Alexander Muddiman : It has been explained at considerable length, much beyond the length this provision needs, that every jail authority, every Local Government, tells you that this section as recently amended is useless. If your suspect or sturdy vagrant is to be given simple imprisonment only it would be better not to use the section. Let me remind the House it is not a case of requiring the Court to impose rigorous imprisonment. You place it in the discretion of the Court : and I appeal to this House—there are many men in this House who do understand the position—that a large number of the men who are bound down under this section are men who are arrested, as they would be in England, for lurking with intent, burglars who have been suspected. There is not the slightest political flavour about this clause ; it is designed purely for the protection of

your own hearths and homes ; and I do trust the House will in arriving at a decision in this matter will agree that they should accept the opinion of those whose business it is to protect your hearths and homes.

Mr. President : The question is :

“ That clause 2 do stand part of the Bill.”

The Assembly divided :

AYES—51.

Abdul Mumin, Khan Bahadur Muhammad.	Gurner, Mr. C. W.
Abdul Qaiyum, Nawab Sir Sahibzada.	Harper, Mr. K. G.
Abul Kasem, Maulvi.	Hira Singh Brar, Sardar Bahadur Captain.
Ahmad Ali Khan, Mr.	Hussanally, Khan Bahadur W. M.
Ahmed, Mr. K.	Innes, The Honourable Sir Charles.
Aiyer, Sir P. S. Sivaswamy.	Langley, Mr. A.
Ajab Khan, Captain.	Lindsay, Sir Darcy.
Akram Hussain, Prince A. M. M.	Lloyd, Mr. A. H.
Ashworth, Mr. E. H.	Macphail, Rev. Dr. E. M.
Ayyar, Mr. C. V. Krishnaswami.	Maguire, Mr. L. T.
Bajpai, Mr. R. S.	Mitra, The Honourable Sir Bhupendra Nath.
Bhore, Mr. J. W.	Muddiman, The Honourable Sir Alexander.
Blackett, The Honourable Sir Basil.	Muhammad Ismail, Khan Bahadur Saiyid.
Burdon, Mr. E.	Naidu, Mr. M. C.
Carey, Sir Willoughby.	Panduranga Rao, Mr. V.
Chalmers, Mr. T. A.	Raj Narain, Rai Bahadur.
Chartres, Mr. C. B.	Reddi, Mr. K. Venkataramana.
Clow, Mr. A. G.	Roy, Mr. G. P.
Cocke, Mr. H. G.	Sim, Mr. G. G.
Cosgrave, Mr. W. A.	Singh, Rai Bahadur S. N.
Crawford, Colonel J. D.	Stanyon, Colonel Sir Henry.
Dalal, Sardar B. A.	Sykes, Mr. E. F.
Fleming, Mr. E. G.	Tonkinson, Mr. H.
Gordon, Mr. E.	Vijsayaraghavacharya, Diwan Bahadur T.
Gordon, Mr. R. G.	Webb, Mr. M.
Graham, Mr. L.	

NOES—52.

Abhyankar, Mr. M. V.	Majid Baksh, Syed.
Acharya, Mr. M. K.	Malaviya, Pandit Krishna Kant.
Aiyangar, Mr. K. Rama.	Mehta, Mr. Jamnadas M.
Alimuzzaman Chowdhry, Khan Bahadur.	Misra, Pandit Shambhu Dayal.
Anney, Mr. M. S.	Misra, Pandit Harkaran Nath.
Belvi, Mr. D. V.	Murtuza Sahib Bahadur, Maulvi Sayad.
Bhat, Mr. K. Sadasiva.	Mutalik, Sardar V. N.
Chaman Lall, Mr.	Narain Dass, Mr.
Chanda, Mr. Kamini Kumar.	Nehru, Dr. Kishenlal.
Chetty, Mr. R. K. Shanmukham.	Nehru, Pandit Motilal.
Das, Mr. B.	Nehru, Pandit Shamlal.
Datta, Dr. S. K.	Neogy, Mr. K. C.
Duni Chand, Lala.	Phookun, Mr. Tarun Ram.
Dutt, Mr. Amar Nath.	Purshotamdas Thakurdas, Sir.
Ghose, Mr. S. C.	Ramachandra Rao, Diwan Bahadur M.
Gour, Sir Hari Singh.	Rangachariar, Diwan Bahadur T.
Govind Das, Seth.	Ranga Iyer, Mr. C. S.
Hans Raj, Lala.	Ray, Mr. Kumar Sankar.
Hari Prasad Lal, Rai.	Samiullah Khan, Mr. M.
Iyengar, Mr. A. Rangaswami.	Sarfraz Hussain Khan, Khan Bahadur.
Joshi, Mr. N. M.	Singh, Mr. Gaya Prasad.
Kasturbhai Lalbhai, Mr.	Sinha, Mr. Devaki Prasad.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.	Sinha, Kumar Ganganand.
Kelkar, Mr. N. C.	Syamacharan, Mr.
Lohokare, Dr. K. G.	Venkatapatiraju, Mr. B.
Mahmood Shamnad Sahib Bahadur, Mr.	Yusuf Imam, Mr. M.

The motion was negatived.

Clauses 3, 4, 5, 6, and 7 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I do not move the motion* standing in my name.

THE INDIAN LIMITATION (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move that the Bill further to amend the Indian Limitation Act, 1908, as reported by the Select Committee, be taken into consideration.

Sir, there are three points in this Bill. In the first place, there is the drafting point, to which I have referred at length when making previous motions in regard to this Bill. In the second place, there is the point which arises from the fact that we have now omitted clause 4 in the Bill as originally introduced. We discussed that on the occasion of the last motion and it was discussed at length in the Select Committee. The Bill on the whole seeks to extend the period of limitation. The suggestion therefore was that clause 4 was unnecessary in any case. The Select Committee in order to provide for doubtful cases have provided that the Bill shall only come into force on the 1st day of April 1926. That will give a period during which any one who thought that Article 5 of the first Schedule to the Limitation Act did not apply to cases of summary procedure under Order XXXVII will be able to bring suits according to the summary procedure. Of course after that date he will still be able to proceed according to the ordinary procedure. The only other point, I understood before the reference to the Select Committee that there was no question in issue between these Benches and the opposite Benches in regard to it, is as to the period of limitation proposed for suits referred to in Article 5 of the Schedule. At present we have a period of six months. The Civil Justice Committee proposed a period of 3 years. In this Bill we have provided a period of one year. It was considered at length by the Select Committee and they supported the provision in the original Bill. I move that the Bill be taken into consideration.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN SUCCESSION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move that the Bill to consolidate the law applicable to intestate and testamentary succession in British India, as passed by the Council of State, be taken into consideration.

* " That the Bill further to amend the Code of Criminal Procedure, 1898, be passed. "

Honourable Members will remember that this consolidating measure was recently before this House and was referred to a Joint Committee of the two Houses. It has since been passed in another place and I have the honour to move that this House should take it into consideration. Sir, the Indian Succession Act constituted the first Chapter of the Civil Code drafted by the Law Commissioners in the sixties, and Mr. Mayne, afterwards Sir Henry Mayne, introduced it as the Act, which became the Act X of 1865. After that 14 different Acts which have been consolidated into this Bill were enacted by the Indian Legislature, and I cannot ask this House to take into consideration this Bill without once more offering my obligations and the obligations of the Statute Law Revision Committee to Sir Alexander Muddiman, whose labours, arduous labours, in consulting this great measure, have resulted in this motion which I am about to ask this House to pass. Various suggestions have been made for the improvement of the law. The immediate object of the draftsman has been to place in one place all the scattered provisions of law bearing upon the same subject. I therefore submit, Sir, that this Bill be taken into consideration.

The motion was adopted.

Sir Hari Singh Gour : Sir, I beg to move that the Bill, as passed by the Council of State, be passed.

Mr. President : Order, order. We will put it Part by Part.

Parts II, III, IV, V, VI, VII, VIII, IX, X, and XI were added to the Bill.

The Schedules (I to IX) were added to the Bill.

Clauses 3, 2 and 1 were added to the Bill.

The Title and Preamble were added to the Bill.

Sir Hari Singh Gour : Sir, I beg to move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th September, 1925.