

20th February, 1925

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

SECOND SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925



SIMLA
GOVERNMENT OF INDIA PRESS
1925

CONTENTS.

VOLUME V, PART II—16th February, 1925, to 6th March, 1925.

	PAGES.
Monday, 16th February, 1925—	
Questions and Answers	1051-88
Unstarred Questions and Answers	1088-90
Demands for Grants—Suggested form of Amendments	1091-93
Demands for Supplementary Grants	1093-1105
Election of Panels for Standing Committees	1106-09
The Prisons (Amendment) Bill—Introduced	1110
The Cantonments (Amendment) Bill—Introduced	1110
The Contempt of Courts Bill—Circulated for opinion	1110-15
Tuesday, 17th February, 1925—	
Question and Answer	1117
Resolution <i>re</i> Debt position of India—Debate adjourned	1117-59
Resolution <i>re</i> Establishment of a Supreme Court in India— Negatived	1160-80
Resolution <i>re</i> Provision of Indian Refreshment Rooms on the East Indian Railway—Not moved	1181
Resolution <i>re</i> Establishment of a Military College—Discus- sion adjourned	1181
Wednesday, 18th February, 1925—	
Questions and Answers	1183-86
Unstarred Questions and Answers	1186-89
Message from the Council of State	1189
The Code of Civil Procedure (Amendment) Bill—Report of Select Committee presented	1189
Election of the Panel for the Standing Committee on Emigra- tion	1189
The Indian Tariff (Amendment) Bill—Referred to Select Committee	1189-99
The Legislative Assembly (President's Salary) Bill—Passed...	1199-1207
The Obscene Publications Bill—Considered and Debate adjourned	1207-18
Thursday, 19th February, 1925—	
Statement of Business	1219
Committee on Public Petitions—Presentation of the Report on Petitions relating to the Indian Penal Code (Amend- ment) Bill (Age of Consent Bill)	1219
Resolution <i>re</i> Establishment of a Military College—Adopted, as amended	1220-73
Friday, 20th February, 1925—	
Questions and Answers	1275-90
Unstarred Question and Answer	1291
Receipt of Petition relating to the Indian Penal Code (Amendment) Bill (Age of Consent Bill)	1291
Statement laid on the Table	1291-95
Railway Budget for 1925-26	1295-1307

LEGISLATIVE ASSEMBLY.

Friday, 20th February, 1925.

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

QUESTIONS AND ANSWERS.

MILITARY SCHOOL AT AURANGABAD IN THE GUJRAT DISTRICT.

938. ***Raja Ghazanfar Ali Khan:** (a) Will the Government be pleased to state if the buildings of the Military School at Aurangabad in the Gujrat District are complete? If not, what are the reasons for the delay?

(b) What are the aims and objects of the said school?

(c) What are the courses of study prescribed or to be prescribed in the said school?

(d) In view of the war services rendered by the people of Jhelum, Rawalpindi and Gujrat Districts, what special facilities will the Government provide for the children of military men of these districts reading in this Military School?

Mr. E. Burdon: (a) The buildings have not yet been completed but it is hoped that the school will be opened for the reception of children about September next. Except for the fact that their construction was held up for a short time while Government was considering the report of the Retrenchment Committee, there has been no delay.

(b) To provide facilities for the education of the sons of Indian officers and soldiers.

(c) The curriculum has not yet been framed.

(d) This question also has not been decided.

RECRUITMENT OF CADETS FOR KING'S COMMISSIONS.

939. ***Raja Ghazanfar Ali Khan:** (a) Will the Government be pleased to state the number of cadets, stating their nationality, recruited directly for King's Commissions in the Indian Army, with the names of the various branches of the Army in which they are recruited, during the years 1918 to 1924?

(b) How many of them were recruited from North Punjab specially the Jhelum, Gujrat and Rawalpindi Districts?

Mr. E. Burdon: (a) and (b). I lay on the table a statement giving the information desired by the Honourable Member.

Statement showing the number of officers, British and Indian, appointed to the Indian Army, and the number of Indian cadets from the Punjab admitted to Sandhurst, during the years 1918—24.

British (still serving).

Commissioned from the Unattached List	...	543
Commissioned from the British Service	...	32
Commissioned from the Indian Army Reserve of Officers, etc.	...	96
Commissioned from the Colonial Forces	...	1
Total		672

Of this number, 565 officers are serving with Infantry, Pioneers, Indian Army Service Corps and Departments, and 107 are serving with the Cavalry.

Indian.

61 Indian cadets have been admitted to the Royal Military College, Sandhurst, since 1918. Of this number, 25 have actually been commissioned in the Indian Army; as regards the remainder, 2 died, 12 were found unsuitable and were removed, 2 were commissioned but subsequently resigned, one had his commission cancelled as he failed to report for embarkation when he had been ordered to do so, and 19 are still at the Royal Military College, Sandhurst.

Of the 25 officers actually commissioned, 15 have been appointed to the Indian Army while 10 are still under training with British units. Of the 15 officers mentioned, 7 are serving with Cavalry and 8 with Infantry units and the Pioneers.

(b) Of the 61 cadets mentioned in the above statement, twenty-two were residents of the Punjab, and came from the following districts:—

Attock 1; Rawalpindi 1; Lahore 5; Gujranwala 1; Multan 2; Gujrat 3; Jullundur 1; Jhelum 1; Ferozepore 2; Ludhiana 1; Lyallpur 2; Sargodha 1; Sheikhpura 1.

BRANCHES OF THE INDIAN ARMY CLOSED TO INDIANS.

940. ***Raja Ghazanfar Ali Khan:** Are there any branches of the Indian Army to which Indian candidates are not admitted? If so, what are those and for what reasons?

Mr. E. Burdon: The answer is in the negative.

CONSTITUTION OF THE CENTRAL INDIAN SOLDIERS' BOARD.

941. ***Raja Ghazanfar Ali Khan:** (a) What is the constitution of the organisation known as the Indian Soldiers' Board? What are its aims and objects?

(b) Are the presidents of these Boards elected by the members of the Board? If not, are the Government prepared to allow the members to elect their own president from amongst themselves?

Mr. E. Burdon: (a) I place a statement on the table showing the present constitution of the Central Indian Soldiers' Board.

The aims and objects of the Board are, in brief, to protect the home interests of the Indian soldier while he is serving and to assist the ex-soldier, where necessary, in establishing himself in civil life. In this connection I invite the Honourable Member's attention to the printed Report of the Board's activities for the period January 1923 to March 1924.

(b) I do not know whether the Honourable Member is referring to the Central Soldiers' Board, the Provincial Soldiers' Board or the District Soldiers' Committees, but in any case the reply to both these questions is in the negative.

Statement showing the present constitution of the Central India Soldiers' Board.

President.

The Honourable Sir CHARLES INNES, K.C.S.I., C.I.E.

Members.

His Excellency Sir MALCOLM HAILEY, K.G.S.I., C.I.E. (*Governor of the Punjab*).

The Honourable Sir BASIL PHILLOTT BLACKETT, K.C.B. (*Finance Member*).

The Honourable Khan Bahadur Sir MUHAMMAD HABIBULLAH SAHIB BAHADUR, K.C.I.E., Kt. (*Member of Education, Health and Lands*).

Lieutenant-General Sir J. S. M. SHEA, K.C.B., K.C.M.G., D.S.O. (*Adjutant General in India*).

E. BYRDON, Esquire, C.I.E., I.C.S., M.L.A. (*Army Secretary*).

A. F. L. BRAYNE, Esquire, C.I.E., I.C.S. (*Financial Adviser, Military Finance*).

Lieutenant-Colonel F. G. MOORE, C.B.E., *Secretary*.

The Board was originally constituted under Resolution of the Government of India, No. 737, dated the 16th January 1919.

Affiliated to the Central Board are the following provincial Soldiers' Boards :

Madras.
Bombay.
Punjab.
United Provinces.
Central Provinces.
North-West Frontier Province.
Rajputana.
Delhi.
Kashmir.
Mysore.

Subordinate to each provincial Soldiers' Board are the District Soldiers' Committees.

DISTRIBUTION OF RELIEF MONEY TO THE DEPENDENTS OF MILITARY MEN KILLED IN THE GREAT WAR.

942. ***Raja Ghazanfar Ali Khan:** (a) What is the amount of the relief money distributed amongst the families of the military men killed or wounded during the last great war during the years 1919 to 1924?

(b) How much out of this was spent in the Districts of Jhelum, Rawalpindi and Gujrat?

(c) Are the Government aware of the fact that the relief money falls much too short of the needs of the families to whom it has been given and further that there are many deserving families to whom nothing has been given so far?

Mr. E. Burdon: (a) The total of relief money distributed in India to the dependents of those who died or to those who were disabled in the great war during the years 1919 to 1924, inclusive, amounted to Rs. 1,17,94,955.

(b) The information desired by the Honourable Member is not available and cannot be obtained without an expenditure of time and labour incommensurate with the result.

(c) Government are confident that the Honourable Member's statement does not correctly represent the facts, that is to say, they believe it to be an overstatement. But if the Honourable Member will bring to my notice any individual case which falls within the scope of our Relief Funds and in which relief to the extent permitted by the rules of the Fund has not been granted, I will undertake to have it forwarded to the proper quarter and investigated.

Sardar V. N. Mutalik: Are Government aware that any sums or rewards to heirs of persons killed in the war still remain due in many cases and, if so, will Government be pleased to take early steps to pay the same?

Mr. E. Burdon: I do not understand what my Honourable friend means by saying sums of money *due* to heirs.

Sardar V. N. Mutalik: To the families of the deceased persons who were killed in the war.

Mr. E. Burdon: In what way are the sums *due* to the heirs? This is a question of charitable relief.

Sardar V. N. Mutalik: It is no question of charitable relief; it is a question of what Government have already promised and which still remains unpaid.

Mr. E. Burdon: I do not think that arises out of this question.

Mr. K. Ahmed: Do Government propose to increase the amount of relief?

Mr. E. Burdon: It is not Government money, Sir. This is private charitable money.

SCHOLARSHIPS FOR THE EDUCATION OF THE CHILDREN OF MILITARY MEN KILLED OR WOUNDED IN THE GREAT WAR.

943. ***Raja Ghasanfar Ali Khan:** What is the amount of scholarships spent for the education of the children of military men, who have been killed or wounded in the last great war in the Districts of Jhelum, Rawalpindi and Gujrat?

Do the Government intend providing scholarships for the higher education of the said children as well?

Mr. E. Burdon: I am endeavouring to obtain the information, and I will let the Honourable Member know the result in due course.

RECRUITMENT OF INDIAN OFFICERS IN SEAGOING VESSELS.

944. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to place on the table the result of the correspondence which has passed between the Government and the different Shipping Companies regarding the appointment and recruitment of Indian officers in seagoing vessels?

(b) Will the Government be pleased to state whether they propose to urge on the Shipping Companies to take early action for recruitment and appointment of Indian Officers in seagoing vessels?

The Honourable Sir Charles Innes: (a) and (b). The Government of India have had no correspondence with Shipping Companies on the subject. But I would refer the Honourable Member to paragraphs 22-23 of the Indian Mercantile Marine Committee's Report from which it will be observed that the principal Shipping Companies are prepared to employ Indian officers if duly qualified. The question of providing a training ship as recommended by the Committee is at present under consideration.

STOPPAGE OF HOUSE RENT ALLOWANCE OF DEPUTY, ASSISTANT AND SUB-POSTMASTERS IN LAHORE.

945. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the house rent allowance paid to Deputy, Assistant and Sub-Postmasters in Lahore has been stopped from the 1st July, 1924?

(b) Is it a fact that similar allowances in other provinces stand untouched? If the reply be in the affirmative, what is the reason for making this discrimination?

(c) Will the Government please state if the Assistant Postmasters and Deputy Postmasters in Lahore and other offices in the Punjab are required to attend offices at inconvenient hours, i.e., other than 10 to 16 hours?

(d) If so, will the Government be pleased to state if these officers have been provided with quarters or given house rent in order to enable them to secure houses within close proximity to the offices to which they belong?

(e) Are the Government prepared to restore the allowance in question?

(f) Will the Government please state if the Deputy and Assistant Postmasters belong to the same cadre to which the other Postmasters holding independent charge belong? Will they also state if Personal Assistants to Postmasters-General belong to the same cadre as Superintendents of Post Offices?

(g) Will the Government please state if a duty allowance of Rs. 100 p. m. is granted to every Personal Assistant working in the Postmaster-General's Office? If so, what is the principle underlying this grant?

(h) If the reply to (g) is in the affirmative, will the Government please state why a different treatment is accorded to the Deputy and Assistant Postmasters of Lahore?

Sir Geoffrey Clarke: (a) to (h). The Honourable Member's attention is invited to the replies given to Mr. S. Sadiq Hasan's starred questions Nos. 863 to 865 on the 16th current.

COMPENSATORY ALLOWANCES TO SELECTION GRADE POSTAL OFFICIALS STATIONED AT LAHORE, DELHI, RAWALPINDI AND PESHAWAR.

946. ***Mr. Amar Nath Dutt:** (a) Are the Government aware that the time-scales of pay for Post Office clerks, postmen and other staff at Lahore, Delhi, Rawalpindi and Peshawar are higher than those prevailing at other places in the Punjab and N. W. F. Circle, and is this not due to the cost of living at the above-mentioned places being comparatively higher than that at other places in the circle?

(b) If so, will the Government please state why no compensatory allowance is given to selection grade officials at the above-named places?

Sir Geoffrey Clarke: The Honourable Member's attention is invited to the reply given by me to Mr. S. Sadiq Hasan's starred question No. 866 on the 16th current.

GRANT OF EXTENSIONS OF SERVICE TO NON-GAZETTED OFFICERS IN THE SELECTION GRADES IN THE POSTAL DEPARTMENT, PUNJAB CIRCLE.

947. ***Mr. Amar Nath Dutt:** (a) Is it a fact that extensions of service are as a rule prohibited in the gazetted grade of officers in the Postal Department after attaining the age of 55 years?

(b) Is it also a fact that extensions are being freely granted to non-gazetted officers in the selection grades in the Postal Department (Punjab Circle) after they attain the same age?

(c) Are Government aware that there are a small percentage of appointments in the selection grades and the only avenue of advance is through retirement of superannuated men and that there is a great deal of discontent among the non-gazetted officers of the selection grades owing to the extensions being granted to the Postmasters who have attained the age of 55 years?

(d) Will the Government be pleased to state why uniformity of procedure is not observed in the gazetted cadre and selection grades and are the Government prepared to consider the question of stopping the practice of giving extensions of service in the selection grades?

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

(b) Government have no information.

(c) The answer to the first part is in the affirmative, and to the second part is in the negative.

(d) I would invite the Honourable Member's attention to Rule 56 (a) and (b) of the Fundamental Rules, which explains the differentiation. Government do not propose to alter the practice.

WIRELESS BEAM STATION IN INDIA.

948. ***Diwan Bahadur M. Ramachandra Rao:** With reference to the answer to question No. 368 asked at the meeting of the Assembly held on the 28th January 1925 will the Government be pleased to state:

(a) with whom the negotiations for the erection of a Wireless Beam Station in India are being conducted?

(b) will the creation of such a station impose any financial burden on the revenues of India; if so, how much?

The Honourable Sir Bhupendra Nath Mitra: (a) The Indian Radio Telegraph Company Limited, Bombay.

(b) No.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether, as stated in the *Pioneer* of the 8th instant, the Government have reserved to themselves the power of purchasing this company at the end of ten years?

The Honourable Sir Bhupendra Nath Mitra: As I mentioned to the Honourable Member the other day, the precise agreement will be placed in the Library of this House as soon as it is concluded. At this stage I cannot make any statement beyond what I said the other day.

Diwan Bahadur M. Ramachandra Rao: May I ask whether that statement in the *Pioneer* is true?

The Honourable Sir Bhupendra Nath Mitra: The agreement not having yet been concluded, it would be difficult for me to anticipate the position.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

949. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state:

(a) for how many years the proposals for the separation of the executive functions from the judicial have been under consideration?

(b) whether there is any prospect of the Government of India reaching any conclusion on the subject in the near future?

The Honourable Sir Alexander Muddiman: (a) The question of the further separation of judicial and executive functions has been under consideration from time to time in India during the last 80 years.

(b) The Government of India have come to conclusions upon the question on many occasions. One aspect of the question is now again engaging their attention, and I am unable to say when a conclusion will be reached.

Mr. Gaya Prasad Singh: For how many more years is the question likely to engage their attention before a conclusion is reached?

The Honourable Sir Alexander Muddiman: That, Sir, not being a prophet, I am unable to say.

* INDIA'S PARTICIPATION IN THE BRITISH EMPIRE EXHIBITION IN 1925.

950. ***Diwan Bahadur M. Ramachandra Rao:** (a) Do the Government propose to afford facilities to this House to express its opinion on the desirability or otherwise of India participating in the Wembley Exhibition this year?

(b) With reference to the answer given by the Honourable Sir Charles Innes to my question No. 392 will the Government be pleased to state whether any and what expenditure would be incurred from the revenues of India on the Wembley Exhibition, should the Government of India decide to participate in the Exhibition this year?

The Honourable Sir Charles Innes: I would refer the Honourable Member to what I said in the House on Monday last during the discussion of the demands for supplementary grants. Since then the position has been cleared up by the issue of a press communiqué yesterday; I lay a copy of that communiqué on the table.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

Delhi, the 19th February 1925.

Press Communiqué.

The Government of India are now in a position to make the statement in connection with India's participation in the British Empire Exhibition in 1925. The Government of India are not taking part officially. The building with its fittings and forestry exhibit is being sold to the Exhibition Board; and the Government of India are relieved of all responsibility in connection with it.

The Exhibition Board have made the following arrangements for accommodating Indian exhibitors who wish to take part in the 1925 Exhibition. The rent charged to them for floor space in the Indian pavilion is to be £1 per square foot, with discounts of five per cent. on rentals between £250 and £500, ten per cent. discount for amounts between £500 and £1,000 and twenty per cent. discount for over £1,000. Special terms will be quoted for Government exhibits, Indian States and rents over 5,000 square feet. Fifty per cent. of the rental for space applied for should be sent with applications or be paid into any Branch of Lloyds Bank in India whose receipts should accompany applications. Balances are to be paid on occupation. No commission will be charged on sales but a selling license based on stall frontage of £5 per linear foot will be granted subject to a minimum of £50. Numerous fittings for small stalls are available for hire by private treaty. Water, gas and electric light will be charged according to consumption. Applications are to be made to the Controller of the Indian Section of the Empire Exhibition.

These terms are very similar to those in force last year in the Indian Pavilion.

(Sd.) D. T. CHADWICK,

Secretary to the Government of India.

REPORT ON THE TRAINING OF RAILWAY OFFICERS AND SUBORDINATES IN INDIA.

951. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state the date on which Mr. Cole's Report on the training of railway officers and subordinates in India was submitted to the Government of India and whether any steps have been taken to give effect to the various recommendations made in that report?

Mr. G. G. Sim: The report in question was submitted by Mr. Cole in 1922. As regards the rest of the question the Honourable Member is referred to paragraphs 88 and 89 of the Report by the Railway Board on Indian Railways for 1923-24.

SINGAPORE BASE.

952. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to place on the table the communication received from His Majesty's Government about the construction and maintenance of the Singapore Base?

Mr. E. Burdon: No, Sir. This Government have no authority to make public any communication received from His Majesty's Government on the subject.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether, looking to the importance of the subject, he would ask the permission of His Majesty's Government to publish the despatch?

Mr. E. Burdon: The Government of India would not be justified in asking His Majesty's Government for such permission.

Diwan Bahadur M. Ramachandra Rao: Will the Honourable Member say whether it is not desirable that this House should know the views expressed by His Majesty's Government in regard to this matter?

Mr. E. Burdon: It is quite impossible, Sir. As the Honourable Member will have seen from answers given to previous questions, the Government of India are not financially concerned with this matter.

REVISION OF THE PAY OF THE ARMY SERVICES IN INDIA.

953. ***Diwan Bahadur M. Ramachandra Rao:** With reference to the answer given to my question No. 483 will the Government be pleased to place on the table a statement showing the total increase or decrease of expenditure due to the revision of the pay of the Army services in India so far as they have been sanctioned up to date?

Mr. E. Burdon: No decision has yet been reached in regard to the revision of pay of the Army services in India, and Government are, therefore, not in a position to comply with the Honourable Member's request. The only concessions that have so far been sanctioned are as follows:

- (i) The admission to officers of the Indian Medical Service in military employ of the remittance concessions granted to officers of the same service in civil employ as a result of the decisions reached on the recommendations of the Lee Commission; and
- (ii) Certain passage concessions that have been granted to officers of the Indian Medical Service in military employ.

The increase of expenditure as a result of these two decisions is estimated at Rs. 5,00,000.

AMOUNTS INVESTED BY THE GOVERNMENT OF INDIA IN THE
PURCHASE OF OPIUM.

954. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to place on the table a statement of the amounts invested by the Government of India in the purchase of opium from the revenues of India for each year from 1913-14?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the Finance and Revenue Accounts of the Government of India, copies of which are in the Council Library.

PURCHASE OF TEXTILES IN INDIA AND GREAT BRITAIN.

955. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state the value and quantity of the textiles purchased in India and in Great Britain respectively, by the various Departments of Government during the years 1923-24 and 1924-25 up-to-date?

The Honourable Sir Bhupendra Nath Mitra: It is regretted, Sir, that complete information in the form asked for by the Honourable Member is not readily available and could only be collected and compiled at the expense of an inordinate amount of trouble and labour. It is hoped, however, that the following information will suffice for the Honourable Member's requirements:

1923-24.

Purchases made through the High Commissioner, London £130,000

The figures for the Army and Railway purchases of textiles are not available for the period April 1923 to 15th August 1923 and are not therefore included in these figures.

Purchases made in India Rs. 1,74,11,400

This total does not include the purchases of textiles made by the Government of Bombay and the Collectors of Customs, Madras and Rangoon, particulars of which have not been furnished by the above authorities.

1924-25.

Purchases made through the High Commissioner, London— £377,000

Figures are only available for the purchases of textiles made from the 1st of April 1924 to the end of December 1924.

Purchases made in India—

The only information at present obtainable relates to the operations of the Indian Stores Department which from the 1st of April 1924 to 12th February 1925 had actually purchased textiles to the value of Ra. 87,73,400
and was negotiating purchases against demands received amounting in value to „ 50,94,000

It may be explained that the figures relating to purchases made in India in 1924-25 do not include purchases of textiles made direct by Local Governments. Figures relating to purchases made through the High Commissioner have not been furnished by him but obtained from records already at the disposal of the Government of India. Their absolute accuracy is not guaranteed.

PAYMENTS OF COMPENSATION TO THE DEPENDENTS OF PERSONS KILLED
IN THE RAILWAY COLLISION AT HARAPPA.

956. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to place on the table a statement showing the amounts paid as compensation to the relatives and dependents of the persons who lost their lives in the railway collision at Harappa?

Mr. G. G. Sim: Government understand that the North Western Railway Administration has paid compensation to the relatives of persons killed or injured in the Harappa accident in 81 cases so far and that the total cost thus incurred is Rs. 38,899.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member to say how many more cases are still pending disposal?

Mr. G. G. Sim: I have not got that information, Sir.

TRAINING OF INDIANS FOR THE ROYAL ARTILLERY, THE ROYAL
ENGINEERS, AND THE ROYAL AIR FORCE.

957. ***Diwan Bahadur M. Ramachandra Rao:** With reference to the answer given to the unstarred question No. 38 asked by Sardar V. N. Mutalik on the 22nd January last, will the Government be pleased to state full details of the scheme for the training of Indians at Woolwich and Cranwell for employment in the Royal Artillery, Royal Engineers and Royal Air Force, and also to state the number of Indians whom it is proposed to train each year for each of the above Army Services?

Mr. E. Burdon: Details of these proposals cannot be made public at present as the proposals themselves are still under the consideration of the Secretary of State for India.

PUBLICATION OF THE REPORT OF THE CIVIL JUSTICE COMMITTEE.

958. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to publish the report of the Committee appointed for investigating the delays in the disposal of civil litigation?

The Honourable Sir Alexander Muddiman: The report will be published as soon as possible and I hope to be able to say when that will be in a few days.

REMOVAL OF THE DISQUALIFICATION ATTACHING TO POLITICAL
PRISONERS IN REGARD TO THE EXERCISE OF THEIR FRANCHISE.

959. ***Mr. C. S. Ranga Iyer:** (a) Will the Government be pleased to state if they intend to remove the disqualification attaching to political prisoners in regard to the exercise of their franchise either as voters or as candidates for the Councils and the Assembly? If so, when?

(b) Are the Government aware that such a disqualification does not attach to them in regard to Municipal Boards and District Boards?

The Honourable Sir Alexander Muddiman: (a) I am unable to make any statement on the subject at the present time.

(b) The Honourable Member is mistaken in assuming that such a disqualification does not attach to such persons in regard, at any rate to some of these bodies in India.

STEPS TAKEN BY THE PATNA HIGH COURT TO GIVE EFFECT TO THE
RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

960. ***Mr. Gaya Prasad Singh:** (a) With reference to the statement made on the 16th, September 1924, regarding the recommendations of the Indian Bar Committee, will the Government be pleased to say if they have received replies from all the Local Governments, the High Courts, and the legal Associations on the subject of these recommendations?

(b) As regards the statement contained therein that "some of the recommendations of the Indian Bar Committee may be put into operation by the High Courts under the powers which are vested in them, and certain High Courts are in fact taking action in this direction", will the Government kindly state what steps, if any, the High Court of Judicature in Patna has taken or is taking to give effect to the recommendation of the Indian Bar Committee in the matter of creating a single grade of practitioners?

(c) If the answer to the above be in the negative, will the Government be pleased to say why no steps have been taken by the Patna High Court in the matter?

The Honourable Sir Alexander Muddiman: (a) The Honourable Member is referred to the answer given to part (b) of Sir Hari Singh Gour's question No. 396 on the 28th January 1925. The replies are not yet complete.

(b) and (c). It is understood that the Patna High Court is awaiting legislation in this Legislature before taking any action itself.

Diwan Bahadur T. Rangachariar: May I know whether the Government intend to bring in any legislative measure in this Legislature in Delhi?

The Honourable Sir Alexander Muddiman: We hope to do so. I have already said that.

ABOLITION OF FLOGGING IN THE INDIAN ARMY.

961. ***Mr. Gaya Prasad Singh:** With reference to question No. 7 of the 20th August 1920, asked in the Indian Legislative Council, will the Government be pleased to state if flogging as a punishment has been abolished in the Indian Army?

Mr. E. Burdon: Under Section 22 (1) (b) of the Indian Army Act, the Commanding Officer of a Unit on active service may award corporal punishment, not exceeding 12 strokes with a rattan, to followers who are menial servants. This is the only case in which corporal punishment can be awarded in the Indian Army, whether in peace or war.

Mr. Devaki Prasad Sinha: What does the Honourable Member mean by "menial service"?

Mr. E. Burdon: If the Honourable Member will put a question on paper, I will give him a tabulated statement showing what classes of followers and menials are employed in the Indian Army.

Mr. Devaki Prasad Sinha: Why are they called menials?

Mr. E. Burdon: I really don't know what the derivation of the word "menial" is. I have tried to find out but so far I have failed.

Mr. N. M. Joshi: May I know, Sir, if the Government will be prepared to remove this form of punishment which is now given to menials and other lower classes of servants?

Mr. E. Burdon: Government are not considering the matter at the moment, Sir.

Mr. N. M. Joshi: My question is whether Government will be prepared to consider it?

Mr. E. Burdon: That is not a question asking for information.

DISPOSAL OF SIR AUREL STEIN'S COLLECTION OF CENTRAL ASIAN ANTIQUITIES.

962. ***Mr. B. Dass:** Will Government be pleased to state:

- (a) What proportions of the antiquities obtained during Sir Aurel Stein's first expedition (1900-01) in Central Asia were allotted to the Calcutta, Lahore and British Museums, respectively?
- (b) The principles governing such proportionate distribution?
- (c) Did the British Museum share any portion of the expenses of the first expedition? If so, what percentage basis?

Mr. J. W. Bhore: (a) and (b). There was no fixed proportion. The distribution was made with reference to the prior claims of the Museums at Lahore and Calcutta and to the interests of scholarship and research, and in view of the fact that the Governments of the Punjab and Bengal met a portion of the cost of the expedition.

(c) No, Sir.

LOAN OF SPECIMENS OF EARLY TEXTILES BELONGING TO SIR AUREL STEIN'S COLLECTION TO THE SOUTH KENSINGTON MUSEUM.

963. ***Mr. B. Das:** (a) What are the conditions of loan of specimens of early textiles to the South Kensington Museum?

(b) When will these specimens be returned?

Mr. J. W. Bhore: (a) None.

(b) As soon as proper arrangements can be made for their housing in India.

SIR AUREL STEIN'S COLLECTION OF CENTRAL ASIAN ANTIQUITIES.

964. ***Mr. B. Das:** (a) Will Government be pleased to state when the report of the third expedition of Sir Aurel Stein was published?

(b) Will the portion of specimens taken over to Europe, for preparation of Sir Aurel Stein's third report be returned to India after completion of that report?

Mr. J. W. Bhore: (a) It is hoped to publish the report early next year.

(b) These specimens will probably be exhibited in the British Museum from May to October this year and then returned to India when proper arrangements have been made for their housing.

ALLOTMENT OF A PORTION OF SIR AUREL STEIN'S COLLECTION OF CENTRAL ASIAN ANTIQUITIES TO THE PRINCE OF WALES'S MUSEUM AT BOMBAY.

965. ***Mr. B. Das:** (a) What are the decisions of the Government regarding antiquities housed at Srinagar? How will they be distributed?

(b) Are Government aware that the Prince of Wales's Museum at Bombay has been allotted nothing out of the Stein collections?

(c) Do Government propose to allot a portion of the Srinagar collection to Bombay when the distribution takes place?

Mr. J. W. Bhore: (a) and (c). As the antiquities are intended for the Museum at Delhi no distribution will be made.

(b) Yes.

FINANCING BY THE BRITISH MUSEUM OF SIR AUREL STEIN'S
SECOND EXPEDITION.

966. ***Mr. B. Das:** (a) Will Government be pleased to state the reasons for approaching the British Museum for financing the Stein expeditions?

(b) Are the Stein reports accessible to the public?

(c) In what way are the publications of the Archaeological Department made accessible to the general public?

(d) What are the latest publications of the Archaeological Department?

Mr. J. W. Bhore: (a) The British Museum authorities were approached in respect of the second expedition only, as Government were not then prepared to meet the whole cost.

(b) Yes, in the important libraries. They are also for sale.

(c) By presenting copies to important libraries free of cost.

(d) A statement is laid on the table.

Statement showing the latest publications of the Archaeological Department

Annual report of the Archaeological Survey of India for 1921-22.

Epigraphia Indo Moslemica for 1919-20.

Guide to Taxila, Urdu Translation.

Index to the Director General of Archaeology's annual reports for 1902-03 to 1915-16.

South Indian Inscriptions Text (Volume IV), New Imperial Series (Volume XLIV).

The Siddhantas and the Indian Calendar.

Supplementary Catalogue of Coins in the Indian Museum, Volume I (non-Mohamadan series).

Guide to Buddhist ruins of Sarnath, 3rd Edition.

Memoir No. 16.—The temple of Siva at Bhumara.

Memoir No. 17.—Pallava Architecture (Part I).

Memoir No. 18.—Hindu Astronomy.

ARCHÆOLOGICAL EXCAVATIONS IN INDIA.

967. ***Mr. B. Das:** (a) Will Government be pleased to state what are the major archæological excavations being carried out at present in various parts of India?

(b) Have Government considered the advisability of carrying out excavations in the Indraprastha Fort in Delhi, a place of great antiquity in India?

Mr. J. W. Bhore: (a) At Mohenjo Daro, Harapa, Taxila, Nalanda, Sarnath and Kurukshetra.

(b) Trial excavations were made some years ago in the old fort referred to, but the conditions of the site and the results obtained were not such as to justify the work being continued.

INSTITUTION OF A BETTER SYSTEM OF AUDIT, INSPECTION AND CONTROL
IN RESPECT OF THE AFFAIRS OF THE IMPERIAL BANK OF INDIA.

968. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether they have so far considered the advisability of issuing instructions under section 10 of the Imperial Bank of India Act to the Imperial Bank to institute a better system of audit, inspection and control in respect of the affairs of the Bank than is now provided for under the bye-laws and articles and some scheme of concurrent and efficiency audit in order to enable the public and the Government to obtain periodical and confidential reports of independent auditors from time to time, as in the case of Government Treasury operations?

The Honourable Sir Basil Blackett: The Government do not consider that action is necessary under section 10 of the Imperial Bank of India Act, nor that action under that section is appropriate for the purposes which the Honourable Member has in view. Section 59 of the Act empowers the Government to appoint auditors if necessary, to examine and report upon the accounts of the Bank, but the Government do not at present consider such action necessary.

Mr. A. Rangaswami Iyengar: Are the Government aware of the proceedings that took place in the Madras High Court in regard to the operations of the Madras branch of the Imperial Bank?

The Honourable Sir Basil Blackett: Yes, Sir.

Diwan Bahadur M. Ramachandra Rao: Do they propose to take any action in regard to this?

The Honourable Sir Basil Blackett: If the Honourable Member will put the question down, I will consider the answer.

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to ask a question of which I gave private notice to my Honourable friend, Sir Alexander Muddiman.

(a) In view of the fact that the Report of the Reforms Inquiry Committee was submitted to the Government more than 2 months ago, will the Government be pleased to state the reasons for the delay in its publication?

(b) Is it a fact that this Assembly adopted on the 4th February, 1921, a Resolution, which was accepted by the Government, that as far as practicable steps be taken to ensure that no action administrative or legislative be taken on reports of Commissions or Committees appointed by the Secretary of State for India or the Government of India until an opportunity shall have been given by the Government to the Indian Legislature to express its opinion? Will the Government be pleased not to take any action on the Reforms Inquiry Report till this House has been afforded an opportunity to express its views on this subject?

(c) Have the Government of India come to any decision in regard to the various matters dealt with in the Report and has the report been forwarded to the Secretary of State for India in Council with or without an expression of opinion of the Government of India on the recommendations made in the report?

(d) In view of the statement made by the Honourable Sir Alexander Muddiman in this House that the report will be published in a few weeks and that an opportunity will be given to this House to discuss the report, will the Government be pleased to state when this opportunity will be afforded?

(e) Are the Government aware that if the report is published at the fag-end of the Session there will be no time for an adequate discussion of the report and that the discussion of the report will have to be postponed till the September session and will the Government be pleased to order the publication of the report without any further delay?

(f) Has the attention of the Government been drawn to the announcement made in the Press on the 18th instant that Lord Olivier has given notice of a motion about the inquiry made by the Reforms Inquiry Committee in regard to the working of the Indian constitution and will the Government be pleased to afford all facilities for an expression of opinion by this House on the report before the matter is discussed in Parliament?

The Honourable Sir Alexander Muddiman: (a) Final copies of the Report and Appendices were received by the Government of India on the 15th December, 1924. The time since then has been mainly occupied by the work of printing the Report and its Appendices. It has also been necessary to make arrangements for their publication simultaneously or nearly as possible simultaneously in India and in England.

(b) A Resolution in the terms quoted by the Honourable Member was adopted by the Assembly on the 24th February, 1921. Without committing themselves in regard to action on any minor recommendations which may be contained in the Report the Government of India propose to give effect to the terms of that Resolution in regard to the main recommendations in the Report now in question.

(c) The reply to the first part of this question is in the negative. The Report was forwarded to the Secretary of State without any expression of opinion.

(d) and (e). I am unable to say at present when this House will be given an opportunity to discuss the report. I may inform the Honourable Member, however, that it will be published in India on the 9th March.

Thereafter and before any discussion takes place, I presume Honourable Members will wish to consider the recommendations contained in it. The Government of India, I may add, have not yet come to provisional conclusions upon those recommendations.

(f) Government have seen the announcement. Though they are able to some extent to arrange the course of business in this House, the Government of India have no control over the course of business in Parliament, and I am therefore unable to give such an undertaking as is asked for.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member, Sir, in view of the fact that the Report will be published on the 9th of March, whether there will be any opportunity given to this House to discuss it after that date?

The Honourable Sir Alexander Muddiman: Certainly after that date.

Diwan Bahadur M. Ramachandra Rao: But before any action is taken.

The Honourable Sir Alexander Muddiman: I have said that at the present time I am unable to make any statement on this question. I think the Honourable Member had better repeat his question after the 9th of March.

Mr. A. Rangaswami Iyengar: May I know, Sir, if, after seeing the Report, Honourable Members on this side of the House should come to the conclusion that the Report ought to be discussed before action is taken, whether a date will be given for the discussion of this subject?

The Honourable Sir Alexander Muddiman: That seems somewhat of a hypothetical nature.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether he will endeavour to give us an opportunity to discuss this Report at all before we disperse, before the end of March? Have the Government any intention of affording us an opportunity at all?

The Honourable Sir Alexander Muddiman: I have made my point clear. Government have not come to any definite conclusion on this subject.

Diwan Bahadur M. Ramachandra Rao: May I ask, Sir, when they propose to come to any conclusion on this subject?

The Honourable Sir Alexander Muddiman: Well, Sir, these are matters of some importance: we cannot come to hasty conclusions.

Diwan Bahadur M. Ramachandra Rao: Would the Honourable Member undertake to give us an assurance that the subject will be open to discussion?

The Honourable Sir Alexander Muddiman: I think if the Honourable Member will put me that question on the 9th March, I shall be in a position to give him an answer.

UNSTARRED QUESTION AND ANSWER.

INCREMENTS OF PAY OF CLERKS IN CIVIL ACCOUNTS OFFICES.

137. **Mr. K. O. Neogy:** (a) Are the Government aware, that a number of clerks who entered the Civil Accounts offices from the Postal Accounts or other non-civil Audit offices, have been deprived of increments of pay (for the period of their services in the Postal or other non-civil Audit offices) to which they were entitled on account of the introduction of the time scale of pay on the 4th November 1919?

(b) Is it a fact they were so deprived on the mere ground that they belonged to the Postal Accounts or other non-civil Audit offices?

(c) Is it a fact that the status of these offices are equal because the same scale of pay has since been introduced?

(d) Is it a fact that these clerks would have got the entire benefit of increment of the time scale, according to their services, if they had remained in those offices, which also came under the time scale from the same date, with the Civil Accounts Offices?

(e) If the answers to (b), (c) and (d) are in the affirmative, are Government prepared to reconsider their decision embodied in paragraph 7 of the memorandum of instruction of payment under the time scale of pay circulated with G. I. No. 58 F. E., G. F. D., dated 14th January, 1920, to D. A. G., Delhi, and give the poor clerks, who were thus transferred to the Civil Accounts Offices, the full benefit of the increment under the time scale from the date of its introduction, taking into consideration their services in the Postal Accounts or other non-civil Audit offices?

The Honourable Sir Basil Blackett: Inquiries are being made and the information will be supplied to the Honourable Member in due course.

PETITION RELATING TO THE INDIAN PENAL CODE (AMENDMENT) BILL (AGE OF CONSENT BILL).

Secretary of the Assembly: Sir, under Standing Order 78 I have to report that one petition has been received relating to the Bill further to amend the Indian Penal Code (amendment of section 375) which was introduced in the Legislative Assembly by Sir Hari Singh Gour. This petition has been presented by certain residents of the Tenali Taluq, Guntur District in Madras.

STATEMENT LAID ON THE TABLE.

FINANCING OF BRANCH LINES.

Mr. G. G. Sim: Sir, I lay on the table the information promised in reply to questions Nos. 278 and 279 asked by Mr. A. Rangaswami Iyengar on the 27th January, 1925, regarding the policy which the Government of India have decided to adopt in regard to the financing of branch and feeder lines.

No. 2131-F.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

Dated Delhi, the 19th February, 1925.

RESOLUTION.

Financing of Branch Lines.

The Governor General in Council, with the sanction of His Majesty's Secretary of State for India, is pleased to issue the following orders on the subject of Financing of Branch Lines, in supersession of all previous orders on the subject.

Branch and Feeder Lines are constructed under an agreement by which the State guarantees a minimum return on the capital, or alternatively, undertakes that the line shall receive, out of the earnings of the main line from traffic contributed by the branch, such a sum, known as a rebate, as will make up the total earnings of the branch to a given sum, while the branch in each case shares with the main line any profits exceeding the guaranteed minimum.

2. This method of encouraging the construction of lines originated 30 years ago simply because the Government of India was unable to furnish the necessary capital.

3. The Acworth Committee pointed out that this method, while enabling lines to be built which would otherwise not have been built, has no other merit. The financial terms usual before the war are now quite inadequate and if the system is to continue they will have to be revised. All the witnesses before the Committee who asked for a revision of the terms admitted that, if the main line were in a position to build a given branch itself, they would prefer that it should be done by the main line rather than that it should be done as a separate undertaking.

4. Amongst the disadvantages pointed out by the Committee are the following :-

- (i) The Branch Line Company is usually a fifth wheel to the coach. It implies in some cases a separate construction staff; it always implies a separate Board of Directors, and separate accounts.
- (ii) Where the branch is worked by the main line, if its Directors feel that the management is unsatisfactory, they not only make representations to the main line administration, but in the last resort can appeal to the Railway Board which does not make for harmony.
- (iii) Capital raised by a small private undertaking, even with a Government guarantee, will cost more than money raised by the State.
- (iv) Inconceivable confusion results from the multiplication of independent Railway Companies—each company, small or great, desires to reserve for itself a separate sphere of influence; and jealously demands that, if any new-comer intrudes into that sphere, he shall pay toll to the original concessionaire. This only complicates a situation which ought to be considered solely from the point of view of the public interest. Now proposals for the extension or connection of lines by small independent companies are either refused owing to protests by the old company or only permitted on a basis of elaborate accounting between the new company and the old for the profits which hypothetically would have belonged to the old line had the new line not been opened.

5. The only arguments urged in favour of the Branch Line Companies were :

- (i) That money had been raised which the Government of India was unable to furnish.
- (ii) That a claim was made that the Branch Line Company obtained from local sources money that would never be subscribed to a Government loan.
- (iii) That there may be cases of a Branch Line of smaller gauge worked independently, which the Branch Line Company can operate more economically than a main line.

6. The Acworth Committee, therefore, so far from approving of this system considered that the aim of the Government should be to reduce by amalgamation the number of existing companies and that it should only be in cases where the State cannot or will not provide adequate funds that private enterprise in this direction should be encouraged.

7. The disadvantages pointed out by the Acworth Committee require to be even further amplified. The existing Branch Line Companies have ceased for some time to raise additional capital for capital requirements. They have either obtained overdrafts from various Banks for this purpose at heavy rates of interest or issued debentures at special rates of interest (usually about 7 per cent.) or in several cases asked for money to be advanced to them by the Railway Board. So far, therefore, from reducing the amount that the Government of India have to raise in the open market, they are at present increasing that amount.

8. Another serious disadvantage which is not mentioned by the Acworth Committee is that the main line usually works the Feeder or Branch Line for a remuneration which, in most cases, is limited to a maximum of a fixed percentage of the gross earnings of the Branch Line (usually 40 per cent. or 50 per cent.)—terms of remuneration which at present are grossly inadequate. The result of this arrangement is that many of the main lines whose working expenses are from 60 to 80 per cent. of the gross earnings are saddled with heavy expenditure which ought to have been debited to Branch Line Companies. Where the Branch Line Companies are "successful," that is, where the shares stand at a high figure, their profits are inflated owing to their working expenses being thus artificially reduced. Again, where in the case of less "prosperous" Branch Line Companies, the Government has to make a direct subsidy in order to make up the guaranteed interest on the capital, the amount paid by way of subsidy does not reveal the true loss of the Government in connection with the Branch Line Company. To this subsidy should be added also the additional loss incurred from the main line working the Branch Line at less than the actual cost. Even this, however, does not give a complete statement of the loss sustained by Government in connection with these Companies. These Companies have been supplied with land free of charge and the cost of such land is not taken into account either in the Capital or the Revenue Accounts of the Companies concerned.

9. The only real argument in favour of these Companies is that they must be utilised in cases where the Government itself is unable or declines to raise the necessary amount of capital for new constructions. It is doubtful whether such a position is likely to recur in the future. It is admitted that to use the agency of these Companies is a far more expensive method of raising money for the construction of railways than direct Government loans can ever be. The amount of assistance given by Branch Line Companies in the past has been trivial; the total amount of capital raised through the agency of Branch Line Companies has only been about Rs. 10½ crores—an amount which in itself is less than the lapse that occurred last year in the provision for capital expenditure in the Railway Budget.

10. The difficulties and complications now experienced in connection with these Branch Line Companies are out of all proportion to the insignificant financial facilities offered by the Companies. The Government of India have therefore decided that the Branch line policy should be abandoned and that an endeavour should be made to reduce the number of the existing Branch Line Companies. If on any occasion the Government of India should be unable to find funds for construction (which is not the case at present), and should it be considered advisable to tap fresh sources for subscription to railway loans by offering terms different from those given to ordinary Government loans, that is, by offering not only a fixed rate of interest but a share in the profits of a particular Branch Line, there appears to be no particular advantage of using a financial half-way house specially to float a loan on such terms; there appears to be no reason why the Government should not float the loan direct. But it will probably be found sufficient to raise short term debentures at a high rate of interest—to be liquidated when the loan market is favourable—a procedure adopted now by the Branch Line Companies, but at a higher rate of interest than would be necessary for the Government.

11. There remains the case of the District Board Railways for which some of the capital or the security for the capital is secured by a special cess levied by the District Board throughout the district.

The Acworth Committee pointed out that where a District Board was the promoter of a new Branch Line, considerations other than purely commercial came into play with the result of further complications and confusion. In a footnote to the report they referred to the views expressed by the Madras Government who had drawn attention to a case in which, although no short-circuiting was involved, there had been a delay of over 10 years in arriving at a decision in regard to the terms for working

a District Board Railway by the South Indian Railway Company. The amount of capital raised by District Boards for such lines has been only Rs. 137 lakhs while the amount raised by Company lines subsidised by District Boards amounts to Rs. 2½ crores. These amounts are insignificant as compared with the total capital raised by the Government and it is clear that the relief afforded to the Government of India in raising the loans is quite disproportionate to the great complications which have resulted in the working of the railway administration. Loans raised direct by the District Boards do not relieve the market of the Government of India; the money is ultimately borrowed from the Government of India.

12. The legal position regarding the powers of District and Local Boards in the matter of railway construction and management depends in part on the Indian Railways Act, 1890, which, in the absence of express exclusion of its application, extends to all District Board railways and, in part, on the nature of the provision made in the matter in the District or Local Boards Act of the province concerned. It is only in the Madras Presidency that the question has assumed prominence and it will suffice to indicate briefly the nature of the provisions contained in the Madras Local Boards Act, 1920. Action under section 113 of that Act can only be taken "with the previous sanction of the Government of India". Having obtained such sanction, a District Board may either itself construct and maintain a railway within, or partly within, the local area under the control of the Board, or may subscribe to any debenture loan raised by the Government of India or by any other local authority or by any company for the construction or maintenance of any railway which the Board considers likely to be of benefit to the district, or may guarantee the payment from the district fund of such sums as it shall think fit as interest on capital expended on any such railway (that is, whether the railway is constructed by the Government of India or by any other local authority or by a Company).

Section 236 of the same Act provides that the accumulations of a local railway cess may be utilised for all or any of the purposes specified in section 113, including the guaranteeing of payment of interest on capital spent on a railway.

A District Board in Madras, therefore, can guarantee the payment from the district fund of the money sufficient to make up the minimum interest on capital expended on a railway within its area whether such railway is constructed by the Government of India or by a Company, the only disadvantage attaching to this particular form of guarantee being that the Act does not make the payment of the guaranteed interest a first charge on the District Board Fund.

13. The Government of India could not reasonably use their powers under the Indian Railways Act, 1890, or under, e.g., section 113 of the Madras Local Boards Act, 1920, to prevent a District Board or a local body from constructing a light railway or a tramway which had no physical connection with any existing main line and which that local body proposed to work itself or through a local company. But as things stand at present there is no reason for continuing the practice under which District Boards are allowed to make money out of Branch Lines connected with a main line when they themselves cannot make any arrangements for the working of the lines and require to have them run by the main lines.

14. These District Board railways must not be confused with the light and feeder railways which constitute a provincial subject under the Devolution Rules. The provincial subject in question comprises "light and feeder railways and extra-municipal tramways in so far as provision for their construction and management is made by provincial legislation." That is to say, it comprises only individual light or feeder railways or extra-municipal tramways for the construction and management of which specific provision has been made by an Act of the local legislature of the province concerned. Hitherto, no such legislation has been enacted with the result

that the entry in question in the provincial schedule, as also the qualifying words in entry 5(a)* in the central schedule, have no operation, and all existing railways of every description are included in the central subject defined in the last-named entry. It should also be observed that the provincial subject in question is "subject to legislation by the Indian

Legislature in the case of any such railway or tramway which is in physical connection with a main line or is built on the same gauge as an adjacent line," the effect being that a provincial bill designed to provide for the construction of a light or feeder railway or extra-municipal tramway in physical connection with a main line or built on the same gauge as an adjacent main line would require the previous sanction of the Governor General under clause (f) of sub-section (3) of section 80A of the Government of India Act; and it may be presumed that few occasions are likely to arise in which provision will be made by local legislation for the construction of a light or feeder railway not answering one or other of these descriptions.

* "Railways and extra-municipal tramways, in so far as they are not classified as provincial subjects under entry 6 (d) of Part II of this schedule."

15. The proposals set forth in this Resolution are not designed to evade the legitimate operation of the legal position described, in the case of District Board railways, in paragraph 12 and in the case of provincial light and feeder railways, in paragraph 14; but it follows from the proposals that Local Governments and District or Local Boards should not, in the absence of special circumstances, be encouraged to build branch or feeder lines. In other words, the normal procedure will be the construction by the Government of India, or, at its cost, by a Company, of a branch line which a District Board or Local Government desires to have constructed and is prepared to guarantee. But, should the railway programme not permit the construction of such a line within a reasonable time, the possibility of permitting a District Board or Local Government to construct it from its own funds would require consideration.

Unremunerative Lines.

16. The above proposals relate to the procedure adopted in the past and the procedure which it is proposed to adopt in the future for the financing of the construction of branch or feeder lines expected to prove remunerative from the point of view of railway earnings only. But there are cases where the Local Governments or local authorities may desire that a line should be constructed which will not be remunerative on railway earnings and the construction of which is desired by them for purely local reasons on account of the administrative advantages it is likely to confer or for the development of a particular area. It is proposed that in future the Railway Board in such circumstances should have power to arrange for the construction of the line from railway funds if the Local Government or the local authority guarantees the Railway Board against loss. The guarantee would be to the effect that the local authority would make up the difference between the net earnings and the interest and other charges payable. As it is not desirable that the Central Government should make any profit out of such contributions by local authorities, it is also proposed that where contributions have been made by a local authority for this purpose the repayment of such contributions should be a first charge on any net profits subsequently realised from the line, should the line prove remunerative.

17. The Central Government must, however, retain the power to decide whether a line is to be built or not; the proposals in the preceding paragraph must not be taken to imply that a Local Government by giving a guarantee can require the Railway Board to construct a line. Proposals of a Local Government might run counter to the general railway policy or might take the form of short-circuiting railway traffic and so lead to a reduction of receipts from existing lines.

18. These proposals have been circulated to Local Governments and have been generally welcomed by them as affording a suitable method of reconciling central and local interests and of providing for local bodies and Local Governments a method of securing the construction of railways which may be required for purely local reasons, and which, while not likely to prove remunerative on purely railway earnings, are likely to provide such indirect benefits to Local Governments and local bodies as will more than repay the amounts paid under the guarantee. Several such arrangements have already been made with Local Governments.

Order.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations for information, to all Railway Administrations for information and guidance, and that the Resolution be published in the Supplement to the *Gazette of India* for general information.

J. IZAT,
Secretary, Railway Board.

RAILWAY BUDGET FOR 1925-26.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I rise to present a statement of the estimated expenditure and revenue of the Governor General in Council for the year 1925-26 in respect of Railways. This is an important occasion for we are inaugurating to-day the new budget procedure which the separation of our railway finance from general finance has rendered possible. Under the convention to which the House agreed last

[Sir Charles Innes.]

September, the Railway contribution to the general revenues of the country is in great part a known figure. That is why I am to-day introducing the Railway Budget in advance of the General Budget. I can do so without giving away any of those secrets which my Honourable Colleague on my right guards so jealously. And in the matter of procedure alone, I hope that the House will agree with me that we get solid advantages from the new procedure. In the first place, I would beg the House to observe that the budget itself is not a mere departmental compilation. The Railway Finance Committee, a Committee elected by this House and containing only one official member, has examined the budget in detail and has approved generally of it. I take this opportunity of thanking them for their labours. As the House will see from the printed proceedings of the Committee which are being circulated, we worked them very hard, and Mr. Sim, their Chairman, tells me that he derived the greatest benefit from their advice and criticism. This year I am afraid that we had to rush them a little. We could not help ourselves, for we ourselves had to work very hard in order to get the budget in its new form ready in time, but in future years I hope we may be able to spread their budget work over a longer period. Again, Sir, another advantage that we derive from the new procedure is that we are able to give the House more time to consider the Railway Budget. A separate day is being given for a general discussion of the Budget, and the House will have four days next week to consider the Railway demands for Grants. This allowance may strike the House as insufficient for a budget which deals with an expenditure amounting to some 90 crores of rupees. But at any rate, it is an improvement on the procedure last year, when six days were set aside for all the demands of the Government of India including railways. And finally, Sir, we have attempted to place the budget before the Assembly in a form which not only gives more information about our Railway finances, but which will facilitate discussion. Last year there were merely two Railway votes—one for capital and one for revenue. This year we have split the budget into 15 votes. Two of them relate to strategic lines. The other thirteen relate to commercial lines. In addition to the general budget memorandum, we are circulating separate notes on each demand, and we are also circulating separate statements regarding each and every railway that comes into our budget. These statements give for each Railway the revised estimate for 1924-25 and the budget estimate for 1925-26. And to each statement an explanatory memorandum is attached. It discusses how the Railway has done this year, what its prospects for next year are, what its programme for development and betterment is, and what expenditure we propose from the Depreciation Fund. We hope that by putting the budget up in this form we shall enable the House to keep an intelligent watch not only on the development of the Indian Railway system as a whole, but on each Railway, and I hope also that the amount of information we are giving to the House will clear away the last vestige of that suspicion which, I think, lurked in the minds of some Honourable Members last September that the object of the separation of Railway finance was to weaken the control of the Assembly over our budget.

Before I leave the question of procedure, I should like to add two remarks. The first is this. We do not regard the form in which we are putting up the budget this year as the last word on the subject of the

best way of presenting the Railway budget to the House. As I have already explained, we were working against time, and we had to devise our own form. But we are quite open to suggestions for improvement, and if any suggestions are made either in the House or by the Railway Finance Committee, they will be most carefully considered before the time of the next budget. My other remark is in the nature of an appeal. We are circulating with the budget papers a statement which shows exactly what activities of the Railway Department each vote covers. We have done that, Sir, in order to let Honourable Members who wish to bring up any particular subject for discussion know under what vote that subject can most appropriately be discussed. I hope that Honourable Members will carefully study the statement in order that our debates may proceed in an orderly and useful manner. I should just like to reinforce the appeal which was made in this House at the beginning of this week by Sir Campbell Rhodes. I hope, Sir, that when Honourable Members put down motions for reductions, they will add a few words to explain exactly what point they wish to raise. I ask them to do this in their own interests as well as in the interests of the Government. For if we know beforehand exactly what subject each motion is intended to bring up, we shall come better prepared to give the information which the Honourable Member wants.

I come now to the budget estimates. They are explained in the budget memorandum and I propose only to deal with the more important figures. My idea is indeed to make to the House more or less the sort of speech which the Chairman of a Board of Directors would make to the shareholders of a Company. (Hear, hear). For I think that it might fairly be said that this is the position at which eventually we hope to arrive.

REVISED ESTIMATE FOR 1924-25.

Revenue.

I take first the revised revenue estimate for the current year. It is still only an estimate of course, but it is the best estimate we could make in the light of the latest figures available when we prepared the budget. I will begin by giving the figures in barest outlines. We place our revised estimate of gross receipts, that is, gross traffic receipts *plus* our share of the profits of subsidized Companies *plus* miscellaneous receipts at 98·01 crores. The figures of course are for commercial lines only. Our revised estimate of our total charges, that is, working expenses *plus* surplus profits paid to Indian States and Railway Companies *plus* interest charges *plus* miscellaneous charges, amounts to 86·77 crores. We hope therefore that the gain from commercial lines during the current year will amount to 11·25 crores.

Comments on Revised Estimate.

Before I proceed to deal with the effect of these figures upon our contribution to general revenues in the current year, which is no doubt the point upon which the House takes a very keen interest, I should like to make one or two comments on these figures. Our gross receipts, if we realise them, will be nearly 5 crores better than the gross receipts of last year and more than 2½ crores better than our budget estimate. I think these are very satisfactory figures, but I do not propose to say very much about them. For the most part, the betterment is due to causes .

[Sir Charles Innes.]

beyond our control, namely, good crops and improving trade. Had it not been for the disastrous floods both in North and in South India, our gross receipts would have been better still. But I think that there is one point in which perhaps we might claim a little credit, and it is this. I think that I can say that by more efficient working and by getting better use of our rolling stock we have been able to carry this greatly increased traffic without undue delay and without inconvenience to trade. Our expenditure figures are more interesting. If we exclude interest charges, surplus profits due to Indian States and Railway Companies and miscellaneous charges, we expect our working expenses in the current year to be 62 crores against 59·16 crores last year. But the figure 62 crores requires some explanation. To begin with, it has been decreased by a windfall of 1½ crores. This sum represents a refund to revenue of customs duties paid on stores imported during recent years by Company Railways which according to a recent Privy Council decision they ought not to have paid. If we disregard this windfall, our working expenses this year will amount to 63·25 crores or 4 crores more than last year. But the figures are still misleading. Last year we had no depreciation fund and we charged to revenue only our actual expenditure on what we in those days called programme revenue, i.e., renewals and replacements. In the current year, we charge to revenue our gross appropriations to the Depreciation Fund, namely, 10 crores and not merely our estimated actual expenditure from the fund, namely, 805 lakhs. It is perfectly right that we should charge to revenue these gross appropriations, but merely for the purpose of comparing our working expenses this year with those of last, we should deduct 195 lakhs from the figures 63·25 crores I have just given the House. If we compare the figures in this way, it means that this year we have spent 61·30 crores in order to earn 98 crores. Last year we spent 59·16 crores in order to earn 98·18 crores. In other words, though we have earned nearly 5 crores more, we have spent only 214 lakhs more. It is true that the rise in exchange has helped us to the extent of some 25 lakhs, but even so, the figures are, I think, very satisfactory and reflect great credit on the Railway Board and on the Railway Administrations. The House will remember that the Inchcape Committee set before us the standard that we should aim at earning 5½ per cent. on the capital invested on our Railways. If our revised estimates for this year prove correct, we shall have earned on commercial lines on the capital invested by Government 5·46 per cent., that is, very nearly 5½ per cent. held out as our standard by the Inchcape Committee.

Contribution for 1924-25.

I now come, Sir, to the contribution for 1924-25.

According to the convention agreed to by the Assembly last September, Central Revenues are entitled to receive from the Railways a contribution equal to 1 per cent. of the capital at charge in the penultimate year *plus* 1/5 of the surplus profits in that year. The Assembly also stipulated that if after payment of the contribution so fixed the amount available for transfer to Railway Reserves should exceed 3 crores ½ of the excess over 3 crores should be paid to general revenues. I proceed now to inform the House how much we expect to contribute this year to general revenues.

The House will remember that it was specially arranged that the contribution for the current year should be based not on the figures of 1922-23 (a year in which the profit from Railways was very small) but on those of 1923-24, and that what I may call the fixed contribution for 1924-25 should be repeated in 1925-26. This fixed contribution calculated at 1 per cent. of the capital at charge in 1923-24 plus $\frac{1}{5}$ of the surplus profit of that year amounts to 6,30 lakhs odd. That represents what I may call our fixed contribution for 1924-25 and 1925-26 to general revenues. General revenues have, however, to meet the loss on strategic lines and that loss is taken for purposes of convenience as an offset against the amount due from commercial lines to general revenues. In 1923-24 this loss amounted to 121 lakhs. Therefore the net contribution payable to general revenues in 1924-25 and 1925-26 is 509½ lakhs. But though for convenience sake we pay a net contribution of 509½ lakhs, I would beg the House to observe that they are taking from us under the convention 630 lakhs. Now I mentioned just now that we anticipated that our gain from commercial lines during the current year would be 1,125 lakhs. But the estimated loss this year on strategic lines is 151 lakhs. The net gain therefore is 974 lakhs. From this amount we deduct the net contribution of 509½ lakhs and this leaves a balance of 465 lakhs. This is the amount for disposal. The excess over 8 crores is 165 lakhs. One-third of this or 55 lakhs has to be paid to general revenues and 410 lakhs go to our Railway reserves. The general taxpayer therefore gets a net payment from Railways in the current year of 564 lakhs or more than a crore more than Sir Basil Blackett budgeted for, and we get 410 lakhs into our reserve fund. But I would again emphasise that what the general taxpayer is really taking from commercial lines is not 564 lakhs but 685 lakhs.

BUDGET ESTIMATE FOR 1925-26.

Revenue.

I pass on to the budget estimate for 1925-26, and as in the case of the revised estimate for this year, I will first give a summary of the revenue figures. We are budgeting for gross receipts of 101 crores and for a gross expenditure of 91 crores. If the estimates prove correct, there will be a gain from commercial lines of 10 crores of rupees.

Receipts.

Of course we cannot foresee what the year 1925-26 has in store for us. As I have said, Railway results are peculiarly dependent upon the monsoon and upon the state of trade, and no one can forecast whether or not next year's monsoon will be a good one or not. But for the moment the outlook is promising. It looks as if we might have a bumper wheat crop this year, and we may also hope to carry in the early months of 1925-26 a larger proportion of the cotton crop than usual. At any rate, this year's crop is reported to be bigger than that of last year, and so far less of it has come down to the Ports. Therefore, in the early months of next year we ought to carry more cotton than we did this year. Given, therefore, a normal monsoon and a fair state of trade, we hope that we shall top our figures of this year good though they were, and we are budgeting for gross receipts of 101 crores or three crores in excess of those of this year.

[Sir Charles Innes.]

Expenditure.

As regards expenditure, I neglect for the moment such charges as interest charges and surplus profits paid to Indian States and Railway Companies and confine myself to working expenses proper. I have just explained that if we take no account of the windfall of customs duty, our working expenses this year are expected to amount to 68·25 crores. Next year we are budgeting for a figure of 65·79 crores or 2½ crores more. One reason for this excess is that we hope to make a beginning with a very important improvement, namely, the provision of automatic couplers, and we are providing 70 lakhs for that purpose. I may say that the introduction of automatic couplers should result not only in great economy but also in a diminution of accidents among our staff. We are also setting aside 50 lakhs for speeding up repairs to rolling stock, and we are allotting 50 lakhs to meet the cost of the measures we are now taking to get rid of surplus and unserviceable stores. I should also mention that 26 lakhs have been provided in the budget for the cost of extending to officers of Company Railways the Lee Commission concessions with effect from 1st April last. We have thought it prudent to make this provision in the budget, but I must make it plain that it has not yet been decided whether these benefits should be conferred on the officers of Company Railways in whole or in part or from what date. It is a question which still has to be considered by the Government of India and the Secretary of State. If allowance be made for these additions to our expenditure, it will be seen that we hope to keep the direct cost of operation, if any thing, below this year's figures in spite of the fact that we are budgeting for earnings 3 crores in excess of this year's figures. Our interest charges, owing to the new capital charges we are incurring are likely to be some 82 lakhs higher in 1925-26, and as I have said, we are budgeting in all for total charges amounting to 91 crores of rupees.

Contribution for 1925-26.

I have explained how we have calculated the contribution for 1924-25, and I will not go into the details regarding the contribution for 1925-26. It is sufficient to say that we expect our net contribution for 1925-26 to be 524 lakhs or 40 lakhs less than the contribution for the current year. The reduction is accounted for by the increase in the net receipt of the current year of 125 lakhs due to the refund to revenue of customs duty. This figure, however, is the net contribution. The gross contribution from commercial lines will amount to 645 lakhs, and we expect to pay into our Railway Reserves 328 lakhs of rupees.

Railway Reserves.

If therefore our figures prove correct, we shall have in Railway Reserves at the end of 1925-26 a sum of 788 lakhs of rupees. Now, under the terms of the convention these Railway Reserves are to be used (1) to secure the payment of the annual contribution to general revenues, (2) to provide if necessary for arrears of depreciation and for writing down and writing off capital and (3) to strengthen the financial position of Railways in order that the services rendered to the public may be improved and rates reduced. The House will no doubt want to know whether we propose to make any use of our reserves in 1925-26. The answer is no.

In the first place, our anticipation that at the end of this year we shall be able to place 410 lakhs to Railway Reserves is only an anticipation. Until the actuals of the year are known, we shall not know exactly what sum we have at our disposal in the reserve fund. Still less can we say for certain whether we shall realise our hope that at the end of 1925-26 we shall be able to place another 328 lakhs to reserve. Our estimates for next year are based on a normal monsoon and a fair state of trade. If our hopes in this respect are falsified and if the monsoon is a bad one, we may be able to place nothing at all to reserves. In any case, we have to bear in mind that in 1926-27 we have to pay a contribution, based on the current year's working, of approximately 735 lakhs from commercial lines.

This means that if in that year we make no profits, the whole of our estimated reserves will be absorbed in paying the contribution for that one year. The risk of exchange again has to be borne in mind. A drop in the exchange value of the rupee to 1s. 4d. would increase our revenue charges by 1½ crores, and all things considered we are satisfied that the prudent course is to make no proposals this year for the utilisation of our reserve funds. After all, a reserve of 410 lakhs is less than 1 per cent. of our capital at charge, and it represents only a little more than 4 per cent. of our gross earnings in the current year.

Capital budget, 1924-25.

So far I have dealt only with our revenue budget. I propose now to say a few words about our capital budget. For the current year the Legislative Assembly approved last March of a capital expenditure of 30 crores during the current year. Approximately 25 crores were for rehabilitation and improvement of existing lines and 5 crores were for new construction. The actual amount which it is expected to spend during the current year is only 12·85 crores resulting in a lapse of 17·15 crores. I am prepared to admit at once that the figures are disappointing, but they are not quite so disappointing as they look. I have referred already to our windfall in the shape of a refund of customs duty. That windfall amounts in all to 280 lakhs. 125 lakhs go to revenue. 155 lakhs goes towards reduction of the total capital at charge. We anticipate also that there will be a reduction in the capital locked up in stores amounting to 4 crores. That is to say, our total capital expenditure in the current year is likely to be 18·4 crores, or much the same as last year. Even so, the figures indicate a very considerable short spending, but as the causes of this short spending have been analysed at some length in the Administration Report for last year which we published only a few weeks ago, I shall not weary the House by travelling over the ground again. I will merely say that we hope to effect a considerable improvement in this matter. Indeed as I shall show when I come to the capital budget for 1925-26, we are counting on this improvement manifesting itself next year.

Capital budget for 1925-26.

Agents have informed us that next year they will be able to spend on works approved by the Railway Board 32 crores of rupees. We attach great importance to the earliest possible completion of approved works. The sooner they are completed, the sooner they will begin to pay us a return on our investment. But in view of what I have just said, the House will not be surprised when I say that we regard the estimate of the Agents as optimistic and that we have some doubts whether they will

[Sir Charles Innes.]

be able to spend the full amount asked for. Instead of cutting down the demand, however, we have shown a probable saving of over 9 crores and we are asking the House to vote 6½ crores for new construction and 16.20 crores for open line works.

Open Line Works.

Of the amount asked for by Agents 23.7 crores are required for Open Line works and rolling stock, involving, I may mention, a consequent provision of more than 11 crores from expenditure from the Depreciation Fund. The main purposes to which this money is being devoted are explained in the Budget Memorandum, but the House will, I think, be interested, if I mention just a few of them. We are providing in terms of 4-wheelers for 3,857 new goods wagons and for 822 new coaching vehicles, 755 of these latter being lower class vehicles. Apart from these additions and betterments to lower class carriages, which will cost us nearly 1½ crores, we are spending some 30 lakhs on amenities for 3rd class passengers in the shape of waiting sheds, refreshment rooms, booking facilities, water-supply arrangements and the like. Honourable Members will no doubt have read recently in the Press of the reopening of the electrified Harbour Branch of the Great Indian Peninsula Railway. That constitutes what I am sure will prove to be a landmark in Indian Railway history, for it is the first electric railway in India. We are continuing that work and we are providing 103 lakhs for the electrification of the Great Indian Peninsula suburban line and 77 lakhs for the electrification of the Bombay, Baroda and Central India suburban line into Bombay. 18 important station yards are being remodelled in order to improve our traffic service and to reduce delays to wagons in transit at a cost of nearly 3 crores. More than 3 crores are being spent in remodelling workshops, notably at Charbagh on the Oudh and Rohilkhand Railway, at Trichinopoly on the South Indian Railway, Dohad on the Bombay, Baroda and Central India Railway, and at Perambur on the Madras and Southern Mahratta Railway. 58 lakhs are being spent on doubling certain sections of the Bengal Nagpur Railway. 88 lakhs have been provided for the doubling of the Grand Chord on the East Indian Railway and 34 lakhs for quadrupling the Bandra-Borivli and Bandra-Grant Road sections of the Bombay, Baroda and Central India Railway and the Bassein bridges on the same Railway are being rebuilt.

New construction.

Eight and half crores of rupees are required for new construction. A full list of the lines which are under construction or the construction of which we hope to begin next year will be found in Demand No. 7. There are 40 of them with an aggregate mileage of 2,138 miles, and a reference to that Demand will show that we are embarking on a programme of new construction which will eventually cost more than 44 crores of rupees. It is a large sum of money, but the financial prospects of the various projects have been carefully examined, and we believe that these lines will pay us handsomely. I am confident that the House will thoroughly approve of a bold policy of remunerative railway development. My own conviction is that the best way in which the Government can foster the expansion of Indian trade and Indian industries and thereby increase the wealth and prosperity of India is by extending her railway

system. I do not think it can be denied that we are behind hand in this matter. In this great continent with its 318 million inhabitants we have only 38,000 miles of railway. Contrast England with its 50,000 miles and the U. S. A. with its 250,000 miles. If you look at a map of India, you see great gaps in which there are no railways. The Rajpur-Parvatipur Railway—a railway I may mention in passing the construction of which is dependent on the opening of a harbour at Vizagapatam—will fill in one of these gaps. It will open up a great tract of 125,000 square miles which at present is entirely without railway communication. Incidentally it will provide the east of the Central Provinces with an outlet to the sea. The central coalfields railway will fill in another gap. Madras has always complained that she has been starved of railway development, and in the south of the Presidency we hope to take up four projects covering some 300 miles of railway, namely, the Villupuram-Trichinopoly, Virudunagar-Tenkasi, Dindigul-Pollachi and Trichinopoly-Karaikudi lines. It is the same with Burma and we have several lines either under construction or in the programme for that country. I may mention that the Chief Commissioner and Mr. Sim paid a prolonged visit to Burma last December, and discussed railway development in Burma with Sir Harcourt Butler and his Government. That is part of our policy now. The Railway Board by frequent tours tries to keep in closest possible touch with Local Governments in regard to railway matters.

New policy in regard to Branch and Feeder Railways.

What I have just said about our proposals for new construction leads on to a reference to the new policy which we have formulated, in consultation with the Central Advisory Council, in regard to Branch and Feeder Lines. The House is no doubt aware that 80 years ago when the Government of India themselves were in difficulties for money for new capital expenditure, a system was originated of financing the construction of Branch and Feeder lines through Branch Line Companies guaranteed by Government. For the encouragement of such Companies, Branch Line terms were drawn up and were kept on tap. These were the terms on which Government were prepared to give to private Companies for money required for the construction of Branch or Feeder lines. This system undoubtedly enabled lines to be built which otherwise would not have been built, but in other respect it came in for severe criticism from the Acworth Committee, which indeed thought that the aim should be rather to reduce the number of existing private Companies than to create new ones. We have recently had the whole subject under our consideration. The existing Branch Line terms are quite out of date. If they are to serve the purpose for which they were originally intended, we should have to revise them on much more liberal lines, and with the approval of the Central Advisory Council we do not propose to undertake that revision. We think that the more economical and better course is for us to construct ourselves remunerative new lines. I do not think that the House need fear that this policy will lead to a slowing down of new construction. In the Railway Board we have new projects under constant examination, and indeed the capital expenditure on the new projects included in Demand No. 7 is four times as great as all the capital raised in the last 30 years by Branch Line Companies. Nor do we propose to neglect projects which, though they cannot be classed as remunerative, may be required by Local Governments for administrative or other reasons. We are quite prepared to consider any such project, provided that the Local Government is prepared to guarantee it from provincial revenues.

[Sir Charles Innes.]

Local Governments thoroughly approve of this policy, and we are already constructing two new lines on this basis, the Shoranur-Nilambur line in Madras and the Moulmein-Ye line in Burma. Other projects are under examination.

Compensation claims.

Before I leave the Budget proper, there are one or two special points to which I wish to draw attention. One is that of compensation claims. In 1922-23 the amount paid out in compensation claims reached the enormous figure of 121 lakhs, a figure which very naturally attracted unfavourable comment from the Incheape Committee. In 1923-24 we succeeded in reducing payments under this head to 78 lakhs. This year we hope that there will be a further fall to 67 lakhs and in 1926-27 we are providing only 47 lakhs. This substantial reduction has been effected by unremitting work on the part of the Railway Administrations and the Railway Board. Improvements in office procedure have enabled claims to be disposed of more expeditiously; watch and ward staffs have been strengthened; and generally better arrangements have been made to cope with what is a very serious evil.

Coal contracts.

The other matter to which I wish to refer specially is our coal bill. Last year by negotiations in Calcutta the Railway Board managed to secure a revision of the coal contracts which pressed so hardly upon us. We have also been devoting special attention to economy in fuel consumption, and the result is that in spite of the very much larger traffic carried in the current year than in 1923-24, we expect our total coal bill to be less by 18 lakhs than it was last year. In 1925-26, in spite again of the further increase of traffic for which we are estimating we hope for a further reduction of 19 lakhs in our expenditure on coal.

Indianisation.

Before I sit down there are one or two other matters to which, I think, the House will wish me to refer in spite of the fact that they are not directly concerned with finance. One of course is the question of Indianisation. Three statements have been included in the Budget Memorandum, giving the number of Indians, Anglo-Indians and Europeans in the gazetted ranks of Indian Railways, and similar statistics for subordinate posts carrying a pay rising to Rs. 250 per mensem and over. These statements show that in the 12 months ending October 1924 the number of Indians in superior appointments rose from 280 to 310 and the number of Indian upper subordinates from 1,821 to 1,929. On State Railways other than the E. I. Railway, which we have only just taken over, Indians already fill about 30 per cent. of gazetted posts, and though I suppose the Railway Department has the reputation of being the most stiff-necked Department of all in this matter, I do not believe there is any department or at any rate very few, which can show equal results. But what I am concerned with is the future rather than the past. We have accepted the recommendation of the Lee Report that 75 per cent. of recruits for Superior Departments in the Railway Service should be recruited in India, and what I wish to say is that the provisional proposals of the Railway Board in regard to recruitment and

training which have been formulated in order to carry the above recommendation into practical effect are now ready, and I hope to discuss them with the Central Advisory Council before the present session ends. Honourable Members are apt to complain that few Indians have risen to high posts in the Railways and none to the Railway Board. That is true. But they must remember that it is only in recent years that Indians have joined the gazetted ranks of railway offices in any number, and time must be allowed for them to find their way to the top. The question of subordinate posts is much more difficult. In one sense, of course, it is not a racial question at all. It is rather a communal question. To a very large extent the Subordinate Railway Service is already Indianised in that the posts are largely held by Anglo-Indians. Leaving this point aside, the difficulty is this. When railways were first started in India and for many years afterwards, Indians did not come forward for work of this kind, and railways got more and more into the habit of relying on the European of the country and the Anglo-Indian. It is work for which the Anglo-Indian appears to be specially fitted. Possibly he has acquired a sort of hereditary aptitude for it. At any rate, he has made good, the railway authorities are accustomed to him and like to employ him in subordinate railway appointments. Now there is a change. Indians wish also to be employed in these appointments, and they complain that they are up against vested interests and that the subordinate railway employ is, so to speak, the close preserve of the Anglo-Indian. The complaint, I think, is specially directed towards the subordinate Traffic Department and indeed it is a noticeable fact that at all important stations almost every railway official in a position of authority that one sees is a European or an Anglo-Indian. Now all I can say on this problem is this. It is impossible to make any immediate drastic change. I am not prepared to say that Anglo-Indians or Europeans who are working well should lose their jobs or their promotion in order to make way for Indians and I do not believe anybody wants me to say that. But what I do say is that the Indian should have his chance. If the Indian of the requisite education is prepared to go through the drudgery, the hard work and the irregular hours, which are a prerequisite to promotion to the better posts in the subordinate traffic service, then I say he should get the chance of doing so, and, if he proves himself fit for promotion, he then should get his promotion. That I consider is the only possible policy, and it is with this policy in view that we are starting a training school on the 1st March at Chandausi. One of the functions of this school will be to train subordinates particularly for the Transportation Department.

Stores Purchase Policy.

Another important question to which the House attaches great importance is the extent to which railway materials are obtained in India. In the report by the Railway Board on Indian Railways for 1923-24 the matter is discussed at length and the purchases of materials are analysed in detail under each head. From the detailed explanations there given, it will be seen that orders have been placed in India wherever possible, and that it has only been in cases where it was found impossible to obtain materials in India at a reasonable price that orders have gone abroad. In the supply of rails, for example, orders were placed in this country which were greater than the Tata Iron and Steel Company were able to comply with. In the current year two important developments in this.

[Sir Charles Innes.]

matter have taken place. Owing to the adoption by the Assembly of the recommendations of the Tariff Board for the grant of bounties to the wagon building industry, we have been able to place orders for the supply of wagons up to the full capacity of the firms in India engaged in the industry. It has also been decided, with the concurrence of the Central Advisory Council, to obtain the services of a timber expert from the Forest Department in order to enable the railways to make full use of the supply of Indian timbers, not only for sleepers but for other purposes such as body work in coaching stock. I think we can confidently challenge any one to show that orders have gone abroad which could reasonably have been placed in India.

Passenger fares.

Another question in which the House I know takes a great interest is that of passenger fares, and I believe that there is a certain soreness that whereas some reductions have been made in upper class fares, third class fares have remained untouched. I should just like to explain the railway point of view. We apply the practical railway criterion, 'Can the traffic bear the rate?' Now I would ask the House to apply this maxim to the figures I shall put before them. The following are the relevant statistics in regard to 1st class passengers:—

Year.	Number (thousands).	Earnings (lakhs).
1921-22	1163	138
1922-23	918	139
1923-24	817	129

It will be seen that we lost not only in passengers but in earnings. That is why some railways judged it necessary to reduce 1st class fares.

Take again 2nd class passengers. Here are the figures.

Year.	Number (thousands).	Earnings (lakhs).
1921-22	6547	228
1922-23	5124	211
1923-24	4538	195

Here again we found that the rate was too high and there was a progressive decline both in passengers and earnings. That is why some railways found it necessary to reduce fares.

Now I would ask the House to contrast the figures for third class passengers:—

Year.	Number (millions).	Earnings (lakhs).
1921-22	481	2,841
1922-23	503	3,220
1923-24	518	3,291

It will be seen that there was a progressive increase both in passengers and earnings. The annual rate of increase perhaps is slower than it was before the war, and it might be argued that a reduction in fares would

pay us by the increase of passengers it would bring us. But in the first place we should be taking risks. If there were no increase of passengers traffic, even a reduction of $\frac{1}{4}$ a pie per mile in 3rd class fares would cost us $4\frac{1}{2}$ crores a year. Secondly, even assuming that there were a large increase in passenger traffic, it is certain that we should not have sufficient coaching stock to carry the increased traffic. I have already said that we are providing in the budget in terms of four-wheelers for 755 new third class carriages. The provision we have made is limited by the capacity of our workshops, and we propose to consider in consultation of course with the Railway Finance Committee whether we cannot adopt other measures which will enable us to put more coaching stock on the lines. That, I think, is all I can usefully say on the subject at present; but I should like to assure the House that it is a subject which we have under constant examination.

CONCLUSION.

I am afraid that I have already wearied the House and I will bring my speech to a close. The year which is now ending has been marked by many important events. Two of these indeed are of outstanding importance, namely, the taking over the East Indian Railway and the separation of Railway finance from General finance. But the real importance of the year in my opinion lies in the evidence it affords of a real advance towards live, efficient, business management of the Indian Railways. Some one said the other day in the Central Advisory Council that there was a new spirit abroad in the Railway Board. I believe that remark to be true, and if it is true, the credit rests with two men, Mr. Hindley and Mr. Sim. But, Sir, it is not only in the Railway Board that that new spirit is abroad, and we, who are ultimately responsible to the House for the management of the Indian Railway system, know how much we are indebted, for loyal co-operation and unremitting work, to Railway Agents and Railway officers and men throughout India.

RESOLUTION *RE* APPOINTMENT OF TWO MEMBERS OF THE ASSEMBLY TO THE GOVERNING BODY OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

Mr. J. W. Bhore (Secretary: Department of Education, Health and Lands): Sir, I do not propose to-day to move the Resolution* that stands in my name.

THE OBSCENE PUBLICATIONS BILL—*contd.*

Mr. President: The House will now resume consideration of the report of the Select Committee on the Obscene Publications Bill. The question already proposed was that clause 2 stand part of the Bill.

* "This Assembly recommends to the Governor General in Council that he may be pleased to take steps to secure the appointment to the Governing Body of the Lady Hardinge Medical College, Delhi, of two members of this House to be nominated by him from a panel of six members to be elected by this House."

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): Sir, I beg to move:

"That the following words be substituted for the *Exception* appended to section 292 :

'Explanation. A thing is not obscene if it is kept or used for a purpose religious, artistic or scientific.'"

Sir, I think it is the general sense of the House, at any rate I believe it was the general sense of the House on the last occasion when this Bill was under discussion, that the *Exception* which the Select Committee have recognised in their report should be embodied in the section itself. On that occasion I pointed out that the word "obscene" has not been defined and I do not think it is definable. But when you have made an *Exception* that *Exception* either should be exhaustive or it should be removed from the section altogether. The view of the Select Committee was, Sir, that the case-law on the subject should supplement the *Exception*. I submit, Sir, that the case-law cannot supplement the *Exception*. The case-law grew after the enactment of the Act of 1860 and consequently at that time there being no revision of the Code the case-law held the field. But now that we are re-enacting the section and redrafting the whole thing, if we do not take note of the case-law and embody it in the Statute law it will be open for anyone to argue hereafter that the Legislature, having re-enacted the old section, must be deemed to have examined and rejected the view of the case-law. In that view, Sir, I submit that we must either make our *Exception* as exhaustive as possible or take away the *Exception* altogether, in which case it will be left to the Judge or the Magistrate concerned to interpret the meaning of the word "obscene". But to give some guide to the judiciary concerned, I suggest the addition of this *Explanation*, namely:

"A thing is not obscene if it is kept or used for a purpose religious, artistic or scientific."

Honourable Members will find (*Pandit Motilal Nehru*: "What is an artistic purpose"?) That is in the Report of the Select Committee itself. They mean pictures, sculptures and the rest preserved in the museum or in the National Gallery. I mean pictures that are kept for the purposes of art; for instance we have got in the British Museum and National Galleries in London certain nude figures and pictures and they are being used for artistic purposes by painters and sculptors who copy them. (*Pandit Shamlal Nehru*: "Are there any in India"?) There are in Calcutta: I have seen them in the Museum; and the Select Committee took note of that fact, and it is covered by the case-law itself, namely, that a thing shall not be deemed to be obscene if it is kept or used for a purpose religious, artistic or scientific. I do not suggest, Sir, that this is in every way a satisfactory draft (Laughter), and I would, therefore, have suggested that the whole thing should be recommitted to the Select Committee for the examination of this question so that they may be able to report upon it and those who object to this draft will suggest any amendment. It is the best thing that I have been able to do for the purpose of bringing out the sense of the terms of my amendment, the reasons for which I gave to the House on the last day. I move my amendment.

Mr. President: Amendment moved:

"That in clause 2 for the *Exception* to the proposed section 292 the following *Explanation* be substituted, namely:

'Explanation. A thing is not obscene if it is kept or used for a purpose religious, artistic or scientific.'"

The Honourable Sir Alexander Muddiman (Home Member): Sir, I do not wish to criticise the action of the House but I think that by carrying the amendment it carried the other day it has put itself in a rather difficult position, and I think that is clearly illustrated by the amendment which my Honourable friend has now put forward. Now, the law as I see it is fairly clear. Section 292 makes a substantive enactment and it contains an *Exception*, and I think it is as well that I should read that *Exception* to the House as there seems to be some misconception on the subject. The *Exception* as it now stands in the law is as follows:

"This section does not extend to any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose."

Now, I think the House will see that this is quite clear. It was designed, and I have no doubt rightly designed, to prevent these representations on or in temples or on cars being agitated in the courts at all. The Legislature of the period excluded them from the consideration of the courts where these particular representations were on or in temples. They did not consider whether they were obscene or not obscene; they did not consider whether they were *bona fide* or *mala fide*; they took what I think was the right line; they excluded them entirely in the circumstances stated from the operation of this section which creates a special offence; they wiped them out.

Now, my Honourable friend proposes to move an amendment which would have the effect of destroying the law as it now stands; on that point at any rate I think he will agree; he proposes to substitute for the *Exception* his own *Explanation*. Therefore the first point I have to make is that representations on or in temples and on cars for the conveyance of idols might be agitated in the courts; I cannot believe that is desirable. The law as I have stated it has been the law since the Penal Code was enacted sixty-five years ago; and I appeal to the House that on a side-issue of this kind to withdraw an *Exception* of that sort without consulting Local Governments and local opinion would be extremely undesirable. That is my personal view of the matter. If that was the only ground I shall have no hesitation in opposing the amendment that has been brought forward by my Honourable friend, Sir Hari Singh Gour.

What are the circumstances of this Bill which we are now dealing with? This is a Bill intended to widen the offence created by the section; but it is not intended to affect in the least the question of what is obscene or what is not obscene; and once you begin affecting that, then you raise a very wide question. Now the amendment moved the other day and carried by the House inserted in this *Exception* another element altogether; it raised the question of *bona fides*; that is quite different from anything contained in the *Exception* at all. The question of *bona fide*, as the law now stands, can only arise when the *Exception* does not operate; it does not arise at all otherwise; it will arise whether it is confined to religious books or any other kind of books. It arises on a trial for any obscene matter whether that matter be religious or otherwise. The defence of *bona fides* covers all these things which you find so difficult and which you will find even more difficult, which are contained in my friend's amendment—religious, artistic or scientific. The question which the courts must consider is what were the circumstances of the publication. I have tried to point out to this House before, when we were dealing with the former amendment, that the whole of this offence turns very largely on the circumstances. A book written for medical students is very fit to be circulated among them;

[Sir Alexander Muddiman.]

a book of that character that is issued in a popular form and is circulated to a girl's school, as I said before, is obviously most undesirable. Again it is quite reasonable that art students should be supplied with certain diagrams and pictures which would not be desirable for public presentation. You have now got into this position that you are affecting the defence of *bona fides* by inserting the words that you have inserted; and if you cut out the *Exception* which exists in the Code as proposed by my Honourable friend, you will now affect the law which has been good law in India for sixty years. I think in the circumstances of the country it would be most undesirable to do this. I at any rate as Home Member should very greatly deprecate anything which would enable a court in any part of the country to go into this question of whether representations in or on temples or on cars used for religious purposes possibly fall within the section. You will create very considerable feeling; you will be making a large amendment in the law on a pure side-issue. I do ask this House really to consider very seriously whether, when we bring up a small Bill of this kind, you should cast doubt on an important section in the Code in the way which is suggested; and I would ask the House therefore to reject the amendment that has been brought forward by my Honourable friend.

The motion was negatived.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Sir, I beg to move:

"That in clause 2, in the *Exception* to the proposed section 292 of the Indian Penal Code, the words 'or on any car used for the conveyance of idols, or kept or used for any religious purpose' be deleted."

My reason for moving this amendment is . .

Diwan Bahadur T. Rangachariar: (Madras City: Non-Muhammadan Urban): May I rise to a point of order, whether this is not covered by the amendment already carried by this House? We have already carried an amendment extending the *Exception* to things kept for religious purposes; my friend wants to limit it now. I want to know whether the vote already carried in Mr. Rama Iyengar's amendment extending the scope of this section does not cover the present amendment. I do not know whether this is in order now?

Mr. President: We have extended the scope of the *Exception* by the inclusion of the words "books, pamphlets, writing, drawing or painting kept or used *bona fide* for religious purposes", but that does not preclude the Honourable Member from moving to exclude the words "or on any car, etc."

Pandit Shamlal Nehru: Sir, my reason for moving this amendment is that obscene pictures, drawings, engravings or carvings or anything obscene are no part of the Hindu religion. I would have excluded the temples also from the *Exception*, but some of these buildings are hundreds and thousands of years old, and I did not like to interfere with them. Some of the cars in which the idols are taken through the cities have most objectionable figures painted or carved or drawn on them. Even supposing that this was allowed by religion or that they were supposed to be religious pictures, have I as a Hindu any right to force these abominable pictures on the passers-by, I mean on those who do not believe in my religion? (*A Voice*: "Don't look at them".)

Mr. Gaya Prasad Singh: (Tirhut Division: Non-Muhammadan): You must shut your eyes.

Pandit Shamlal Nehru: Yes, I must shut my eyes to whatever my friend Mr. Gaya Prasad Singh does, whether it is obscene or not, but he must be allowed to do what he likes. Sir, it is a calumny to say that these obscene pictures are a part of the Hindu religion. Honourable Members of this House, most of them at least, have perhaps not seen these obscene pictures, otherwise they would not have agreed to the *Exceptions* at all. The Government too, I believe, Sir, have not shown these pictures to the Select Committee. Some of the pictures are so abominable that they are not fit for any decent person to even talk of them, and I think the Government have done well to keep these pictures to themselves without showing them to this House.

Sir, the *Exception* added to this clause the day before yesterday by this House is, in my opinion, a most objectionable one. It has been done in the name of religion, and Members who were in favour of the *Exception* have been talking of it as a part of their religion—I am speaking of Mr. Rama Aiyangar's amendment which has been accepted by this House. May I ask, if any person in this House who believes in it as a part of his religion, and whose duty is to bring up his children religiously from their childhood, will show these pictures, paintings or carvings to his daughters and grand-daughters? If it is a part of his religion, I think it will be his duty to do so, but I do not think that there is any person on the face of the earth who will show these obscene pictures and drawings to his daughters and grand-daughters. Sir, if he refuses to do that, he will be quite right, and if he does show these pictures to his children on the ground that it is a part of his religion to do so, then I think there ought to be a special Ordinance to deal with that man. After all, Sir, a religious procession is a procession of the idol and not of the obscene pictures engraved or painted on the cars. These pictures or paintings in most cases have not remained on the cars for hundreds and thousands of years as in the case of temples. In most cases they are fresh, and I think it is high time that the painting, drawing or carving of such obscene pictures should be put a stop to once for all.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I do not think it is necessary to say very much in regard to the amendment which has just been moved by my friend Pandit Shamlal Nehru. The arguments used by the Honourable the Home Member in regard to the last amendment, Sir, apply equally to this one. My Honourable friend proposes to delete a portion of the *Exception* to section 292 of the Code, which has been there since the Code was enacted. The framers of the Code, Sir, with what we might call a common sense appreciation of the position in India, decided that in those cases there was to be no question of whether such articles were obscene or not being brought to court. I submit, Sir, that it would be impossible for us to permit of any informer with perhaps the most excellent, but may be mistaken, motives, bringing such cases as these to court. We must, Sir, adhere to the position that in these cases, the objects, etc., shall be quite outside the scope of the section. I oppose the amendment.

The motion was negatived.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadian): Sir, my friend Pandit Shamlal Nehru evidently believes that each human being is potentially a moral rake and that his moral instincts are so vulnerable as to require a legislative fortification . . .

Mr. L. Graham (Secretary, Legislative Department): I am very loth to interrupt the Honourable Member, but may I know, Sir, how he distinguishes this amendment from that of Sir Hari Singh Gour which the House has already rejected?

Mr. Devaki Prasad Sinha: I shall point it out presently.

Mr. President: It is much narrower in scope.

Mr. Devaki Prasad Sinha: I have no quarrel with my friend Pandit Shamlal Nehru, nor have I any quarrel with the Government of India who have chosen to follow in this case the advice of faddists and Pharisees in introducing a legislation of this kind. My apology for coming forward with this amendment is that it is much narrower in scope, as you observed, Sir, than the amendment of Sir Hari Singh Gour, which the House has just now rejected. What I desire to do by my amendment is to add the words "or to any work of art, science or literature" to the *Exception* to the proposed section 292 in clause 2 of the Bill. That means that not only such objects as may be considered necessary for religious purposes, but also objects that can be classified as works of art, science or literature should be excluded from the operation of this Bill

Pandit Shamlal Nehru: May I inquire, Sir, if the Honourable gentleman can see any art in obscenity?

Sir Hari Singh Gour: He is begging the whole question.

Mr. Devaki Prasad Sinha: Sir, the sense of art is entirely a personal quality, and obscenity, if I may say so, is entirely subjective. I do not, like my Honourable friend Pandit Shamlal Nehru, see anything that is intrinsically obscene for after all, if we analyse all objects, we shall find that the most obscene object on earth is man himself. But, Sir, I ask the House seriously to consider if they at all desire that works of art that are appreciated in every country and are appreciated in India too should be prevented from having a circulation or a sale in this country. Unless we have some such provision it would be very difficult for anybody who has some artistic sense in him to be in possession of a picture which he values, not a picture which can be described as an immoral or obscene picture, but a picture which to some appears as a work of art but to a few others like my friend Pandit Shamlal Nehru appears to be highly obscene.

Pandit Shamlal Nehru: May I inform the Honourable Member, Sir, that nudity and obscenity are two different things, and this Bill refers only to obscenity.

Mr. Devaki Prasad Sinha: I hope my friend Pandit Shamlal Nehru will remember this distinction. Sir, the Honourable the Home Member has said that a book of anatomy or physiology which may be very necessary for a student of medicine is very dangerous in the hands of an ordinary layman like myself. But, I will give him one concrete example. Take, for instance, the books written by Marie Stopes. What would my Honourable friend, the Home Member, say if he finds a book of that kind in the hands of some Members of this Assembly?

The Honourable Sir Alexander Muddiman: Possession *per se* is not an offence.

Mr. Devaki Prasad Sinha: I don't see, Sir, how anybody who desires to be in possession of a book of that kind can at all get it if that book is not for sale. Sir, I hope that this House will not look upon this question merely from the sentimental point of view. I hope, Sir, that this House is not altogether devoid of a sense of humour. There are certain things, I admit, which it would be very undesirable to be exposed to the public view either in a shop or in any other place, but, Sir, there are certain other objects about which there can be an honest difference of opinion. Certain works of art and science and literature which can honestly admit of a difference of opinion should not be the subject of a legislation of this kind. I could multiply examples. There have been instances in the history of other countries which ought to give us a warning. Sir, we know that for a long time books written by Ibsen or by Oscar Wilde were held to be obscene in England. I don't know what view the Government of India or the Magistrates in this country would take when they find that those books are for sale. But, Sir, I submit that there is a very great danger of persons who want to read those books merely for the development of their intellect or for satisfying their sense of art, there is a very great danger that these persons might be prevented from getting at those books. I believe, Sir, that this House will look at this question in a dispassionate way and will not prevent people who are very anxious to form an independent opinion on certain things in the world from doing so.

With these words, Sir, I commend my amendment to the acceptance of the House.

Sir Geoffrey Clarke (Director General of Posts and Telegraphs): Sir, I think there are few people in the country who have more to do with obscene literature than I have. May I read two clauses in the Postal Guide?

"GENERAL PROHIBITIONS IN THE POST OFFICE."

(1) Any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article.

(2) Any letter, post-card, newspaper, packet or parcel having on it any words, marks, or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive nature."

Now, in the Post Office I am continually asked to adjudicate on things that are supposed to be obscene, and I think that the discussion in this House has shown what a very difficult matter it is to define this word "obscene." To people who are brought up on puritanical lines obscenity is one thing and to artists and people of liberal views it has an entirely different meaning. Really, I think the whole question behind obscenity is the question of motive. Pandit Shamlal Nehru talked of certain designs and characters on religious cars. I think he must know that in the history not only of the Hindu religion but of all religions, phallic emblems and things of that sort were designed for a particular purpose and have behind them really no intention and no idea of obscenity. These emblems did not convey any ideas of that kind at all to the people who originally designed them and it is only modern civilisation, if I may call it that, Sir, that has placed a wrong interpretation on these things. Now, I think the Home Member has clearly pointed out that in dealing with a case of this kind it is very dangerous to touch on these religious questions at all, and they ought to be kept entirely outside the law courts and that is the object of the *Exception*. But, as regards literature which my Honourable friend has included in his amendment, it is very difficult to decide what literature is obscene. The French who are perhaps in this respect the most

[Sir Geoffrey Clarke.]

liberal-minded people in the world have recently banned a book called "La Garçonne". Well, now, "La Garçonne" is a book which some people may not consider obscene but the motive behind it is probably an immoral motive, and it is the motive you have got to look at. But with respect to all pictures and works of art, nudity must never, as the Honourable Member has remarked, be confounded with obscenity. Those are matters which must be left alone and it is almost impossible to bring them within the law. I think that it is very dangerous to refer to any of these matters. They are very much a matter for a common-sense decision. I consider that the law as laid down by the Select Committee ought to be left as it is.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Sir, the very fact that the Honourable the Director General in his very able and excellent speech has stated that there is a book called "La Garçonne" which in his opinion has an immoral motive behind it and is therefore an obscene book, is sufficient indication of the fact that we hold very divergent views on the question of what is obscene and what is not obscene; and that it is therefore very essential, no matter what Dr. Gour may say as to the case-law on the point, that we must lay down the law very definitely and exclude all branches of literature, art and scientific works from the purview of this Bill. I have the book "La Garçonne" with me and I will make a present of it to the Honourable the Director General. I can assure him that I have read both the French and the English versions of that book and that the English version, which has cut out all the crucial passages occurring in the French edition, is the one that is obscene if the word obscenity can be applied to that book at all. I just want to draw the attention of the House to the one crucial point. What is obscenity? The answer has been given by the Director General. You must look to the motive. I have not the slightest doubt that, if you were to place works of eminent authors before the ordinary Magistrate to-day, authors like Tolstoy or Rousseau or Goethe or Strindberg, you will find that most of these books would be considered absolutely obscene by the average Magistrate.

Mr. M. A. Jinnah: Question?

Mr. Chaman Lall: The Honourable Member has not read Rousseau. Let him read Rousseau and then come to me and tell me whether he considers Rousseau to be obscene in the sense in which the average ordinary Magistrate will consider him to be.

Mr. M. A. Jinnah: What do you know about the ordinary Magistrate?

Mr. Chaman Lall: I know enough about ordinary Magistrates to know this that they are an ignorant lot, and I know perfectly well that when even a cultured gentleman of the type of the Honourable the Director General gets up and condemns a book which has been highly praised by a great author of the eminence and renown of Anatole France, it must be true that the ordinary uneducated, first class Magistrate is bound to condemn even the highest works of art. (Turning to Mr. Jinnah.) Have you read Tolstoy's diaries? I can point out passages in Tolstoy's diaries which no Magistrate would pass without condemning. Have you come across Strindberg's confessions? You have not. You must read these books and you will then find that even the works of most eminent authors,—and, as

my Honourable friend Mr. Bipin Chandra Pal pointed out yesterday, even the Canticles of Solomon, would be condemned by the average Magistrate because he knows no better. It is because we want to avoid the danger of placing high works of art and literature at the mercy of the average Magistrate that we are putting this amendment before you. You know perfectly well that, as far as literature is concerned, the blasphemer of to-day may be the prophet of to-morrow, and that in the realm of literature Christ is being crucified every day in every part of the world. It is because we want to prevent the massacre of great works of art and literature, because we want to place great artists and great authors beyond the clutches of the policeman, the hangman and the Magistrate, that we ask you to accept this amendment. This amendment will protect works of art and literature. That is all that we ask for, namely, that you should not leave works of art and literature at the mercy of ignorant people.

Mr. M. A. Jinnah:* (Bombay City: Muhammadan Urban): Sir, the eloquent speech of Mr. Chaman Lall has forced me to say a few words. It seems, Sir, that Mr. Chaman Lall is always suffering from some nightmare or other and he conjures up his young imagination to such a high pitch that he wants to use the axe or the bludgeon clause for everything.

Pandit Shamlal Nehru: Have you read Rousseau?

Mr. M. A. Jinnah: I am asked, Sir, whether I have read Rousseau.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): In the days of your youth.

Mr. M. A. Jinnah: Sir, if there is any work of literature or art or science which is truly a work of art or literature or science, and if it is published or sold with a *bona fide* object, I ask Mr. Chaman Lall—and I appeal less to his imagination, less to his enthusiasm, and more to his common sense and reason—to say is there any Magistrate, unless he is absolutely devoid of honesty, who would condemn it? It is not a question of law. Mr. Chaman Lall waxes eloquent. I ask him, can he cite to me a single case where any Magistrate, whom he treated with such contempt as third class Magistrates and fourth class Magistrates . . .

Mr. Chaman Lall: "La Garçonne."

Mr. M. A. Jinnah: In India?

Mr. Chaman Lall: Yes.

Mr. M. A. Jinnah: Any other case?

Mr. Chaman Lall: There are heaps of cases.

Mr. M. A. Jinnah: Will Mr. Chaman Lall mention any other case? (*Pandit Shamlal Nehru:* "You asked for only one case and he has mentioned one case.") (*Mr. Chaman Lall:* "You don't want me to make your speeches for you.") The case of "La Garçonne" is a case where you find serious difference of opinion, and men who have read more of literature than Mr. Chaman Lall take a different view. Sir, really, to my mind, because of the one single case of "La Garçonne", which appeals to

* Not corrected by the Honourable Member.

[Mr. M. A. Jinnah.]

Mr. Chaman Lall so much and which he has read both in English and in French, are we going to lay down a law for that purpose here? That is what the argument really comes to. Because of one single case we are asked to throw open the flood-gates in this amendment of Mr. Devaki Prasad Sinha. I think, Sir, that it will be positively dangerous to adopt this amendment, because I think it will really give an enormous opportunity to those whom this Bill is intended to curb and to check.

Mr. President: The original question was:

"That clause 2 stand part of the Bill."

Since which an amendment has been moved:

"That in clause 2 of the Bill, to the *Exception* to the proposed section 292 the following be added, namely:

'or to any work of art, science or literature'."

The question I have to put is that that amendment be made.

(A division was claimed, there being only a few Members who said "Aye".)

Mr. President: Will those Honourable Members who claim a division rise in their places?

(Mr. Amar Nath Dutt and Pandit Shamlal Nehru rose.)

Mr. President: The division is frivolously claimed.

The motion was negatived.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, the amendment which I move is:

"In clause 2 of the Bill in the proposed section 293 of the Indian Penal Code, for the word 'twenty' the word 'eighteen' be substituted."

My simple reason is this

Pandit Shamlal Nehru: I cannot hear the Honourable Member.

Khan Bahadur Sarfaraz Hussain Khan: My simple reason in moving the amendment is to have the age reduced from 20 to 18. In the Indian Penal Code there is no reference made to the age of persons. It reads thus:

"Whoever sells or distributes, imports or prints for sale or hire, or wilfully exhibits to public view, any obscene book, pamphlet, paper, drawing, painting, representation or figure, or attempts or offers so to do shall be punished"

Thus it will be seen that in the above section no mention is made of the age of the person to whom the obscene matter is sold. But in the amended section reference is made to the age which is fixed at 20 years. In the Majority Act, Sir, the age is 18, which presupposes that a man at 18 is capable of understanding, and as such has got the capacity to understand everything. Why then should a higher age be fixed in the amended section which runs as follows:

"Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years"

When the age in the Majority Act is 18, there seems to be no reason why the age should be 20 in the amended section? At least we should be given some idea as to the necessity for the change. So far as the

punishment is concerned in the Indian Penal Code you have 8 months. You have now increased the 8 months to 6 months. You increase the punishment as well as increase the age of the man, but I do not find any idea underlying the change. For these reasons I propose that the age should not be 20 but 18, because at 18, as under the Majority Act, a man is supposed to have full maturity of understanding. I move the amendment.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, my Honourable friend Khan Bahadur Sarfaraz Hussain Khan in his speech on this amendment has indicated, I think, that he does not quite appreciate what we are doing in the Bill before the House. He says that in the present section 293 there is no reference to age. Well, Sir, the existing section 293 is really combined with section 292 and becomes the proposed section 292. Section 293 provides for an enhanced punishment in certain cases. As regards those cases, Sir, I would merely remark that in providing, as we have done, we are following the recommendations of the International Conference for the suppression of the circulation of, and traffic in, obscene publications. In paragraph 4 of the Final Act of that Conference they state:

"The Conference expresses the wish that the Legislature of each country may prescribe an aggravation of the penalty if the offer, delivery, sale or distribution of obscene matters or things is made to young people. To define the exact age beneath which young people should be protected is a matter for the several Legislatures."

In proposed section 293 we do provide for an aggravation of the offence which is referred to in section 292. We have chosen the age of 20 years. That, Sir, was the age which was mentioned when the Resolution was moved in this Assembly on the 8th of March 1924. It was the age, Sir, which we referred to Local Governments. The opinions which we have received and which were circulated last September to Members of the Assembly from Local Governments showed a fair consensus of opinion in favour of fixing the age which we have included in the Bill. The Bill was passed by the Council of State with the age of 20. It went to a Select Committee of this House with the same age and the Select Committee has not attempted to change it. I think, Sir, that it is a suitable age, because in this respect we are trying not to consider questions of majority at all, but to consider questions of adolescence. When people are at the adolescent age they are more liable to be injured by the traffic which we are attempting to curb by this Bill.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

Still, in this matter, although we think 20 is a suitable age, we are quite prepared to be guided by the opinion of the House on the subject. I oppose the amendment on this understanding.

Mr. Deputy President: Amendment moved:

"In clause 2 of the Bill in the proposed section 293 of the Indian Penal Code for the word 'twenty' the word 'eighteen' be substituted."

The question is that that amendment be made.

The motion was negatived.

Pandit Shamlal Nehru: Sir, I move:

"In clause 2 in the proposed section 293 for the word 'twenty' the word 'twenty-five' be substituted."

[Pandit Shamlal Nehru.]

My reason for moving this amendment is this. A very large number of boys and girls of respectable families are not now married at an early age. They are sent to schools and colleges. The girls and boys, both unmarried, are in colleges right up to the age of 24 and sometimes up to the age of 25. This Bill has provided punishment to the offender even if he shows or sells or lets an obscene picture to an old gentleman of 60 or even 70 of three months' imprisonment. The only thing I ask is that the punishment of six months be provided for the person who does it in the case of young people of 25 and under. Boys and girls, especially girls, Sir, in colleges, ought to have the protection of the Government and my demand is not excessive. It is a very reasonable demand for the safety of the girls, and I think the Government will vote with me in this. I think the Bill as it came before this Assembly was not a good one, but a weak one, and with all the exceptions added on the power of the Bill has been reduced to *nil*. It will be better to throw out the Bill with all these amendments than to accept it, unless something more is added to strengthen it.

Mr. H. Tonkinson: Sir, the remarks which I made upon the last amendment apply equally to this one. If the House desires to increase the age to 25 years, the Government would have no objection to it. I merely wish to state that, when we consulted Local Governments, there was, as I said before, a general consensus of opinion in favour of 20 years, but one or two opinions—I do not think they were more than this—did suggest a higher age than 20. But the greatest age suggested was 23 years, a suggestion made, I think, by a Deputy Commissioner in the Central Provinces. We think, Sir, that 20 years is a suitable age, but we leave the matter to the House.

Mr. Deputy President: The question is:

"That in clause 2 in the proposed section 293 for the word 'twenty' the word 'twenty-five' be substituted."

I think the Noes have it.

Pandit Shamlal Nehru: The Ayes have it.

Mr. Deputy President: Will those Honourable Members who say "Aye" to the motion stand up in their seats?

(Pandit Shamlal Nehru only stood up.)

The Noes have it.

Pandit Shamlal Nehru: On a point of order, Sir. The only power under the Reforms Act given to this House is to demand a division and the President, with all due respect to you, has no power to go against the words of that section. That section says that a division, when demanded, *shall* be given.

Mr. M. A. Jinnah: *May I point out the rule to the Honourable Member? He is certainly entitled to a division but the manner of it is left to the President under the rules. Sir, it is in your power when a division is required frivolously to say: "Those who are of opinion that

the amendment should be accepted should stand up in their places." That is exactly what you did, and there was only one Honourable Member who stood up in favour of the amendment.

Pandit Shamlal Nehru: One more point, Sir. The rule of the House has been that, when a demand for a division is made, the bell, in the first instance, rings so that the Members outside may come in. Secondly, it is certainly left to the President to take the division in any way he pleases, but the custom of this House has been that, when a division is taken, the names of those voting for or against are put on record. I have no objection to your taking the division in any way whatsoever; I only want the names to be put on record.

Mr. Deputy President: Very well. Division. (The bell rang) Order, order. The question is:

"That in clause 2 in the proposed section 293 for the word 'twenty' the word 'twenty-five' be substituted."

The motion was negatived.

Mr. Deputy President: The question is:

"That clause 2, as amended, be passed."

The motion was adopted.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I would ask you to exercise your discretion and put clause 4 first. If this clause is carried against me, then the amendment standing in my name will not be moved.

Mr. Deputy President: The question is:

"That clause 4 do stand part of the Bill."

The Honourable Sir Alexander Muddiman: Sir, I have already given my reasons for opposing the clause when I spoke on the motion for consideration a short time ago. They are very shortly these. In this very small Bill you are introducing a very drastic change in our criminal procedure. You are enabling a man who at the most can get six months' imprisonment to claim the right of a trial by jury and by the Court of Session. Now, the object of this Bill is to facilitate the punishment of persons who commit offences under section 292 or section 293. It is obvious, if the House passes a clause of this nature, that it regards this desirability with considerable doubt. The right to claim a jury and trial by the Court of Session must inevitably lead to delay and to extra expense to the Crown, and generally it is likely to operate to check rather than to help prosecution. I also want to make it clear that if the House takes the line that in connection with this Bill, the right to trial by the Court of Session can be claimed by an accused, then we shall be landing ourselves in a very difficult position. If you want to bring in a large and drastic change in our criminal procedure, do it deliberately and after consideration but not by a side-wind. It will inevitably upset the whole system of courts in this country. The system of courts, as I said in my previous speech, is that minor offences are tried by Magistrates of the lower rank and more serious offences are tried by Magistrates of higher rank, and the most serious cases are reserved for trial by the Court of Session. I, therefore, ask this House to reject this clause.

Mr. Deputy President: The question is:

"That clause 4 do stand part of the Bill."

The Assembly divided:

AYES—20.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. K. Rama.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Goswami, Mr. T. C.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.

Lohokare, Dr. K. G.
Misra, Pandit Harkaran Nath.
Neogy, Mr. K. C.
Ramachandra Rao, Diwan Bahadur M.
Reddi, Mr. K. Venkataramana.
Sarfaraz Hussain Khan, Khan
Bahadur.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Gangauand.
Venkatapatiraju, Mr. B.

NOES—45.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. N.
Ashworth, Mr. E. H.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clarke, Sir Geoffrey.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Ghose, Mr. S. C.
Graham, Mr. L.
Hira Singh, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Jinnah, Mr. M. A.
Makan, Mr. M. E.

Malaviya, Pandit Madan Mohan.
Marr, Mr. A.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra.
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saïyid.
Naidu, Mr. M. C.
Nehru, Pandit Shamlal.
Pal, Mr. Bipin Chandra.
Raj Narain, Raj Bahadur.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur G. V.
Visvanatha.
Singh, Mr. Gaya Prasad.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.
Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. Deputy President: The question is:

"That clause 3 do stand part of the Bill."

The Honourable Sir Alexander Muddiman: Sir, I beg to move:

"That for sub-clause (2) (i) of clause 3 the following sub-clause be substituted, namely:

'(i) for the entries in column 8 against sections 292 and 293 the words 'Presidency Magistrate or Magistrate of the First Class' shall be substituted."

That follows on the deletion of clause 4. I propose to meet the fact that the punishment under these clauses which have been added to the Penal Code has, in the case of juvenile offenders, been raised from three to six months, to provide that they shall be triable not by Magistrates of the second class but by a Presidency Magistrate or a Magistrate of the first class. That is the effect of my amendment, and that I take it is the view of the House, in view of the amendment which has just taken place. Sir, I move.

Mr. Deputy President: The original question was:

"That clause 3 do stand part of the Bill."

Since which an amendment has been moved:

"That for sub-clause (2) (i) of clause 3 the following sub-clause be substituted, namely;

'(i) for the entries in column 8 against sections 292 and 293 the words 'Presidency Magistrate or Magistrate of the First Class' shall be substituted'."

The question is that that amendment be made.

The motion was adopted.

Mr. Deputy President: The question is:

"That clause 3, as amended, do stand part of the Bill."

The motion was adopted.

Mr. Deputy President: The motion is that this be the Schedule to the Bill.

The motion was adopted.

Mr. Deputy President: The motion is that this be the Preamble to the Bill.

The motion was adopted.

Mr. Deputy President: The motion is that clause 1 do stand part of the Bill.

The motion was adopted.

The Honourable Sir Alexander Muddiman: Sir, I move that the Bill be passed. I do not propose to detain the House at this stage by any observations, though I feel that I shall have to re-examine one amendment that has been made in the Bill with great care. However, I move that the Bill be passed.

Pandit Shamlal Nehru: Sir, as the Bill now stands, I think it is quite a useless Bill and therefore I will advise the House to throw out the Bill to enable the Government to bring up a fresh one, properly drafted this time.

Mr. Deputy President: The question is:

"That the Bill to give effect to certain articles of the international convention for the suppression of the circulation of, and traffic in, obscene publications, as reported by the Select Committee, and as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd February, 1925.