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THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VI, Part I

(20th August to 3rd September, 1925)

THIRD SESSION
OF THE
SECOND LEGISLATIVE ASSEMBLY, 1925.



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LEGISLATIVE ASSEMBLY.

Monday, 31st August, 1925.

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

QUESTIONS AND ANSWERS.

APPEALS UNDER THE INCOME-TAX ACT IN EACH DISTRICT OF THE SOUTHERN DIVISION OF THE BOMBAY PRESIDENCY.

203. *Mr. D. V. Belvi : Will Government be pleased to state :

- (a) the total number of appeals under the Indian Income-tax Act, 1922, in each District of the Southern Division of the Bombay Presidency during the years 1922, 1923 and 1924 ;
- (b) the number of appeals in each District in which the assessment was reduced or remitted in each of the three years ?

The Honourable Sir Basil Blackett : A statement is laid on the table.

Statement showing the number of appeals, filed and successful, under the Indian Income-tax Act, 1922, in each district of the Southern Division of the Bombay Presidency during the years 1922-23 to 1924-25.

Districts of the Southern Division of the Bombay Presidency.	1922-23.		1923-24.		1924-25.	
	No. of appeals filed.	No. successful.	No. of appeals filed.	No. successful.	No. of appeals filed.	No. successful.
Belgaum	77	37	133	23	98	32
Bijapur	71	35	61	24	95	25
Dharwar	195	74	78	10	35	15
Kanara	47	15	57	19	31	11
Kolaba	106	35	116	48	114	27
Ratnagiri	103	23	102	45	82	32
Total	599	219	547	169	455	142

ALLEGATIONS AGAINST THE INCOME-TAX AUTHORITIES OF NORTH CANARA.

204. *Mr. D. V. Belvi : (a) Has the attention of Government been drawn to the complaint under the heading "Income-tax Robbery" published in a newspaper named *Kanada Vritta* in the District of North Canara in its issue of the 1st June 1925 ?

(b) If so, are the allegations made therein true ?

(401)

(c) Is it true that the complainant Martu Vithoba Prabhu had even offered to pay for having his accounts audited by a Government Auditor, in his petition to the Income-tax Commissioner, Bombay, dated 27th January 1925 ?

(d) If so, why was the offer not accepted and why was his petition for revision rejected ?

The Honourable Sir Basil Blackett : The Government have not seen the article mentioned. As they have stated more than once they are not prepared to discuss individual assessments in this House.

GRANT OF SPECIAL PAY TO TOWN INSPECTORS OF POST OFFICES IN BOMBAY.

205. ***Mr. D. V. Belvi :** (a) Has the attention of Government been drawn to the replies given by the Director General of Posts and Telegraphs to the representations of the Town Inspectors and Head Clerks of Post Offices in Bombay in the years 1921, 1922, 1923 and 1924 published on page 4 of "the General Letter" issued by the Bombay Presidency Postal and R. M. S. Association, dated 25th May 1925 ?

(b) If so, do Government propose to take any action in the matter this year ?

The Honourable Sir Bhupendra Nath Mitra : (a) Government are aware of the existence of the correspondence mentioned in the Honourable Member's question.

(b) The question of granting special pay to Town Inspectors in Bombay is now under the consideration of Government

DELAY OF A PASSENGER TRAIN BY THE GENERAL TRAFFIC MANAGER, BOMBAY BARODA AND CENTRAL INDIA RAILWAY.

206. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to a report published in the *Amrita Bazar Patrika*, dated the 4th July 1925 (page 6), in which it is stated that the passenger train for the Ajmer-Khandwa section due to have left Ajmer at 10-45 P.M. on 1st July last was detained for nearly 1 hour and 45 minutes, because the General Traffic Manager of the Bombay-Baroda Railway, who was to travel by the train, arrived at the station very late from the Railway Institute, where he had been enjoying a "dinner and dance," and thereby put the passengers in the train to much inconvenience ?

(b) Is the above report substantially correct ? What is the name of the General Traffic Manager referred to ? And what steps, if any, have been taken in the matter to prevent a recurrence of such incidents ?

Mr. G. G. Sim : (a) and (b). Government have seen the report. It is understood that the train referred to is a slow mixed train and as it is the last train out of Ajmer towards Nasirabad, it was delayed on the night in question for the benefit not only of the General Traffic Manager, but for that of local passengers wishing to return to Nasirabad after an entertainment promoted by the local authorities in aid of the Girl Guides Association.

It is not usual to delay trains in this manner and the matter has been brought to the notice of the Agent.

Mr. Gaya Prasad Singh : What is the name of the officer ?

Mr. G. G. Sim : Mr. Trevor Robinson.

Mr. Gaya Prasad Singh : Are Government aware that this is not the first instance in which a train was delayed at the instance of the officer in question ?

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

Mr. B. Das : Is it a fact that there was a dinner and dance on that night ?

Mr. G. G. Sim : I have already informed the Honourable Member that there was an entertainment supported by the local authorities.

Mr. Gaya Prasad Singh : Have Government read the report in the *Amrita Bazar Patrika* in which it was stated that on a former occasion also the train was delayed solely on account of the officer in question ?

Mr. G. G. Sim : I have already replied to the question.

OPINIONS ON THE REFORMS INQUIRY COMMITTEE REPORT.

207. ***Mr. Gaya Prasad Singh :** Have Government received opinions from the different Local Governments and Ministers on the subject of the Muddiman Reforms Inquiry Committee, since the publication of the Report ? And if so, will the Government be pleased to lay such opinions on the table ?

The Honourable Sir Alexander Muddiman : Opinions have been received from Local Governments on certain recommendations in the Report, but I am unable to accede to the request of the Honourable Member.

SALE OF FOODSTUFFS IN TRAINS ON THE OUDH AND ROHILKHAND RAILWAY.

208. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to an article headed " Sale of Foodstuffs in O. R. Railway train " published in the *Indian Daily Telegraph*, dated the 7th July 1925 ?

(b) Is it a fact that with the amalgamation of the Oudh Rohilkhand Railway with the East Indian Railway, the existing provision of a compartment in certain passenger trains where foodstuffs are available for the third class passengers is to be discontinued ? If so, why ?

(c) Is it not a fact that in spite of certain drawbacks this arrangement has removed a long-felt want ; and that the District Traffic Superintendent of the Railway recorded the following opinion :

" There is no doubt from the excellent chits received from the public that the sale of foodstuffs in trains is very popular with the public ; I have received no complaints from them, but it is evident that some better arrangement is necessary for the cooking of foodstuffs in trains." ?

Mr. G. G. Sim : The Honourable Member is referred to the answer given in this Assembly on 25th August 1925 to a similar question asked by Raja Raghunandan Prasad Singh.

Mr. Gaya Prasad Singh : In reply to that question Government stated that the arrangements were not satisfactory. What evidence is

in possession of Government to come to that conclusion, because I find that the District Traffic Superintendent has given a very good certificate to the arrangement ?

Mr. G. G. Sim : The whole question, as I explained in reply to a previous question, is being discussed with the Local Advisory Committee and no final decision has been arrived at. I do not know where the Honourable Member got his information from.

Mr. Gaya Prasad Singh : Is it not a fact that this opinion was recorded by the District Traffic Superintendent ? Have Government made any inquiries on the subject ?

Mr. G. G. Sim : Government have made no such inquiries, but if the Honourable Member will let me know where he got this information from, I will be able to satisfy him.

Mr. Gaya Prasad Singh : From the *Indian Daily Telegraph* of the 7th July, 1925.

DEPUTATION OUT OF INDIA AT STATE EXPENSE OF MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

209. ***Mr. Gaya Prasad Singh :** Will the Government be pleased to lay on the table statements, showing the names of the Members of the Council of State, and of the Legislative Assembly, officials and non-officials, who have been sent out of India at State expense, since the new Reforms came into operation, and giving the following particulars ?

Number.	Names of Members.	Where sent.	Object of visit.	Year of visit.	Total expense incurred.	REMARKS.

The Honourable Sir Alexander Muddiman : Government do not consider that any useful purpose would be served by collecting and supplying the particulars asked for.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

210. ***Mr. Gaya Prasad Singh :** (a) Is it not a fact that the inquiry which has been concluded by Messrs. Philip and Duff into the question of the amalgamation of the Oriya-speaking population, was in pursuance of a Resolution moved by the Honourable Mr. Sachidanand Sinha in the old Imperial Legislative Council on the 20th February 1920 ?

(b) Will the Government be pleased to state when it is likely that the scheme to amalgamate the Oriya-speaking population of the different Provinces "with the existing Orissa Division of the Province of Bihar and Orissa," will be given effect to ?

(c) Is it in contemplation to sever the Orissa Division from the existing Province of Bihar and Orissa? And if so, will not such a proposal be in utter violation of the terms of the Resolution referred to above?

(d) Will Government be pleased to lay on the table all correspondence and papers on the subject, before any final decision is arrived at?

Mr. H. Tonkinson : The Honourable Member is referred to the Honourable the Home Member's reply to Mr. Das' question on the same subject.

Mr. B. Das : In reference to paragraph (c) of this question, is it not a fact that, according to section 52A of the Government of India Act, the Governor General in Council can at any time constitute a province under a Chief Commissioner or a Deputy Governor?

Mr. H. Tonkinson : It is quite correct that under the provisions of the Government of India Act, to which the Honourable Member refers, it is possible to constitute a province or sub-province with the sanction of His Majesty.

Mr. Gaya Prasad Singh : Is it not a fact that the Minority Report of the Muddiman Committee has disapproved of the appointment of a Deputy Governor in any province?

Mr. H. Tonkinson : There is a reference to that point in the Minority Report.

STOPPAGE OF INCREMENTS OF CLERKS AND ACCOUNTANTS IN THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.

211. ***Mr. Gaya Prasad Singh :** Will the Government be pleased to state separately in each case, the total number of clerks and accountants in the office of the Accountant General, United Provinces, (a) whose increments have been stopped during the régime of Mr. Rau, (b) whose increments were stopped during the régime of Mr. Rau's immediate predecessor, (c) who have been held up at the efficiency bars during the régime of Mr. Rau, (d) who were held up at the efficiency bars during the régime of Mr. Rau's immediate predecessor?

The Honourable Sir Basil Blackett : I do not propose to call for these statistics.

DETENTION IN OFFICE TILL 9 P.M. ON 1ST MAY 1925 OF THE CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.

212. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state whether it is a fact that on the 1st of May, 1925 (Ramzan day), all the clerks in the office of the Accountant General, United Provinces, were ordered not to go home without taking their pay, however late it might be?

(b) If so, will the Government be pleased to state who was responsible for this order which necessarily caused a good deal of suffering to the whole lot of Muhammadan clerks who are required according to their religion to break their fast in the evening during the Ramzan days, but were precluded from doing so by reason of their detention in office till 9 o'clock at night?

(c) What steps do the Government propose to take against the officer who was responsible for the order?

The Honourable Sir Basil Blackett : (a) The 1st of May was not Ramzan day. There is, however, a general practice in the Accountant General's office to pay all clerks as far as possible on the first day of every month and this practice was followed on the 1st May 1925. No complaints were received from any clerk.

Parts (b) and (c) do not arise.

DISCIPLINARY ACTION AGAINST CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.

213. ***Mr. Gaya Prasad Singh :** (a) Is it the practice in the office of the Accountant General, United Provinces, to take disciplinary action against the clerks for mistakes made in the discharge of their duties ?

(b) If so, what is the nature of the mistakes for which punishment is given ?

The Honourable Sir Basil Blackett : It is a recognised and obviously desirable practice to take disciplinary action when mistakes of a serious nature are made.

OVERPAYMENTS OF PENSION TO ENGINEER OFFICERS BY THE ACCOUNTANT GENERAL, UNITED PROVINCES.

214. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the overissue of pension has been made on account of wrong orders passed by the Accountant General, United Provinces, Mr. H. B. Rau, in defiance of the long established office procedure, to a number of engineer officers who started service as apprentice overseers in the P. W. D. ?

(b) If so, what is the total amount of such overpayments ?

(c) What disciplinary action do Government propose to take against the officer ?

The Honourable Sir Basil Blackett : (a) There has been no such overpayment.

Parts (b) and (c) do not arise.

NUMBER OF IRRIGATION WORKS CONSTRUCTED TO HOLD RAIN WATER.

215. ***Sir Purshotamdas Thakurdas :** 1. Will Government be pleased to state if they are aware that the Irrigation Commission of 1901-03 (para. 53 of their Report—General) estimated that of the total average rainfall of India, 35 per cent. went to waste in rivers, and, according to their calculations, of the surface flow amounting to 51 billion cubic feet, only 6½ billion cubic feet or 13 per cent. was utilised in irrigation and the balance of 87 per cent. went to waste in the sea ?

2. Will Government be pleased to state if the above proportion holds good to-day, or, if they have since 1902 constructed irrigation works which hold more rain water than when the Commission reported, details of the latter ?

3. Will Government be pleased to put on the table a statement giving relative figures showing where they have constructed further irrigation works since 1902, to hold more rain water than before 1902 ?

The Honourable Sir Bhupendra Nath Mitra : 1. The answer is in the affirmative.

2. Taking only irrigation works of importance such as, prior to the Reforms, were classed as major, the number of such works completed rose from 47 in 1902 to 94 in 1922-23, the capital invested in them rising from Rs. 36,47 lakhs to Rs. 66,17 lakhs, and the area irrigated by them from 10,656,000 acres to 18,762,000 acres. The proportion referred to consequently no longer holds good. In addition 19 further works have since been completed or are at present under construction, estimated to cost Rs. 50,80 lakhs and to bring under irrigation or improve the existing irrigation of an additional area of 11,226,000 acres.

3. The statement asked for is laid on the table.

Statement showing the increase since 1902 in the number of important irrigation works.

Province.	Number of works completed.	1902-03.		1924-25.		
		Capital cost.	Area irrigated in 1902-03.	Number of works at present in operation or under construction.	Estimated cost.	Area irrigated in 1922-23 plus area anticipated from works since completed or at present under construction.
		Rs.	Acres.		Rs.	Acres.
Madras	14	7,72,66,922	1,776,868	21	16,10,97,737	3,690,394
Bombay (Deccan)	9	1,87,81,215	58,710	14	11,14,63,891	428,916
Bombay (Sind)	5	1,96,50,796	984,339	10	21,41,20,047	6,680,674
Bengal	1	84,79,209	87,464	1	84,96,213	81,940
United Provinces	7	8,98,98,698	2,343,862	21	22,60,83,082	4,304,638
Punjab	7	9,27,35,405	4,522,416	12	28,18,23,844	12,381,682
Burma . . . . .	..	..	..	4	2,41,77,629	401,283
Bihar and Orissa	2	5,32,61,835	708,346	4	6,27,04,602	922,308
Central Provinces . . . . .	..	..	..	22	5,12,72,647	673,109
North-West Frontier Province	2	46,44,985	173,772	4	2,84,17,097	428,428
TOTAL	47	36,47,19,065	10,655,777	113	1,16,96,56,989	29,988,367

GOVERNMENT TELEGRAPH TRAINING SCHOOLS IN THE MADRAS PRESIDENCY.

216. *Mr. C. Duraiswami Aiyangar : Will the Government be pleased to state :

(a) the number of Government telegraph training schools in the Madras Presidency ;

(b) the number of students (i) Anglo-Indians, (ii) Indians trained in them during the last three years ; and

(c) the number of persons of each class appointed in the Government offices ?

The Honourable Sir Bhupendra Nath Mitra : (a) None. But there are telegraph training classes in the Lawrence Memorial School, Lovedale, and St. Joseph's College, Coonoor, the vacancies in which are filled by candidates approved by the Postmaster-General, and the Instructors, and equipment for which are supplied by the Posts and Telegraphs Department free of charge. The Department also pays a bonus of Rs. 100 to these institutions for every general service telegraphist taken from these classes into the department.

(b)								
	(i) Anglo-Indians						1922-23	33
							1923-24	31
							1924-25	23
	(ii) Other Indians						<i>N/A</i>	
(c)								
	(i) Anglo-Indians						1922-23	27
							1923-24	31
							1924-25	23
	(ii) Other Indians						<i>N/A</i>	

Mr. C. Duraiswami Aiyangar : May I know whether there is any idea on the part of Government to establish training schools on the plains instead of at Coonoor ?

The Honourable Sir Bhupendra Nath Mitra : The whole question of the future recruitment of the general service telegraphist is now under the consideration of the Government of India.

Diwan Bahadur M. Ramachandra Rao : May I ask whether the Honourable Member has considered the desirability of starting institutions in Madras where Indians can likewise be trained. The two institutions which the Honourable Member mentioned are for the training of Anglo-Indians only. Would the Honourable Member afford similar facilities for the training of Indians in Madras ?

The Honourable Sir Bhupendra Nath Mitra : I have already said that the whole question of recruitment of the general service telegraphist is now under the consideration of the Government of India and the point raised by Diwan Bahadur Ramachandra Rao will not be lost sight of in this connection.

POST OFFICE GUARANTEE FUND.

217. ***Mr. C. Duraiswami Aiyangar :** Will the Government be pleased to state :

(a) whether there is a fund called the Departmental Guarantee Fund in the Postal Department ;

- (b) whether it is raised by contributions from the employees in the Department ;
- (c) the total amount raised in the Madras Presidency ;
- (d) the various uses to which the fund has been put in the last three years ;
- (e) the benefits which the employees themselves got out of the fund ; and
- (f) whether there is a similar fund in any other department ?

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

(b) Yes, originally. The collection of subscriptions ceased in June 1905.

(c) Rs. 58,650 during the period from 1873-74 to 1882-83, and 1897-98 to 1904-05. The records for the intervening period are unfortunately not available.

(d) (i) Writing off losses caused to the Department by the neglect or misconduct of Postal officials.

(ii) Payment of rewards for giving information in Post Office robbery cases.

(iii) Grant of rewards for specially honest and courageous service on the part of any persons in the employment of the Post Office, while in the discharge of their duties.

(iv) Grant of compensation to servants of the Post Office for the loss of their private property.

(v) Payment to certain classes of officials of the Post Office, of the actual travelling expenses incurred by them on journeys for medical examination in connection with Postal Life Insurance.

(vi) Payment of gratuities to the families of deserving Post Office servants left in indigent circumstances by the premature death of the officials upon whom they depend for support, and to Post Office officials who are, owing to no fault of their own, physically or mentally incapacitated for further service before they had earned pension.

(vii) Refund to subscribers of the returnable portion of the subscriptions paid prior to January 1883.

(e) The employees themselves or their families got the benefits enumerated in items (iii) to (vii) above.

(f) So far as I am aware there is no strictly analogous fund in any other department. I may add that we are considering the abolition of the Post Office Guarantee Fund from the 1st April next.

Mr. A. Rangaswami Iyengar : May I know whether, when any part of this fund is appropriated to make good the losses which are found irrecoverable in post office cases, the consent of those who contributed is taken ? I take it amongst the objects for which this fund is to be utilised, is the recoupment of losses due to postal irregularities which cannot be traced to any particular person, and from whom you cannot recover it. I am asking whether the consent of those who contribute to this fund is taken before money which they contribute for their benefit is taken to meet losses caused by the irregularity or misconduct of one man ?

The Honourable Sir Bhupendra Nath Mitra : No, Sir, the consent of the original subscribers, who at that particular moment may be non-existent, is never taken.

Mr. A. Rangaswami Iyengar : Who is the authority who disburses amounts out of this fund for recoupment of the Government for all losses incurred in postal irregularities ?

The Honourable Sir Bhupendra Nath Mitra : It is not a question of recouping to Government all losses arising out of postal irregularities. The fund was administered by the Director General of Posts and Telegraphs, and he used to administer it under certain well-defined rules.

Mr. A. Rangaswami Iyengar : May I take it that the Director General is the sole authority who decides whether any part of this fund is to be used to recoup losses or not ?

The Honourable Sir Bhupendra Nath Mitra : Subject to well-defined rules laid down with the approval of the Government of India.

IMPORT DUTY ON HAND LOOMS.

218. ***Mr. C. Duraiswami Aiyengar :** Will the Government be pleased to state :

- (a) whether the recommendations of the Fiscal Commission in paragraph 3 of the report that hand looms should be placed on the same level as power looms in the matter of duty, will be given effect to, and if so when ; and
- (b) if it is a fact that the Secretary of State for India has forwarded to the Government of India a question on this subject by Mr. Saklatwala in the House of Commons ?

The Honourable Sir Charles Innes : (a) The Fiscal Commission's recommendation merely is that if the import of hand looms free of duty be a matter of significance to the hand loom industry, such looms should be granted the same tariff concession as is granted to power looms as machinery. The Local Governments were accordingly consulted on this recommendation and the majority were of opinion that a reduction of the duty on hand looms would not be of any material benefit to the industry. I may, however, mention that the rate of duty on certain articles which can be used as component parts either of power looms or hand looms was reduced from 13 to 2½ per cent. by the Finance Act of 1925.

(b) Yes.

Mr. C. Duraiswami Aiyengar : May I know whether the Madras Government consider it not profitable to the hand looms, of which there are a large number in the Madras Presidency ?

The Honourable Sir Charles Innes : I have not the papers with me, but I think I am correct in saying that the Madras Government were of opinion that the reduction of duty on hand looms only would not be of much use. What they thought was really required was the reduction of duty on the innumerable accessories which might be used with hand looms, and we have gone as far as we can in that matter in the last Finance Bill.

PROPOSED NEW ROAD LEADING TO THE OVERBRIDGE AT RENIGUNTA JUNCTION.

219. *Mr. C. Duraiswami Aiyangar : (a) Has the attention of the Government been drawn to an article in the *Swarajya*, dated 27th June 1923, narrating the proceedings of a public meeting held in Renigunta ?

(b) Are the Government aware that a new road is proposed to be opened to meet the road adjoining the railway line leading up to the overbridge in Renigunta Junction ?

(c) Are the Government aware that there is now an existing road from Tirupati and Chiruthanoor to the railway station in Renigunta ? Is it a fact that the railway authorities propose to close the gate for cart traffic by this road to the railway station and open a gate at the entrance to the new road ?

(d) Are the Government aware that the existing Tirupati-Chiruthanoor road is the road which contains the Bazaar Street of Renigunta ?

(e) Do the Government propose to direct the railway authorities to maintain the present gate and also open another gate at the entrance to the new road for the additional convenience of passengers ?

Mr. G. G. Sim : (a) to (e). The Government have seen the article referred to and note that there was considerable difference of opinion on the subject. The matter is one which requires local knowledge and the Government have no doubt that the Agent will pay due attention to any representation on the subject which the responsible local authority may make to him.

SUPERSESSION OF MESSRS. KIRKPATRICK AND HERMON, SENIOR PUBLIC WORKS DEPARTMENT ACCOUNTANTS.

220. *Mr. Amar Nath Dutt : 1. Will the Government be pleased to state :

(a) whether it is a fact that the prior claims of two European or Anglo-Indian senior P. W. D. accountants (Messrs. Kirkpatrick and Hermon) to the officiating posts of Assistant Accounts Officer have been passed over by the Accountant General, United Provinces, for considerations other than those of efficiency ?

(b) whether it is also a fact that these two superseded accountants were appointed officiating Assistant Accounts Officers in other provinces either before or after their transfer to or from the office of the Accountant General, United Provinces ?

2. If the replies to (a) and (b) of part 1 above be in the affirmative, will the Government be pleased to state the reasons for the supersession of these two accountants ?

The Honourable Sir Basil Blackett : The claims of the two officers in question were not passed over for reasons other than efficiency. They served in the office of the Accountant General, United Provinces, for very short periods and then went on leave. One of them was transferred to Bengal soon after his return from leave, and the other is still on leave.

PROMOTION OF JUNIOR CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL
UNITED PROVINCES TO HOLD CHARGE OF SECTIONS.

221. ***Mr. Amar Nath Dutt** : (a) Will the Government be pleased to state whether it is a fact that the junior clerks in the office of the Accountant General, United Provinces, have been given regular charge of sections with duty allowance in preference to their seniors who held charge of sections before for years together ?

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

The Honourable Sir Basil Blackett : (a) and (b). No clerk who has not passed the Subordinate Accounts Service examination should be put in charge of a section, but, when there is a shortage of passed men, the senior clerk working in the section where the vacancy occurs may be placed in charge temporarily till a Subordinate Accounts Service man is available. No clerk has any right derived from mere seniority to be placed in charge of a section.

STOPPAGE OF THE ANNUAL INCREMENT OF MR. H. M. MUKHERJI, A CLERK IN
THE OFFICE OF THE ACCOUNTANT GENERAL, UNITED PROVINCES.

222. ***Mr. Amar Nath Dutt** : (a) Will the Government be pleased to state whether it is a fact that the annual increment of a clerk, Mr. H. M. Mukerji, in the office of the Accountant General, U. P., has been stopped for one year ?

(b) If so, what are the reasons for the same ?

(c) Is it a fact that his responsibility in the matter has not been established ? If so, are the Government prepared to rescind the order stopping his annual increment ?

The Honourable Sir Basil Blackett : (a) and (b). Mr. Mukerji's increment was stopped for one year because he was held responsible for making wrong entries in a register which led to an overpayment.

(c) The Accountant General satisfied himself by inquiry that Mr. Mukerji was responsible for the wrong entry in the register, and the Government see no reason to interfere.

TRAVELLING CINEMA SCHEME.

223. ***Raja Raghunandan Prasad Singh** : (a) Will the Government be pleased to say what would be the probable cost of the Travelling Cinema Scheme to which they have accorded their sanction ?

(b) Is the scheme going to be introduced on all the railways in India controlled by the Government ?

Mr. G. G. Sim : (a) Rs. 6,334 chargeable to Revenue.

(b) The scheme is at present in the nature of an experiment and the question of extending the scheme to other railways has, so far, not arisen.

PROHIBITION OF THE EXPORT OF GOOD BREEDS OF CATTLE TO FOREIGN COUNTRIES.

224. ***Raja Raghunandan Prasad Singh** : Will the Government be pleased to say what action, if any, has been taken on the Resolution adopted by the Legislative Assembly on the 2nd March 1921, prohibiting the export of good breeds of cattle from British India to any foreign country till the Government were satisfied that India has enough of such breeds and to spare ?

Mr. J. W. Bhore : The Government of India have prohibited the export of cattle of the Ongole breed from the Madras Presidency.

REDUCTION OF HOLIDAYS IN THE IMPERIAL SECRETARIAT.

225. ***Raja Raghunandan Prasad Singh** : Is it a fact that the holidays of the staff of the Imperial Secretariat have been reduced ? If so, what economy has been effected thereby ?

Mr. H. Tonkinson : A smaller number of real holidays have been substituted for the large number of nominal holidays. It is not possible to estimate the economy effected thereby but I invite the attention of the Honourable Member to the Home Department office memorandum No. D-4562-Public, dated the 20th October 1923, a copy of which is in the Library of the House, which explains the advantages from all points of view of the revised arrangements.

PREVENTION OF FLOODS IN THE JUMNA.

226. ***Raja Raghunandan Prasad Singh** : What steps, if any, have been taken, by way of precaution, against any flood in the river Jamuna this year ?

The Honourable Sir Bhupendra Nath Mitra : It is assumed that the Honourable Member is referring to the Jumna river, and that the information for which he asks refers to the action taken by the Delhi Administration in the matter, since it is only in such action that the Government of India have any direct concern.

The local Administration has reported that nothing can be done by it to prevent floods in the river Jumna. It has, however, taken steps to obtain, at least 3 days before an abnormal flood can reach Delhi itself, information of its approach, in order that timely warnings may be issued to all concerned.

Mr. B. Das : Is it not a fact that the submerging of a few villages on the Jumna embankment during the last floods in the months of June and July was due to the high railway embankments and to proper waterways not being provided by the railway ?

The Honourable Sir Bhupendra Nath Mitra : It has never been seriously suggested that the floods in the Jumna at Delhi are intensified by either the railway or the irrigation arrangements in the vicinity ; they are due entirely to natural causes.

DISCHARGE OF WORKERS EMPLOYED IN THE TITAGHUR PAPER MILLS.

227. ***Mr. Kamini Kumar Ghanda** : Are Government aware that as a result of Government placing orders for paper from abroad many of the

workers of the Titaghur Paper Mills, Ltd., are unemployed? Do the Government propose to reconsider their decision and place orders with Indian paper mills and thus preserve the source of employment for hundreds of paper mill workers?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member is referred to the reply given by me to Lala Duni Chand's question No. 182.

DIVISIONAL SUPERINTENDENTS ON THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

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

- (a) How many posts of Divisional Superintendents have been created on the North Western Railway and the East Indian Railway, including the Oudh and Rohilkhand Railway?
- (b) By what method have the above-mentioned posts been filled? and what are the qualifications required for the post?
- (c) Has any Indian been appointed to any of the posts? If not, why not?
- (d) Are there any senior Indian officers on the North Western Railway and the East Indian Railway including the Oudh and Rohilkhand Railway? If there is any, why were his claims not considered in filling up the posts of the Divisional Superintendents?
- (e) What are the functions and duties of a Divisional Superintendent, and what salary and allowances does the post carry with it?
- (f) By whom were the functions and duties of the Divisional Superintendents performed before these posts were created, and what was the salary of the officers performing those duties?
- (g) How many posts were abolished by creating the new post of Divisional Superintendent, and what was the effect of this change on the finances of the Railways concerned?

Mr. G. G. Sim : (a) There are 7 Divisions on the North Western Railway and 6 on the East Indian Railway.

(b) The appointments have been made on selection based on professional efficiency, experience and administrative capacity.

(c) Yes. An Indian officer is officiating in one of these posts.

(d) Yes.

(e) Under the Divisional System, railways have been divided up into divisions which are placed under the administrative charge of Divisional Superintendents subject to the general control of the Agent. Two Divisional Superintendents get Rs. 1,850 per month and the others Rs. 2,150.

(f) Prior to the introduction of the Divisional System, the administrative control was centralised in headquarters and the work was performed through departments. Responsibility has now been decentralised as indicated in my reply to (e) above.

(g) It is too early as yet to estimate the full financial effect of the Divisional System with respect to reduction of staff or improvement in working efficiency.

Mr. M. K. Acharya : May I know, Sir, when these posts of Divisional Superintendents were created ; whether before or after the last Budget ?

Mr. G. G. Sim : Before the last Budget.

EXPENDITURE ON THE RAILWAY WORKSHOP AT MORADABAD OF MONEY SANCTIONED FOR GENERAL REPAIRS.

229. ***Maulvi Muhammad Yakub :** (a) Is it a fact that the money sanctioned for the general repairs was spent on the railway workshop at Moradabad during the last three or four years ?

(b) Who was responsible for this mismanagement, and what action, if any, was taken against the officer or officers concerned ?

The Honourable Sir Charles Innes : (a) and (b). Government have no information and are unable to enquire into the question as now stated as it is not understood what "general repairs" are referred to.

PROFESSOR JEVONS' BOOK ON CURRENCY AND EXCHANGE.

230. ***Mr. Jamnadas M. Mehta :** (a) With reference to the reply given by Government in the Assembly on the 27th February 1925, to Seth Govind Das' question, will Government be pleased to state :

(i) whether the sum of Rs. 7,079 only was paid to Professor Jevons for his book only or for other services he may have rendered, and, if so, what those services were ; and

(ii) if the said amount was paid for the book only, will Government be pleased to state why this particular book on Currency and Exchange was specially favoured in this way ?

(b) Do Government accept this book as an authoritative exposition of Government's policy regarding Exchange up to the date of publication of the book ?

(c) Is it a fact that Professor Jevons was employed on special duty at Simla during August-September 1920, when the Indian Coinage and the Indian Paper Currency Acts were amended ?

(d) Had he any hand in the drafting of the provisions of the amending Bills ?

(e) If the answer to (d) be in the affirmative, was any remuneration given to Professor Jevons for such work, and if so, what was the amount of such remuneration ?

The Honourable Sir Basil Blackett : (a) The sum in question was paid for the book only which was written with the object of explaining the intricacies of Indian Currency and Exchange in language as simple as possible for the enlightenment of the general public.

(b), (c) and (d). The answer is in the negative.

(e) This does not arise.

*231.

* Mr. Jamnadas M. Mehta did not wish to put this question.

HARASSMENT TO THIRD CLASS PASSENGERS BY THE TICKET-CHECKING SYSTEM INTRODUCED ON THE KHOOLNA BRANCH OF THE EASTERN BENGAL RAILWAY.

232. ***Mr. Kamini Kumar Chanda** : (a) Has the attention of Government been drawn to repeated complaints in Calcutta newspapers like the *Forward* and the *Amrita Bazar Patrika* and summarised in a letter over the name of Babu Lakshmi Kanta Sen-Gupta in the *Forward* of the 24th July that the Eastern Bengal Railway has recently introduced a system of ticket-checking on the Khoodna branch which causes great harassment to third class passengers ?

(b) Is there any necessity for the procedure therein described ?

The Honourable Sir Charles Innes : (a) and (b). The Honourable Member will see from the debate in this House on the 28th February last that the evil of passengers travelling without tickets has assumed very serious dimensions and that in the year 1924 nearly 2½ million passengers were detected travelling without tickets. The Government are not aware whether the Agent of the Eastern Bengal Railway has introduced a new system of checking tickets, but they are sure that he will be anxious to reduce avoidable hardship to passengers as much as possible, and they will forward to him a copy of this question and answer.

ALLEGED CENSORING OF LETTERS ADDRESSED TO DR. RABINDRA NATH TAGORE.

233. ***Mr. Kamini Kumar Chanda** : (a) Has the attention of Government been drawn to an allegation of Calcutta newspapers that letters of Dr. Rabindra Nath Tagore are opened in the Post Office before delivery ?

(b) Is it a fact that a registered letter from abroad on being opened by him was found to contain another letter addressed to him from Eastern Bengal on a much later date suggesting the inference that both letters were opened, and that, in re-inclosing them, both were through mistake put in the same cover ?

(c) Will the Government please say if there is any truth in the allegation, and if so, the reasons for censoring his letters ?

Mr. G. P. Roy : With your permission, Sir, I should like to give one reply to this question, and to Mr. Gaya Prasad Singh's question No. 243 on the same subject.

Dr. Rabindra Nath Tagore's letters are not censored, and when the allegations in the *Servant* of the 24th July 1925 came to the notice of Government an inquiry was made into them. It appears that two foreign registered letters addressed to Dr. Tagore were received for delivery in Calcutta on the 27th June, and were sent by mistake to the Beadon Street Post Office on the 28th of June. On the following day they were returned by the Beadon Street Post Office to the Calcutta General Post Office, and were forwarded by the Calcutta General Post Office to the Barabazar Post Office. Apparently, therefore, the letters were addressed to Dr. Tagore's Calcutta address, Dwarkanath Tagore Lane, which is

within the delivery area of the Barabazar Post Office. That Post Office redirected them to the Santiniketan Post Office on the 1st July ; they were received at Santiniketan on the 2nd July, which was a Post Office holiday, and were delivered to Dr. Tagore on the following day. One of these two letters is apparently the one referred to in the newspaper report, but unfortunately the cover was not preserved by Dr. Tagore, and I have consequently not been able to discover how a letter from Decca came to be found inside it.

Mr. K. Ahmed : Sir, it may be that one of the envelopes was torn to pieces and the post office clerk put the letter in the other envelope. If that is the case there is nothing wrong ?

SEGREGATION BILL IN SOUTH AFRICA.

234. ***Mr. Kamini Kumar Chanda :** (a) Has the attention of Government been drawn to a Bill introduced into the South African Assembly embodying the policy of the Government of that country dealing not only with residential and commercial segregation but also with land ownership specially in Natal—with the express object of reducing the Indian population to a very considerable extent ?

(b) Will the Government please state what they propose to do for the protection of Indian interests ?

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

(b) The Government of India have so far merely seen summaries of the measure in the Press. The full text has been wired for and will be carefully examined on receipt with a view to determine what action is called for.

ADMISSION OF STUDENTS FROM AJMER-MERWARA TO THE THOMASON ENGINEERING COLLEGE, ROORKEE.

235. ***Rai Sahib M. Harbilas Sarda :** (1) Is it a fact that the Superintending Engineer, the Executive Engineer and the Assistant Engineers in Ajmer-Merwara are on the United Provinces Public Works Department cadre ?

(2) Is it a fact that all appointments of Superintending Engineers and Executive Engineers in Ajmer-Merwara are filled up by members of the United Provinces Public Works Department ?

(3) Are the Government of India in the circumstances prepared to persuade the Government of the United Provinces to give to students from Ajmer-Merwara seeking admission to the Thomason Engineering College, Roorkee, the same facilities for admission to and education in that College as are given to students from the United Provinces ?

The Honourable Sir Bhupendra Nath Mitra : (1) Yes.

(2) Yes.

(3) Under the rules for admission to the Civil Engineer class of the Thomason Civil Engineering College, Roorkee, no students from provinces outside the United Provinces can be admitted to that class unless they apply through the Government of the province, in which they reside, for permission to appear at the admission examination of the college and the Government concerned agrees, in the event of such students gaining a place in the examination which would otherwise entitle them to admission,

to pay a contribution towards the cost of their training. So far as students resident in the territories administered by minor Local Governments (including Ajmer-Merwara) are concerned, an order has recently been issued by the Government of India under which, if any such student applies through the head of the Government concerned for permission to appear at the entrance examination of the college and having obtained such permission succeeds in obtaining entry thereto, the cost of his training, excluding such fees and expenses as are ordinarily defrayed by the students themselves, shall be accepted as chargeable to Central Revenues. As a result of this order students from Ajmer-Merwara seeking admission to the Thomason Civil Engineering College, Roorkee, are afforded the same facilities as are given to students from the United Provinces, except that they are not eligible for scholarships reserved for candidates resident in that province.

APPLICATION BY AN INDIAN RADIO TELEGRAPH COMPANY TO ERECT A BEAM STATION.

236. ***Khan Bahadur Sarfaraz Hussain Khan** : (a) With reference to the Government reply "the matter is under discussion" in answer to my starred question No. 267, asked in the Assembly on the 26th January 1925 regarding the application by an Indian Radio Telegraph Company for a licence to erect a beam station, will the Government be pleased to state if they have arrived at any definite conclusion ?

(b) If they have, will they please state their decision ?

(c) If not, will they please state when they are likely to arrive at a decision.

Mr. G. P. Roy : (a) Yes.

(b) A license has been granted to and an agreement has been made with the Indian Radio Telegraph Company for the establishment and working of a "beam" station in India to communicate with England. A copy of each will be found in the Members' Library. A copy of the application is placed on the table.

(c) Does not arise.

ESTABLISHMENT, MAINTENANCE AND WORKING OF A COMMERCIAL RADIO SERVICE BETWEEN INDIA AND THE UNITED KINGDOM BY MEANS OF BEAM STATIONS.

Application.

To

THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS, INDIA.

1. We offer to undertake and hereby apply for the necessary license under the Indian Telegraph Act, 1882, to establish, maintain and work a commercial radio Service between India and the United Kingdom (hereinafter called the Service) by means of the Marconi Beam System and we are prepared to enter into an Agreement with the Government of India which agreement shall be contingent upon the license.

2. We certify that we are a Company registered in British India under the Indian Companies Acts with Rupee capital and that the registered office of the Company is situate at 34, 36 & 38, Apollo Bunder Road, Bombay.

3. We undertake that at least 60 per cent. of any capital to be expended upon the Service shall be offered for subscription in India.

4. We certify that the Company holds the necessary rights to exploit and use all patents necessary for the efficient working of the Service.

Dated this 3rd day of February 1925.

(Sd.)

Secretaries and Treasurers,
The Indian Radio Telegraph Co., Ltd.

TRADE UNIONS IN THE PROVINCES OF BRITISH INDIA.

237. *Khan Bahadur Sarfaraz Hussain Khan : In connection with my starred question No. 268 asked in the Assembly on the 26th January 1925, regarding the number of Trade Unions in the Bombay Presidency, will the Government be pleased to state—

(a) if there are Trade Unions in the other Provinces of British India ; and

(b) their number respectively wherever they exist ?

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

(b) The Government of India have no reliable statistics.

238. (Answered on 25th August 1925).

AMENDMENT OF THE CRIMINAL PROCEDURE CODE.

239. *Khan Bahadur Sarfaraz Hussain Khan : (a) Has the attention of Government been drawn to the letter published in the issue of the *Searchlight* of Friday, the 3rd April 1925, page 4, under the heading "Letters to the Editor", "Criminal Justice", "A Serious Anomaly" ?

(b) If so, will they be pleased to state if they are prepared to appoint a Committee to further amend the Criminal Procedure Code in the light of the suggestions made by the writer ?

Mr. H. Tonkinson : (a) Yes.

(b) No.

Khan Bahadur Sarfaraz Hussain Khan : Will the Government kindly give reasons ?

Mr. H. Tonkinson : Government do not consider that anything more is required in this case than is already provided for in section 426 of the Code of Criminal Procedure, nor in fact do they think it would be possible in the interests of the proper administration of criminal justice to provide anything more than is provided in that section already.

Mr. K. Ahmed : In the light of the suggestion given by the writer, as stated in the question, probably it is contrary to the spirit of the criminal law in this country to amend the same any more. Is not that so ?

PRINTING OF STAMPS IN INDIA.

240. *Mr. Gaya Prasad Singh : Will the Government be pleased to say by what time they expect to start printing stamps, etc., in India ?

The Honourable Sir Basil Blackett : It is expected that the printing of stamps at the Nasik Security Press will commence early in November 1925.

INDIAN OFFICERS IN THE INDIAN MEDICAL SERVICE.

241. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state how many Indians were taken into the I. M. S. during the late war ?

(b) How many of them have been demobilised, and how many are still employed in army hospitals ?

(c) Will the Government state if they are prepared to retain the services of those who are willing to remain in the service, instead of recruiting new I. M. S. officers ?

Mr. E. Burdon : (a) As previously stated on the 10th January 1922, in reply to part (e) of unstarred question No. 86, 1,004 Indian gentlemen were granted commissions in the I. M. S. during the war.

(b) 74 temporary officers are still in service : the remainder, with the exception of 86 who have been granted permanent commissions, have been demobilised.

(c) Government are not prepared to give any assurance on the point. They can only undertake to select the men with the best personal and professional qualifications, whether for appointment to, or retention in, the Service.

TRANSFER OF INDIAN I. M. S. OFFICERS FROM MILITARY TO CIVIL EMPLOYMENT.

242. ***Mr. Gaya Prasad Singh :** (a) What is the percentage of Indian I. M. S. officers in the Military from 1920 to 1925 ?

(b) What is the percentage of Indian I. M. S. officers in Waziristan Service at present ?

(c) What percentage of Indian I. M. S. officers have been transferred from the Military to Civil within the last five years ; and how many are Europeans ?

Mr. E. Burdon : (a) The percentage of Indian officers to the total number of officers of the Indian Medical Service in military employment for the period in question is as follows :—

1920—68.66 ; 1921—68.95 ; 1922—56.29 ; 1923—54.29 ; 1924—58.33 ; 1925—53.68.

(b) The percentage of Indian Medical Service officers to the total number of officers in military employment serving in Waziristan is at present 75.

(c) During the period from August 1920 to August 1925, 140 officers of the Indian Medical Service were transferred to civil employ. Of this number, 92 are Europeans and 48 Indians.

ALLEGED CENSORING OF LETTERS ADDRESSED TO DR. RABINDRA NATH TAGORE.

†243. *Mr. Gaya Prasad Singh : (a) Has the attention of the Government been drawn to the *Servant*, dated the 24th July 1925, under the heading " Rabindranath's letters censored, an interesting revelation " ?

(b) Is it a fact that a registered letter addressed to Dr. Rabindra Nath Tagore from Germany was due to him at Santiniketan on the 29th or 30th June at the latest, but that he received it on the 3rd July ; and on opening it, he found that a letter, bearing the date 26th June, addressed from Dacca, found a place in the same envelope ?

(c) Is it a fact that the poet's letters are censored ; and if so, under whose authority ?

(d) Are the Government prepared to make an inquiry into this ?

INDIAN REPRESENTATIVES AT THE SEPTEMBER SESSION OF THE LEAGUE OF NATIONS.

244. *Mr. Gaya Prasad Singh : (a) Is it a fact that Lord Willingdon, the Maharaja of Patiala, and Sir Atul Chandra Chatterjee have been nominated to represent India at the September session of the League of Nations ? If so, on what principle have these nominees been selected ?

(b) Why is it that no non-official of British India has been selected ; and why was the Central Legislature not given a chance to elect the representatives ?

(c) Are the Government prepared to lay on the table all correspondence on the subject ?

(d) Does India contribute anything to the League of Nations ? And if so, how much per year, and since when ?

Mr. L. Graham : (a) Yes. They were selected on the principle of their general suitability to represent India.

(b) On the first part I can add nothing to my reply to (a). As regards the second part, the Honourable Member is referred to the reply given to question No. 1778 put by Khan Bahadur Sarfaraz Hussain Khan on the 11th September 1924.

(c) No.

(d) Yes, since 1920. The contribution fluctuates in accordance with the amount of the League's expenditure for the year in question and the proportion for the time being allocated to India.

Mr. N. M. Joshi : May I ask, Sir, whether it is British India that is a member of the League of Nations or the India, including Indian States, that is a member ?

† For answer to this question, see answer to question No. 233.

Mr. L. Graham : Will the Honourable Member repeat his question ?

Mr. N. M. Joshi : My question was this : Is it British India that is a member of the League of Nations or is it the India with the Indian States that is a member.

Mr. L. Graham : It is, as the Honourable Member describes it, the India with the Indian States.

Mr. B. Das : May I ask, Sir, on what principle Lord Willingdon was chosen as the leader of this delegation and not the High Commissioner for India ?

Mr. L. Graham : I take it, on the principle of general suitability.

Mr. N. M. Joshi : May I ask, Sir, whether any of these Indian States bears any portion of the contribution to the League of Nations ?

Mr. L. Graham : Of that question, Sir, I should like to have notice.

PROHIBITION OF THE EMPLOYMENT OF INDIAN TROOPS OUTSIDE INDIA.

245. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to say if Indian troops, stationed either in India or elsewhere, have been despatched, or have been instructed to hold themselves in readiness to be despatched to Hong Kong or any other part of China, to be employed against the Chinese ?

(b) Do the Government propose to prohibit the employment of Indian troops outside India ?

Mr. E. Burdon : (a) As regards the first portion of this question, attention is invited to the reply which I have already given to part (c) of another question asked by Mr. Bhubanananda Das, No. 105. As regards the second part, Government regret that, in the public interest, they can give no information.

(b) No. The policy which the Government of India follow in this matter is that formulated in a Resolution adopted by the Legislative Assembly on the 28th March 1921.

NUMBER OF INDIAN TROOPS EMPLOYED OUTSIDE INDIA.

246. ***Mr. Gaya Prasad Singh :** Will the Government kindly lay on the table a statement showing Indian troops who are at present employed or stationed outside India (if any), indicating separately the strength of such troops, the places where they are so employed or stationed, and also since when ?

Mr. E. Burdon : The attention of the Honourable Member is invited to the reply which I have given to question No. 105 asked by Mr. Bhubanananda Das. Troops have been employed on garrison duty in Iraq since the end of the Great War. Troops have been employed on garrison duties in the other places mentioned since before the war.

REPLACEMENT OF THE BRITISH TROOPS IN MUZAFFARPUR BY A SQUADRON OF AEROPLANES.

247. ***Mr. Gaya Prasad Singh :** Is it a fact that as a measure of economy the Government propose to replace the British troops in Muzaffarpur by a squadron of aeroplanes ?

Mr. E. Burdon : No, Sir, Government have no such intention. So far from being economical, the proposal would entail large expenditure, both initial and recurring, as the small existing establishment of the Royal Air Force in India is required elsewhere for other purposes.

NUMBER OF GOVERNMENT AEROPLANES IN INDIA.

248. ***Mr. Gaya Prasad Singh :** Will the Government be pleased to say how many aeroplanes of all kinds they possess at present, and where they are stationed in India ?

Mr. E. Burdon : The Royal Air Force in India consists of 6 squadrons, each of 12 aeroplanes, which are located normally at Quetta, Peshawar, Risalpur, Kohat and Amballa. Four of these squadrons are equipped with Bristol Fighters, and the remaining two with De Havilland 9 A.'s.

Reserve aeroplanes are kept at Lahore and Karachi.

+249.

+250.

SEGREGATION OF DOMICILED INDIANS IN SOUTH AFRICA.

251. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government been drawn to the announcement of the Minister of the Interior in the South African Assembly of his intention to introduce a Segregation Bill ?

(b) Are the Government aware that this is only an attempt on the part of the Hertzog Government to revive the Class Areas Bill which the Smuts Government introduced in the South African Parliament ?

(c) Are the Government further aware that the object of the Segregation Bill is to make provision for the reservation of residential and trading areas in urban areas for persons other than natives having racial characteristics in common, in other words Asiatics ?

(d) Have the Government of India communicated their protest against the segregation of all domiciled Indians alike for residence and trade ?

(e) If "yes", will the Government be pleased to lay on the table their communication to the South African Government and the reply, if any, received from the South African Government ?

Mr. J. W. Bhore : (a) The Bill has already been introduced.

(b) The measure which the Government of India have only just received is apparently more comprehensive in scope than the Class Areas Bill referred to by the Honourable Member.

(c) Yes.

(d) and (e) The Honourable Member's attention is invited to the answer given by me to part (b) of Mr. K. K. Chanda's question No. 234.

HOLIDAYS IN THE MILITARY ENGINEERING DEPARTMENT.

252. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government been drawn to a circular issued by the Colonel Commandant Chief

† These questions were omitted by Mr. C. S. Ranga Iyer.

Engineer, Eastern Command, dated Nainital, 29th June 1925, regarding general holidays to M. E. S. personnel ?

(b) Are the Government aware that the holidays which have been disallowed include some important religious holidays ?

(c) Is it a fact that the clerks in the Military Engineering Department are governed by the Civil Service Regulations except in so far as they have to sign an agreement binding themselves to go on field service when required ?

(d) Is it a fact that in the matter of holidays they have been governed by the Negotiable Instruments Act, privileges under which are affected by the circular referred to ?

(e) Will the Government be pleased to state that they will not deprive the clerks in the Military Engineering Department of the gazetted holidays they have so long enjoyed ?

Mr. E. Burdon : (a) Yes, Sir.

(b) This would appear to be the case.

(c) Yes, Sir.

(d) and (e) The reduction of holidays generally was a measure recommended in the interests of economy by the Retrenchment Committee. A considerable reduction has accordingly been carried out at the headquarters offices of the Government of India. It is however the established custom for military offices elsewhere to follow the Local Governments in the matter of holidays, as holidays vary to an appreciable extent in different localities. The Government of India will bring the matter to the notice of G. O.'s C-in-C. and the G. O. C. Burma District, with a view to ensuring that the practice in military offices under their respective commands follows, as closely as possible, that of the Local Government concerned, in future.

EMPLOYMENT OF INDIAN TROOPS OUTSIDE INDIA.

253. ***Mr. C. S. Ranga Iyer :** Will the Government be pleased to state in what places outside India Indian troops are employed and for what purposes ?

Mr. E. Burdon : The attention of the Honourable Member is invited to the reply which I have already given to Mr. Bhubanananda Das' question No. 105.

Mr. C. S. Ranga Iyer : Will the Government be pleased to withdraw the Indian troops from China and also from Egypt ?

Mr. E. Burdon : I have already answered that question in the answer which I have quoted.

Mr. C. S. Ranga Iyer : Are the Government aware that Indians resent the use of Indian troops in Asiatic countries in order to deprive those countries of their freedom ?

Mr. E. Burdon : No, Sir.

TRIAL OF A CIVIL SUIT AGAINST LALA MOTI RAM, GOVERNMENT CONTRACTOR, NORTH WEST FRONTIER PROVINCE, BY A COUNCIL OF ELDERS.

254. ***Lala Duni Chand :** (a) Is it a fact that a civil suit brought against L. Moti Ram, Government contractor, a resident of Chakwal,

District Jhelum, in the court of the Assistant Commissioner, Tank, District Dera Ismail Khan, has been made over to the Council of Elders under section 8 of the Regulation No. 3 of 1901, Frontier Crimes Regulation ?

(b) Will the Government be pleased to state on what grounds the said suit was made over to the Council of Elders and could the Assistant Commissioner legally do so ?

(c) Is it a fact that in the above suit the Assistant Commissioner, Tank, issued a warrant of arrest for the attendance of the defendant ; if so, under what provisions of law could this be done ?

Sir Denys Bray : Inquiry is being made from the local Administration and a reply will be furnished to the Honourable Member in due course.

Lala Duni Chand : May I know the reason, Sir why replies to questions relating to the North-Western Frontier Province are invariably not ready ?

Sir Denys Bray : I deny both fact and imputation, Sir.

Lala Duni Chand : I could give a number of instances in which the reply has been given in this way.

†255.

PUBLIC SERVICE COMMISSION.

256. ***Mr. R. K. Shanmukham Ohetty :** Do Government propose to consult this House before determining the nature of the duties to be performed by the Public Service Commission, its composition, its rights and privileges ?

The Honourable Sir Alexander Muddiman : The answer is in the negative.

EMPLOYMENT OF CHINESE LABOURERS BY THE GREAT INDIAN PENINSULA AND THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.

257. ***Mr. R. K. Shanmukham Ohetty :** (1) Is it a fact that Chinese labourers are being employed in some of the Great Indian Peninsula Railway workshops and on the Bombay, Baroda and Central India Railway ?

(2) Are Government aware that the employment of these imported artisans will reduce the work and the wages of Indian labour ? Are Government prepared to take steps to discontinue this practice ?

(3) Has any representation been made to the Agent, of the Great Indian Peninsula Railway that some of these Chinese workmen are very rude towards the Indian workmen and that frequent brawls have resulted as a consequence of this ? If so, has any action been taken ?

The Honourable Sir Charles Innes : (1) Some Chinese workmen are employed on the Great Indian Peninsula Railway but, with the exception of one chargeman, not on the Bombay, Baroda and Central India Railway.

(2) The Chinese workmen are employed under contract and they generally earn higher wages in view of their greater outturn per head

† Answered on 25th August, 1925.

as compared with Indian labour. Their employment in these circumstances cannot, therefore, have the effect of depressing the scales of pay drawn by the latter and Government, therefore, see no reason to instruct the Agent to discontinue this practice.

(3) The Agent of the Great Indian Peninsula Railway reports that no representation has reached him suggesting that the Chinese workmen have failed to observe those courtesies that are usual amongst the labour employed in these shops.

SEGREGATION OF DOMICILED INDIANS IN SOUTH AFRICA.

†258. ***Mr. R. K. Shanmukham Chetty** : (1) Has the attention of the Government been drawn to a report in the Press that in the South African Assembly the Minister of Interior has intimated his intention of introducing a Bill to make provision for reservation of residential and other areas in urban areas, for certain persons having racial characteristics in common ?

(2) Have Government received any communication on this measure from the South African Government or the Colonial Office ?

(3) Is it a fact that the proposed measure is in effect a revival of the Class Areas Bill introduced some time back by the Smuts Government, and that it would enable the South African Government to segregate the domiciled Indians alike for residence and trade ?

(4). What action do Government propose to take in this matter ?

RESOLUTION *re* GRIEVANCES OF INDIAN SETTLERS IN TANGANAYIKA.

†259. ***Mr. R. K. Shanmukham Chetty** : Will Government be pleased to state what action they have taken to give effect to the Resolution passed in this House regarding the grievances of the Indian settlers in Tanganayika ?

ENCOURAGEMENT OF THE INDIGENOUS PAPER INDUSTRY.

260. ***Mr. R. K. Shanmukham Chetty** : (1) Is it a fact that for some years past the Government have been encouraging the indigenous paper industry by placing their orders with Indian paper manufacturing companies ?

(2) Is it a fact that this year the major portion of their orders have been placed abroad ? If so, will Government be pleased to state why the orders for paper were placed abroad ?

(3) Has any representation been made to Government that as a consequence of their action some of the Indian paper mills have been obliged to reduce their output and that a number of workmen have been thrown out of employment ?

(4) Do Government propose to place their orders for paper as far as possible with Indian paper companies ?

Mr. R. K. Shanmukham Chetty : Questions Nos. 258, 259 and 260 have already been answered, Sir. I put question No. 261.

† Already answered—*vide* Mr. Chetty's remark below question No. 260.

APPRENTICES IN THE PAREL WORKSHOP OF THE GREAT INDIAN PENINSULA RAILWAY.

261. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to the supplementary questions to starred question No. 36 asked in the Assembly on the 22nd January 1925, will the Government please state :

- (a) The number of Indian apprentices in Class A of the Parel Workshop of the Great Indian Peninsula Railway Company ?
- (b) Whether Matriculate Indians are eligible for Class " A " or " B " ?

Mr. G. G. Sim : (a) Ten.

(b) Candidates who have passed the High School or Seventh Standard have to qualify for admission to the " A " or " B " grade apprenticeship by passing an entrance examination. For the " A " grade a candidate must obtain 50 per cent. marks in Mathematics and 60 per cent. in General Knowledge and for the " B " grade 40 per cent. each in Mathematics and General Knowledge. No distinction is made between Europeans and Indians.

GRANT OF THE FRANCHISE TO INDIANS RESIDENT IN AUSTRALIA.

262. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to the Government reply to the starred question No. 46 asked in the Assembly on the 22nd January 1925, regarding the grant of the franchise to Indians resident in Australia, will the Government be pleased to state the result of the inquiries if completed ?

Mr. J. W. Bhore : The Government of India are glad to announce that a Bill was introduced in the Commonwealth Senate on the 12th June 1925 amending sub-section (5) of section 39 of the Commonwealth Electoral Act, 1918-1924, by adding after the word " Asia " the words " (except British India) ". This measure will give the Commonwealth franchise to subjects of British India at present domiciled in Australia and is the fruition of the hopes held out by the Commonwealth Government to Mr. Sastri on the occasion of his visit to Australia in 1922. The Bill was passed by the Senate and read for the first time in the House of Representatives of the Commonwealth of Australia on the 8th July 1925. Indians, when this Bill passes, will enjoy both the State and Commonwealth franchise throughout Australia, except in Queensland and in Western Australia, where Indians do not enjoy the suffrage in respect of elections for the Lower House.

Mr. K. Ahmed : May I ask a supplementary question, Sir ? What are the reasons that in Queensland and in one other place Indians do not enjoy the same privileges in the matter of franchise as they do in other places ?

Mr. J. W. Bhore : I may inform the Honourable Member that I do not know.

Mr. K. Ahmed : What are the reasons that in Queensland and one other place in Australia Indians do not enjoy the same right of franchise as they do in other places in the same country ?

Mr. J. W. Bhore : I have already informed the Honourable Member that I do not know.

Mr. K. Ahmed : Will the Honourable Member be good enough to inquire into the matter and enlighten the House as to the reasons, if possible before this Session is over ?

Mr. J. W. Bhore : I would suggest to the Honourable Member that he should wait until this Bill is passed into law.

Mr. K. Ahmed : Since the Honourable Member has already stated that it is only in Queensland and in one other place in Western Australia, that the Indians will not get the same right of franchise which they get in other places under the Bill when it is passed into law, I suppose the Honourable Member will be good enough to inquire into the reasons why Indians should not get the same privileges ?

Mr. J. W. Bhore : I have already replied to the Honourable Member.

AUDITING OF THE ACCOUNTS OF THE GOVERNMENT AGRICULTURAL FARM AT TARNAB.

263. ***Khan Bahadur Sarfaraz Hussain Khan :** With reference to the Government reply to my starred question No. 116 and my supplementary questions asked in the Assembly on 23rd January 1925, regarding the auditing of the accounts of the Government Agricultural Farm at Tarnab, will the Government be pleased to state :

(a) If the inquiry has been completed ?

(b) If so, will they please communicate the result to the House ?

Mr. J. W. Bhore : (a) Yes.

(b) A statement embodying the information desired by Lala Duni Chand has been placed in the Member's Library.

INDIAN FOREST SERVICE EDUCATIONAL STAFF AT THE FOREST RESEARCH INSTITUTE AND COLLEGE, DEHRA DUN.

264. ***Khan Bahadur Sarfaraz Hussain Khan :** With reference to the Government reply to my starred question No. 118 asked in the Assembly on the 23rd January 1925, regarding the Indian Forest Service Educational Staff, will the Government please state :

(a) If they have arrived at any decision ?

(b) If so, will they please communicate the result to the House ?

Mr. J. W. Bhore : No final decision has as yet been arrived at.

Khan Bahadur Sarfaraz Hussain Khan : May I know, Sir, by what time Government hope to arrive at a decision ?

Mr. J. W. Bhore : It is quite impossible for me to say, Sir. The whole question of the future of the college at Dehra Dun is at the present moment under consideration.

PROPER REPRESENTATION OF MUHAMMADANS IN THE INCOME-TAX DEPARTMENT, PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

265. ***Mr. S. Sadiq Hasan :** (a) Will Government be pleased to lay on the table a statement showing the number of officers sanctioned for

the Income-tax Department for the Punjab and the North-West Frontier Province, namely :

1. The number of Assistant Commissioners,
2. The number of Income-tax Officers,
3. The number of Assistant Income-tax Officers ?

(b) Will the Government please state separately the—

- | | | |
|---|---|---|
| <ol style="list-style-type: none"> 1. Number of Christians, 2. Number of Hindus, 3. Number of Sikhs, 4. Number of Muhamadans, | } | holding the said posts in 1923, 1924 and 1925 ? |
|---|---|---|

(c) Will Government please state how many of these appointments were made or confirmed in 1924 and how many in 1925 ?

(d) Is it a fact that only one out of nine vacancies was given to a Muhammadan in 1924 and the remaining 8 to non-Muslims ?

(e) Is it a fact that in August 1924 the future 3 vacancies were decided to be given to Muhammadans as the result of Muhammadan representations to Government ?

(f) Will Government be pleased to lay on the table the correspondence that passed between the Punjab Government and the then Commissioner, on the subject of the advisability of the recruitment of more Muhammadans in the Department ?

(g) Is it a fact that on the occasion of filling up the three vacancies none has been given to a Muslim on the report of the Assistant Commissioner deputed by the Commissioner to consider and suggest the names of suitable persons ?

(h) Will the Government state whether the present Commissioner of Income-tax consulted the previous correspondence on the subject ; if so, the reasons why he could not give effect to the previous orders on the subject ?

(i) Will the Government please state what steps they propose to take in future to ensure the proper representation of Muslims in the Income-tax Department of the Punjab and the North-West Frontier Province ?

The Honourable Sir Basil P. Blackett : The answer is laid on the table :

(a) The establishment to-day is as below :—

	Punjab.	N. W. F. P.	Total.
1. Number of Assistant Commissioners ..	3	*	3
2. Number of Income-tax Officers ..	27	4	31
3. Number of Assistant Income-tax Officers	6	..	6
* The officer in charge of the Northern Punjab Division being in charge of the N. W. Province also.			

(b)

		Chris- tians.	Hindus.	Sikhs.	Moham- madans.	Total.
		1923.				
Assistant Commissioners ..	Punjab ..	2	1	..	..	3
	N. W. F. P. ..	*	..	..	..	..
Income-tax Officers ..	Punjab ..	2	15	4	5	26
	N. W. F. P. ..	..	2	..	1	3
		1924.				
Assistant Commissioners ..	Punjab ..	2	1	..	..	3
	N. W. F. P. ..	*	..	..	..	..
Income-tax Officers ..	Punjab ..	2	14	4	5	25
	N. W. F. P. ..	..	2	..	2	4
Assistant Income-tax Officers.	Punjab ..	..	3	2	..	5
	N. W. F. P. ..	..	..	..	..	..
		1925.				
Assistant Commissioners ..	Punjab ..	2	1	..	..	3
	N. W. F. P. ..	*	..	..	..	..
Income-tax Officers ..	Punjab ..	3	14	5	4	26
	N. W. F. P. ..	..	2	..	2	4
Assistant Income-tax Officers.	Punjab ..	..	3	1	2	6
	N. W. F. P. ..	..	..	..	..	..

(c) 8 appointments were made in 1924 and 2 appointments only have been made so far in 1925.

(d) No. Two out of eight vacancies were given to Muslims in 1924.

(e) the Commissioner decided to give the next two vacancies of Assistant Income-tax Officers to Muslims.

(f) No.

(g) The reply is in the negative. Two additional posts of Assistant Income-tax Officers sanctioned by the Government of India have been given to Muslims.

(h) The answer to the first part is in the affirmative; the second part does not arise as the Commissioner gave effect to the decision.

(i) General instructions as to the representation of different communities in the public service have already been issued to the Commissioner of Income-tax.

SETTLEMENT OF MOPLAH PRISONERS IN THE ANDAMANS.

†266. *Mr. S. Sadiq Hasan : (a) Will the Government be pleased to state whether the Andamans have been abandoned as a penal settlement as recommended by the Jail Commission ?

† For answer to this question—see below question No. 270.

(b) If the answer to the above is in the affirmative, would the Government state under what Regulations the Moplah prisoners have been deported there ?

(c) If it was for the lack of accommodation in the Indian jails in 1921, cannot they be brought back now, conditions having altogether changed since then ?

SETTLEMENT OF THE WIVES AND CHILDREN OF MOPLAH PRISONERS IN THE ANDAMANS.

†267. ***Mr. S. Sadiq Hasan :** Will the Government be pleased to state—

(a) Whether it is the Government of India or the Madras Government which is responsible for the transportation to the Andamans of the wives and children of Moplah prisoners ?

(b) Whether they are aware that a strong and unanimous opposition from the Indian Muslims is afoot against the scheme of this transportation ?

(c) Whether they are aware that at its very inception this scheme was condemned by the *Al Ameen*, the only Muslim organ of Malabar ; and later on by the Malabar Muslims' representatives in the local and Imperial Legislatures ?

(d) Whether they are aware of resolutions protesting against the scheme passed by the All-Muslim Parties Conference at Amritsar and a huge meeting of Mussalmans representing all shades of political views at Madras ?

SETTLEMENT OF MOPLAHS IN THE ANDAMANS.

†268. ***Mr. S. Sadiq Hasan :** Are the Government prepared to reconsider the whole scheme of Moplah transportation in view of the strong opposition with which it has met ? Are they prepared to abandon it since it is pernicious to the public sentiment ?

SETTLEMENT OF MOPLAH WOMEN AND CHILDREN IN THE ANDAMANS FOR THE ALLEGED PURPOSE OF WORKING ON ANGLO-INDIAN PLANTATIONS.

†269. ***Mr. S. Sadiq Hasan :** (a) Will the Government be pleased to state whether it is a fact that certain Anglo-Indians have acquired some lands in the Andamans and it is to work on their plantations that Moplah women and children have been transported to that place ?

(b) If the answer to the above is in the negative, will the Government assure this House that no such thing will happen in future ?

SETTLEMENT OF MOPLAHS IN THE ANDAMANS.

270. ***Mr. S. Sadiq Hasan :** (a) Will the Government please state whether they tried to persuade some Anglo-Indians and Europeans to colonize the Andamans and the scheme was dropped only after examining the Island and finding it uninhabitable ?

(b) If the answer to part (a) is in the affirmative, will the Government please state the reasons which led them to believe that the Island was good enough for a Moplah settlement ?

† For answer to this question—see below question No. 270.

(c) Will the Government be pleased to make a statement of their motive in transporting Moplah women and children to the Andamans ?

The Honourable Sir Alexander Muddiman : With your permission, Sir, I purpose to make a brief statement in answer to the five questions standing in the name of the Honourable Member.

2. The accepted policy of Government is eventually to abandon the Andamans as a penal settlement and to develop it as a free settlement. This policy can only be carried out gradually. Prisoners sentenced to transportation are no longer being sent to the Andamans as a matter of course, but Government still retain the power to transfer prisoners to the Settlement and have recently been exercising the power in the case of prisoners who have volunteered for such transfer. The large number of Moplah prisoners sentenced to transportation for participation in the rebellion in 1921 taxed the accommodation of the jails in the Madras Presidency to such an extent that it was necessary to afford some relief and this was obtained by the transfer of a certain number of these convicts to the Andamans. The number of such convicts in the Andamans at present is 1,141. These men are given self-supporter tickets, as circumstances permit, but the Chief Commissioner has found it necessary to refuse such tickets to men without families to help them. The climate of the Andamans, as remarked by the Jails Committee, is not unlike that of the Malabar Coast and is therefore similar to that to which the Moplahs are accustomed. Permission to import their wives and families has been given to Moplah prisoners quite as much in the interests of these prisoners as in the interests of the Settlement, since men to whom small holdings have been given find it difficult to work their holdings without the assistance of their wives and families. I have seen suggestions that Government has some dark scheme of altering the proportions of Hindus and Muslims in Malabar by the deportation of Moplahs. If any contradiction of so absurd a statement is required it is to be found in the fact that including wives and children and other relatives the total number of Moplahs now in the Andamans is only 1,600, whereas the 1921 Census shows the number of Moplahs in Malabar was nearly 1,000,000. The fact is that Government are anxious to make conditions for these men as easy as possible and at the same time to give to them inducements to settle in the island as free men. Those who at present have small holdings are, in the words of the Chief Commissioner, 'living the normal village life in exclusively Moplah villages, free from any possible taint of bad habits and vices alleged to exist in some of the older self-supporter villages of the Settlement'. I am fully aware that resolutions have been passed at various meetings condemning the action of Government in this matter, but I am satisfied that this has been due to lack of information in regard to the true facts. The feelings of the Moplahs themselves in the matter may be judged from the fact that there are at present a considerable number of Moplah prisoners in the Madras jails who have applied to go to the freer life in the Andamans taking with them their wives and families.

3. I should also like to mention for the information of Honourable Members of this House that during the last Delhi Session I made an offer to the two Moplah Members of the House to send them or two gentlemen nominated by them to the Andamans at Government expense voluntarily (laughter) to see conditions for themselves. They have not so far accepted this offer.

4. With regard to the references to Anglo-Indians' settlement all that I need say is that the Government of India have not tried to persuade any Anglo-Indians to go as colonists to the Andamans, though they gave land and some assistance to a batch of *ex-service* Anglo-Indians who were sent to the Island as an experiment.

Mr. Mahmood Schamnad Sahib Bahadur : Is it not a fact that prisoners sent to the Andamans are not only those who were sentenced to transportation for life, but there are also some who were sentenced to short terms of imprisonment ?

The Honourable Sir Alexander Muddiman : As far as I know, it is not a fact.

Mr. A. Rangaswami Iyengar : Has the attention of the Government been drawn to the Resolution passed in the Madras Legislative Council last week against carrying forward any further this scheme of colonization of Moplahs in the Andamans, and that the non-official opinion in the Madras Council was more or less unanimous in the matter ?

The Honourable Sir Alexander Muddiman : I have seen that a Resolution was passed, but I have not seen the debate.

Mr. Mahmood Schamnad Sahib Bahadur : Is it not a fact that Government have got special officers for the purpose of carrying on propaganda work among the Moplahs in order to induce them to go to the Andamans ?

The Honourable Sir Alexander Muddiman : I am not sure of that. I believe a Deputy Collector from the Andamans did go to Madras, but I think he only once went to the prisoners.

Mr. A. Rangaswami Iyengar : May I know, Sir, if the Government will consider the feelings of the community before they push forward the scheme further ?

The Honourable Sir Alexander Muddiman : I am certainly prepared to consider any reasonable objections to the scheme, but so far as at present advised, the Moplahs themselves like it, and I find it very difficult to understand the opposition to the scheme.

Mr. Mahmood Schamnad Sahib Bahadur : Are Government aware, Sir, that there is general dissatisfaction and indignation among the Moplahs regarding the scheme, and are the Government prepared, if the dissatisfaction and indignation increase, to meet another rising in Malabar ?

The Honourable Sir Alexander Muddiman : If the indignation is well founded Government will do their best to allay it, but if it is ill-founded, they will disregard it.

Mr. K. Ahmed : Has the Honourable the Home Member seen in the *Comrade* a telegram from Madras the other day—a couple of days ago, I believe—that there was a meeting among the Moplahs which passed a resolution commenting on the action of the Government for engaging one Mr. Nair, who is supposed to be one of the officers of the Government, and who has been misleading the Moplahs just as the brokers do in order to send coolies to the tea gardens telling them that there are good prospects before

them if they go to tea lands and so forth? Similarly, are Government aware that this officer of Government has been misleading the Moplahs that there are bright prospects in the Andamans.....?

Mr. President: The Honourable Member must make himself intelligible if he desires that his question should be answered.

RELEASE OF MOPLAH PRISONERS.

271. ***Mr. S. Sadiq Hasan:** (a) Are the Government aware of the Resolution passed by the Madras Legislature recommending the release of the Moplahs imprisoned on account of the Moplah rebellion?

(b) Have the Government of India ever considered the question of the release of Moplah prisoners?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) The matter is primarily the concern of the Local Government.

STOPPAGE OF PASSENGER TRAINS AT BABARPUR ON THE DELHI UMBALA KALKA RAILWAY.

272. ***Lala Duni Chand:** (a) Is it a fact that on the Delhi Umbala Kalka Railway some 8 or 9 years ago two new stations Babarpur and Rath Dhana were opened and that since 1924 tickets for the latter station are issued from every station on that line and all the passenger trains stop at this station, while no passenger train stops at Babarpur much to the inconvenience of the people concerned?

(b) If the reply to the above is in the affirmative, are Government prepared to issue instructions to the Railway Department to arrange for the stoppage of passenger trains at Babarpur as early as possible?

Mr. G. G. Sim: The Government have no information but a copy of the question and answer will be forwarded to the Agent.

REMOVAL OF THE RESTRICTION ON INTERMEDIATE CLASS PASSENGERS TO TRAVEL BY THE CALCUTTA MAIL ON THE DELHI UMBALA KALKA RAILWAY.

273. ***Lala Duni Chand:** (a) Is it a fact that passengers holding intermediate class tickets for less than 250 miles are not allowed to travel by the Calcutta Mail on the Delhi Umbala Kalka Railway section which is only 162 miles in length?

(b) Is it also a fact that this restriction has only been applied during the last three or four years, and, if so, are Government prepared to get this restriction removed as early as possible as it causes much inconvenience and hardship to passengers travelling by mail on that line?

Mr. G. G. Sim: (a) Intermediate class passengers are only booked by the Punjab Mail trains when travelling distances of 200 miles and over.

(b) The restriction was imposed in 1919. The accommodation on these trains is limited, and in the circumstances Government do not propose to take any action in the matter.

INCLUSION OF ECONOMIC HISTORY AND PUBLIC ECONOMICS IN THE SYLLABUS OF THE I.C.S. EXAMINATION HELD IN INDIA.

274. ***Mr. O. S. Ranga Iyer** : Is it a fact that the syllabus of the examination of the I. C. S. held in London includes such subjects as **Economic History** and **Public Economics** ? If so, are the Government of India prepared to take any steps with a view to having these subjects included together with **Indian Economic History** in the I. C. S. examination held in India ? If not, why not ?

The Honourable Sir Alexander Muddiman : The syllabus of the examination for admission to the Indian Civil Service held in London includes, in addition to the general subject of **Economics**, the subjects of **Economic History** and **Public Economics**. When the syllabus for the examination held in India was prepared a suggestion that there should be separate papers on **General Economics** and **Public Economics** was carefully considered. The decision to include only the one general subject of **Economics** was based on the view that one subject carrying 200 marks represented more accurately the position of **Economics** in the Universities. The general subject includes both **Economic History** and **Public Economics** and the Government of India are not at present disposed to re-open the question of dividing up the subjects.

VACANCIES FOR PASSED CANDIDATES OF THE STAFF SELECTION BOARD.

275. ***Mr. O. S. Ranga Iyer** : (a) Will the Government be pleased to state :

- (i) The number of outside candidates who qualified themselves as stenographers in the Staff Selection Board examination held in 1924 ?
- (ii) The number of candidates mentioned in (i) who have been appointed as stenographers temporary and permanent ?
- (iii) The number of outside candidates who qualified themselves as Assistants (attached offices) and Lower Division Clerks in 1922 ?
- (iv) The number of candidates mentioned in (iii) who have been provided with Assistantships (attached offices) and Lower Division Clerkships temporary and permanent ?

(b) Do the Government propose to give those passed candidates, who are still unprovided for, preference to those, who would qualify themselves later on, in filling new vacancies ?

The Honourable Sir Alexander Muddiman : (a) The figures asked for are :—

- (i) 14.
- (ii) Three. Two others were offered appointments but were unable to accept them.
- (iii) 115.
- (iv) 62.

(b) Such passed candidates are, I understand, given preference, provided they have kept the Board informed of their change of address, if any, and have not become overage for entry into Government service.

STAFF SELECTION BOARD EXAMINATION.

276. *Mr. C. S. Ranga Iyer : (i) Is it a fact that the Staff Selection Board is going to hold another examination ?

(ii) If so, will it be open to outside candidates or to departmental candidates only, or to both ?

(iii) If the answer to (i) is in the affirmative, will the Government state the different grades that will be open to outside candidates and to departmental candidates ?

(iv) What is the exact date on which the examination will be held ?

The Honourable Sir Alexander Muddiman : (i) It is proposed to hold a further examination if the number of vacancies in prospect justifies it. Whether the examination will be conducted by the Staff Selection Board or by the proposed Public Services Commission I cannot at present say. That will depend a good deal on the date of the examination.

(ii) to (iv). I am afraid I cannot give any definite information at present. It is probable that the examination will be confined to the 2nd and 3rd Divisions, so far as outside candidates are concerned.

EMPLOYMENT OF MUHAMMADANS AS CLERKS IN THE OFFICE OF THE CHIEF MEDICAL OFFICER, DELHI.

277. *Mr. Mahmood Schamnad Sahib Bahadur : Is it a fact that no Muslim has ever been appointed as a clerk in the office of the Chief Medical Officer, Delhi Province ?

Mr. J. W. Bhore : A Muhammadan clerk was employed temporarily for about a year.

GRANT OF EXTENSIONS TO THE HEAD CLERK OF THE OFFICE OF THE CHIEF MEDICAL OFFICER, DELHI.

278. *Mr. Mahmood Schamnad Sahib Bahadur ; (a) Is it a fact that the present Head Clerk of the office of the Chief Medical Officer, Delhi, is above 55 years of age and has been granted more than one extension of service ?

(b) If so, why have the Fundamental Rules, not allowing any extension of service, been ignored in his case ?

Mr. J. W. Bhore : (a) One extension of service has been granted to the Head Clerk.

(b) Fundamental Rule 56 (b) allows extension till the age of 60 in cases where the official is declared medically fit.

NUMBER OF MUSLIM AND NON-MUSLIM SUB-ASSISTANT SURGEONS AND ASSISTANT SURGEONS IN THE DELHI PROVINCE.

279. *Mr. Mahmood Schamnad Sahib Bahadur : Will the Government please lay on table a statement showing the number of Muslim and

non-Muslim Sub-Assistant Surgeons and Assistant Surgeons in the Delhi Province ?

Mr. J. W. Bhore : A statement giving the information required is placed on the table.

Statement showing the number of Muslim and Non-Muslim Sub-Assistant Surgeons and Assistant Surgeons employed in the Delhi Province.

	Hindus.	Muslims.	Sikhs.	Parscc.	Total.
Assistant Surgeons ..	3	..	..	1	4
Sub-Assistant Surgeons ..	18	4	8	..	20

ALLEGATIONS AGAINST THE SAMAJIST SUB-ASSISTANT SURGEONS OF THE RAISINA HOSPITAL.

280. ***Mr. Mahmood Schamnad Sahib Bahadur :** Is it a fact that the Samajist Sub-Assistant Surgeons openly preached Shudhi in the hospital at Raisina and an application, bringing this attitude of the said Sub-Assistant Surgeons to the notice of the Chief Medical Officer, Delhi, was made by the Muslim residents of Raisina ? If so, what action, if any, was taken by the Chief Medical Officer in the matter ?

Mr. J. W. Bhore : The answer to the first part of the question is in the negative. The application was received by the Chief Medical Officer who, on inquiry, ascertained that there was no proof of the statements therein.

EMPLOYMENT OF MUHAMMADAN ASSISTANT-SURGEONS IN THE CIVIL HOSPITAL, DELHI.

281. ***Mr. Mahmood Schamnad Sahib Bahadur :** (a) Is it a fact that a Muslim Sub-Assistant Surgeon has never been put in charge of the Indoor and Eye Departments of the Civil Hospital, Delhi ?

(b) Is it a fact that the total absence of Muslim doctors from the Indoor Wards of the Civil Hospital, Delhi, has often been resented by the Muslim patients and public ?

(c) If so, what action do Government propose to take to remove this grievance of the Muslims ?

(d) Is it a fact that some time back there used to be one Muslim and one non-Muslim Assistant Surgeon in the Civil Hospital, Delhi ? If so, why has the place of the Muslim Assistant Surgeon now been taken up by a non-Muslim ?

(e) What action, if any, do Government propose to take to increase the number of Muslims in this branch of service of the Delhi Province ?

Mr. J. W. Bhore : (a) No Sub-Assistant Surgeon is put in charge of either the Indoor or the Eye Department of the Civil Hospital. These posts are filled by Assistant Surgeons.

(b) No such resentment has been expressed by patients but from time to time the absence of Muhammadan doctors from the Civil Hospital has been commented upon adversely in the local Muhammadan press.

(c) There is no real grievance as is evident from the fact that there has been a general increase in the number of Muhammadan in-patients.

(d) There has never been any such arrangement as a matter of course. As vacancies occur suitable men are supplied by the Punjab Government irrespective of their religion.

(e) No immediate action is required. When vacancies occur the appointing authority will be asked to bear in mind the desirability of appointing Musalmans to Delhi if suitable men are available.

EMPLOYMENT OF MUSLIMS IN THE RAILWAY BOARD, ETC.

282. ***Mr. Mahmood Schamnad Sahib Bahadur** : (a) Will the Government please state the total number of posts of clerks and assistants which were recently sanctioned for the Railway Board office ?

(b) How many of these were given to Muslims ?

(c) Is it a fact that there is not a single permanent Muslim Assistant in the Railway Board office ?

(d) What action, if any, do the Government propose to take to increase the number of Muslims in all Secretariat offices ?

The Honourable Sir Charles Innes : (a) and (b). The Honourable Member is referred to the answer given in this Assembly on the 23rd March last to a similar question asked by him.

(c) No. But there is one provisional.

(d) The Government are considering the question whether the policy which has been adopted to secure a measure of communal representation in certain services can suitably be applied to the Government of India Secretariat offices.

ANNUAL EXPENDITURE ON THE TREASURY CONTRACT SYSTEM INTRODUCED INTO THE POST OFFICES AT BOMBAY, POONA AND AHMEDABAD.

283. ***Mr. Jamnadas M. Mehta** : (a) Will Government be pleased to state the annual expenditure incurred in introducing the Treasury Contract System in the Post Offices at Bombay, Poona and Ahmedabad ?

(b) What was the annual expenditure for doing the work departmentally ?

(c) What is the actual annual saving by the Department under the new system ?

(d) Did the terms of contract include all the functions and duties performed by the departmental agency ? If not, what functions were omitted in the Contract and what is the expenditure incurred by the Department in carrying out the excluded functions ?

(e) Is it a fact that the monetary liabilities of the Treasury Contractor of the Bombay General Post Office are less by nearly one lakh of rupees daily than before the introduction of the Contract System ?

(f) Is it a fact that the balances of the larger town sub-offices are heavily increased, and if so, have nightguards been maintained for the safety of cash at such offices ?

(g) Is it a fact that twenty-two appointments of the Bombay General Post Office were abolished as a result of the Contract ?

(h) Will Government be pleased to say what staff is engaged by the contractor for carrying on the treasury business of the Bombay General Post Office and what is the margin of profit left to the contractor?

(i) Will Government be pleased to say what administrative advantages were gained by the introduction of the Cash Contract System?

Mr. G. P. Roy : (a) Rs. 43,200.

(b) Rs. 48,800.

(c) Rs. 5,600.

(d) Yes with the exception of the following :

Charge of cash remittances in transit between the Bombay General Post Office and certain important town sub-offices.

The cost of this is included in the calculation of financial saving.

(e) No.

(f) Yes, under the operation of the rules in the Post Office Manual and not as a result of the introduction of the Treasury Contract System. No night guards have been sanctioned, as none are considered necessary in the particular cases.

(g) Including three reserve clerks, the number of appointments abolished was twenty-seven.

(h) Government have no information on the subject.

(i) The work is done by experts and the security of Rs. 3 lakhs furnished by the contractor safeguards Government against loss.

Mr. Jamnadas M. Mehta : Sir, is it a fact that more than once cash has been stolen in transit between one post office and another as a result of this arrangement?

Mr. G. P. Roy : I have no information on the subject, Sir.

Mr. Jamnadas M. Mehta : It is worth while your getting the information.

CORRESPONDENCE BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA ON THE INDIAN QUESTION.

284. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government been drawn to the speech in the South African Assembly of Dr. Malan, Minister of the Interior, introducing the Bill embodying the Asiatic policy of the South African Government?

(b) Has the attention of the Government been drawn to that part of Dr. Malan's speech in which he refers to " negotiations or communications between the Government of the Union and India as regards the Indian question " ?

(c) Will the Government be pleased to place on the table the documents and communications that have passed between them and the South African Government?

Mr. J. W. Bhore : (a) and (b). Yes.

(c) The negotiations are still going on and I regret that it will not be in the public interest to comply with the Honourable Member's request.

AMALGAMATION OF THE PROVINCIAL FOREST SERVICE WITH THE IMPERIAL FOREST SERVICE.

285. ***Mr. C. S. Ranga Iyer** : (a) Will the Government be pleased to state if any of the Provincial Governments have recommended the total amalgamation of the Provincial Forest Service with the Imperial Forest Service ?

(b) If so, will the Government be pleased to state what steps they intend taking in the matter ?

Mr. J. W. Bhore : (a) The answer is in the negative.

(b) The question does not therefore arise.

DUTIES OF PROVINCIAL AND IMPERIAL FOREST SERVICE OFFICERS.

286. ***Mr. C. S. Ranga Iyer** : (a) Is it not a fact that the technical work allotted to the Provincial Forest Service men is just the same as the work done by the Imperial Service officers ?

(b) Is it not a fact that the " marking " and " sleeper passing " are the only two chief works entrusted to the Provincial Service senior officers ? Are not these duties done by the subordinate service men ?

Mr. J. W. Bhore : (a) Information regarding the actual distribution of work among officers of the two Services in the provinces is not available but as far as is known officers of the Provincial Forest Service are not usually employed on the same work as officers of the Indian Forest Service except when they are being tried in major charges to test their fitness for ultimate promotion to the Indian Forest Service.

(b) The information asked for is not available as the matter referred to is entirely provincial.

REMOVAL OF THE POST OFFICE FROM DHUNAGHAT TO KHETI KHAN.

287. ***Mr. C. S. Ranga Iyer** : (a) Are the Government aware that the Dhunaghat Post Office, District Almora, is the nearest post office to Patti Gangol, Farka and a portion of Sipti and the schools of Kheti Khan ?

(b) Are the Government aware that Kheti Khan is more central for the location of the post office than Dhunaghat ?

(c) If so, why should not the post office be removed from Dhunaghat to Kheti Khan ?

(d) Owing to the distance of Dhunaghat from the above Pattis and Kheti Khan schools, are the Government aware of the unnecessary delay in the delivery of letters, papers, etc., causing great inconvenience to the public ?

Mr. G. P. Roy : (a) Yes.

(b) No.

(c) The post office has been at Dhunaghat since it was opened in 1908. In 1921 an experimental post office was opened at Kheti Khan, but there was so little work that the income was not sufficient to cover the cost and the office had consequently to be closed.

(d) No.

OPENING OF A BRANCH POST OFFICE EITHER AT DEORI OR SUKHIDANG.

288. *Mr. C. S. Ranga Iyer : (a) Are the Government aware :

- (i) that there is no post office between Tanakpur (District Nainital) and Champarat (District Almora), a distance of about thirty seven miles, and
- (ii) that the villages of Pattis Malla and Talla Palbalaum and Talla Charal get their letters, etc., only once in a fortnight ?
- (b) Will the Government be pleased to state if they intend opening a branch post office either at Deori or Sukhidang ? If not, why not ?

Mr. G. P. Roy : (a) The reply is in the affirmative. In sparsely-populated hill tracts distances between post offices are necessarily long.

(b) These villages have a weekly delivery.

(c) The question of opening a branch post office at Deori is under consideration.

RAILWAY-OWNED COLLIERIES.

289 *Mr. K. C. Neogy : Will Government be pleased to state what action they propose to take on the representation of the Indian Mining Federation, Calcutta, dated the 22nd June, 1925, complaining about the rapid expansion of the railway-owned collieries ?

The Honourable Sir Charles Innes : A reply to the Federation is being prepared and will be published in due course.

CAPITAL OUTLAY ON THE JERANGDIH, ARGADA, RELIGARI-DARI AND BHURKUNDA COLLIERIES.

290. *Mr. K. C. Neogy : Will Government be pleased to state what is the total capital outlay estimated to be made on the Jerangdih, Argada, Religari-dari and Bhurkunda collieries already opened or proposed to be opened by the Railway administrations and companies ?

Mr. G. G. Sim : The total estimated capital outlay in respect of the collieries mentioned by the Honourable Member is as follows :

Name of Colliery.	Estimated Capital Outlay. Rs.
Jerangadih including Jaradih	66,68,000
Argada	33,69,000
Religari Dari	36,25,000
Bhurkunda	55,40,000

OPENING OF A COLLIERY IN THE TALCHAR COALFIELDS BY THE BENGAL NAGPUR RAILWAY, ETC.

291. *Mr. K. C. Neogy : (a) Will the Government be pleased to state what is the exact position of the proposal of the Bengal Nagpur Railway administration for opening up a colliery in the Talcher coalfields ?

(b) Is it a fact that a proposal is now under consideration for acquiring coal property for the East Indian Railway near about Ondal in the district of Burdwan, Bengal ?

Mr. G. G. Sim : (a) The position is that the Secretary of State has sanctioned a scheme for the acquisition by the Bengal-Nagpur Railway Company of a colliery in the Talcher coalfields but negotiations have not yet reached a final conclusion.

(b) A prospecting license for coal in the Ondal Srirampur coalfield was obtained by the East Indian Railway Administration last year and boring operations were sanctioned. There has been no further development since then.

BOMBARDMENT OF MEDINA.

Khan Bahadur Sarfaraz Hussain Khan : Sir, I have given private notice of the following question :

(a) Has the attention of Government been drawn to the news from (1) Bombay, published in the issue of the *Pioneer* of the 27th August 1925, page 3, under the headings "The Bombardment of Medina", "Bombay Muslim's resentment", (2) Jerusalem and Lucknow, published in the issue of the *Searchlight* of the 25th August 1925, under the headings "Attack on Medina", "Bombardment of mosques", "Prophet's tomb in Danger", "Medina's Bombardment" and "A message to Mussalmans" ?

(b) If so, are they in a position to give a detailed account of the statements made ?

Sir Denys Bray : Sir, I have not had time to look up the references the Honourable Member cites but they all relate
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no doubt to the disturbing reports received within the last few days of events in Al-Madina. Government lost no time in telegraphing to His Majesty's Consul at Jeddah and the High Commissioners, Egypt, and Palestine, for the actual facts. It may be some little time before these can be ascertained with absolute certainty. All that is at present certain is that the disturbing reports are widely current, but I am glad to think that this does not necessarily mean that they are true. Indeed Sultan Bin Saud has issued a categorical *dementi* through his Agent in Cairo stating that only Sherifian troops at Salakh have been bombarded. As soon as further facts are received I will take steps to have them published. I ought perhaps to add this. I have thought it fit to give the contents of the Cairo telegram in the form in which it was received. But I have been unable to verify Salakh, nor have the many Honourable Muslim Members I have consulted, and the name may have been mutilated in transmission.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, in modification of the statement which I have made to the House last Thursday about the course of business for this week, I have to announce that the List of Business for Thursday will include the following items :

Motions to take into consideration and, if these motions are accepted, motions to pass the following Bills :

- (1) the Coal Grading Board Bill ;
- (2) the Carriage of Goods by Sea Bill ;
- (3) the Legislative Bodies Corrupt Practices Bill ;
- (4) the Code of Criminal Procedure (Amendment) Bill ; and
- (5) the Provident Funds (Amendment) Bill.

Any business on Tuesday's List which is not completed on that day will also be taken up on Thursday, and any business on Thursday's list which is not completed on that day will be taken up on Friday.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, may I inquire of the Honourable the Home Member whether he has considered the advisability of placing a portion of the official day for the disposal of pending non-official Bills ? To-day is a case in point. The official business is not likely to last the whole day and I expect some little time may be spared to-day and perhaps to-morrow. May I, therefore, ask the Honourable the Home Member whether he would consider the advisability of placing non-official Bills at the bottom of the list each day ?

The Honourable Sir Alexander Muddiman : I should like to make it quite clear once for all that I cannot possibly accept the position that if we have short business on Government days non-official business should be put down for those days as well. I want to make that quite clear. What I said was that I would consider whether, in view of the congested non-official Bill list, anything could be done to help non-official Members. If the Honourable Member will repeat his question on Thursday at the close of business, when I shall be able to see what progress has been made in the Government list, I will give him a definite answer on this.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : May I take it, Sir, that if all the business which Government have on Thursday is finished early, Government will be prepared to give us Friday for the disposal of the remaining Bills ?

The Honourable Sir Alexander Muddiman : That, Sir, is a hypothetical question. If the Honourable Member will put that to me on the conclusion of business on Thursday, I will give him a definite answer.

Mr. A. Rangaswami Iyengar : I am only asking, Sir (whether it is Thursday or Friday) whether we are going to have some time for non-official business.

The Honourable Sir Alexander Muddiman : That will entirely depend on the course of Government business.

Mr. A. Rangaswami Iyengar : I take it, Sir, that Government anticipate that Government business on Thursday will take them on to Friday also.

The Honourable Sir Alexander Muddiman : Part of Friday, certainly.

Mr. A. Rangaswami Iyengar : If it does not take them up to Friday, I want to know what the intention is.

The Honourable Sir Alexander Muddiman : When that happens, I will consider the matter.

Maulvi Mohammad Shafee (Tirhut Division : Muhammadan) : If Friday can be avoided, Sir, it should be avoided. Muslim Members have to pray in congregation in the Juma Mosque. If it can be avoided it should be avoided.

The Honourable Sir Alexander Muddiman : I will also note the Honourable Member's objection.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : May I take it, Sir, that Government are aware that we are having too many holidays.

ELECTION OF MR. T. C. GOSWAMI TO THE EXTERNAL CAPITAL COMMITTEE.

Mr. President : I have to announce that up to 12 Noon on Saturday the 29th August, only one nomination paper for filling a vacancy on the External Capital Committee has been received in favour of Mr. T. C. Goswami. I accordingly declare Mr. Goswami duly elected.

THE INDIAN TRADE UNIONS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Bhupendra Nath Mitra (Industries Member) : Sir, I present the Report of the Select Committee on the Bill for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India.

THE COAL GRADING BOARD BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I present the Report of the Select Committee on the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export.

THE CARRIAGE OF GOODS BY SEA BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Charles Innes (Commerce Member) : I present the Report of the Joint Committee on the Bill to amend the law with respect to the carriage of goods by sea.

THE PROVIDENT FUNDS (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move for leave to introduce a Bill to amend the Provident Funds Act, 1925.

This, Sir, is the Bill in regard to which I foreshadowed the present motion when speaking on the Bill to amend and consolidate the law relating to Government and other Provident Funds on Tuesday last. If

Honourable Members will refer to the present Bill they will see that it proposes to make a few absolutely verbal changes in clause (b) of section 2 of the Act and also in section 6 of the Act. I think they will agree that I was correct when I said that this Bill would deal entirely with matters of detail and would not touch the principles which we were considering on Tuesday last. The reasons for these changes are indicated in the Statement of Objects and Reasons. I will refer to No. (iii) in the Statement :

“ The omission to provide for the cases where the assets and liabilities of Provident Funds originally constituted by one authority have been transferred to another authority.”

Such cases arise in regard to several railway provident funds which were constituted in the first instance by railway companies and the assets and liabilities of which have been transferred to Government. In addition to those cases of course in certain cases the management of the railway has now been transferred from Company management to State management. Section 6 of the Act as it stands at present provides that any amounts deducted from the contributions are payable to that authority, that is the authority by which the fund has been constituted. It is quite clear, Sir, that with the transfer of the assets and liabilities and the transfer of the management such payments ought not to be made to the authority which constituted the fund ; and this is provided for in one of the verbal amendments which we propose in section 6 of the Act. Sir, I move.

The motion was adopted.

Mr. H. Tonkinson : Sir, I introduce the Bill.

THE OPIUM (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move the motion* standing in my name.

Mr. President : The question is :

“ That leave be given to introduce a Bill further to amend the Opium Act, 1857.”

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE SALT LAW AMENDMENT BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I move the motion† standing in my name.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : May I ask the Honourable the Finance Member if he does not propose to explain the Bill at this stage ? It is possible he may say something useful.

The Honourable Sir Basil Blackett : I am quite prepared to explain the Bill if the Honourable Member desires me to do so.

Diwan Bahadur M. Ramachandra Rao : Not under the rules ?

Mr. President : It is the right of the mover to make a speech explaining the Bill or not. It is the right of other Members to oppose the motion, if they wish to do so.

* To move for leave to introduce a Bill further to amend the Opium Act, 1857.

† “ That the Bill to amend the law relating to salt and salt-revenue be taken into consideration.”

Diwan Bahadur M. Ramachandra Rao : Sir, this is not the preliminary stage when leave for the introduction of a Bill is asked for. That stage has passed.

Mr. President : The Chair cannot compel a mover to make a speech at any stage. It is a matter entirely within his discretion.

Diwan Bahadur M. Ramachandra Rao : Sir, when the Honourable Member is asking us to take the Bill into consideration, it is only right that he should say something in support of his motion.

Mr. President : The question is :

“ That the Bill to amend the law relating to salt and salt-revenue be taken into consideration.”

Maung Tok Kyi (Burma : Non-European) : Sir, I rise to oppose the motion. I do not approve of the principle of the Bill. In my opinion it is wrong and retrogressive. The Honourable Member in charge of the Bill does not seem to think that it is important enough to explain the reason why the House should accept his motion. He does not seem to think that the Bill is sufficiently important to require the closest attention of the House. But, Sir, I do not think so. I said just now that the principle of the Bill is wrong. Sir, it is desirable and necessary at this time of the day that more and more central subjects should be made provincial subjects as time goes on. But under the Bill now before the House the Government of India want to take the control of salt from the Local Governments. It is true, Sir, that salt is a central subject. But it has been under the control of the Local Governments of Madras and Bombay all these years. Sir, we in Burma also desire that this subject should be made a provincial subject. The Burma Reforms Committee, which was presided over by your distinguished predecessor, has also recommended that salt should be made a provincial subject. I will read out the recommendation of the Committee :

“ The question of the transfer of salt to the provincial list was not raised by the Local Government, but it was pressed by some of its officers. We consider that both for the encouragement of the local industry of salt as well as on other grounds, this subject might well be given over to the Local Government.”

Sir, I am sorry to say that this recommendation of the Whyte Committee has not been favourably considered by the Government of India. They have not only not favourably considered this recommendation but are now bringing in this Bill to rob some of the Local Governments of the control of salt. It is true, Sir, that according to the Devolution Rules salt has been classified as a central subject and in order to conform to those rules, the Honourable Member in charge of the Bill has brought in the present measure. But I think, Sir, that the proper and progressive course to take is to amend the Devolution Rules rather than bring in this retrogressive measure. With these few words, Sir, I oppose the Bill.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I am not actually opposing the Bill but I want further information and, unless that information is forthcoming to my satisfaction, I may have to resort to opposition to the Bill. I want to know what steps have been taken by the Finance Department for considering the question of controlling expenditure in all the departments which are proposed to be placed under the control of the Central Board

of Revenue. I raised this question, Sir, last time during the Budget debate by a cut under the Customs Department of Rs. 100. I then suggested that by a proper re-arrangement of the staff of all these departments, considerable reduction in expenditure could be effected. I also suggested at that time the various ways in which such retrenchment was possible. What is actually going on is that in the case of the Customs Department between 1921-22 and 1925-26 we have had an increase in expenditure of about 18 lakhs of rupees. And in the case of the Income-tax Department for the same period we have had an increase in expenditure of about 44 lakhs. In the case of Salt and Opium the expenditure has been almost the same as in 1921-22, though there have been fluctuations. I had been hoping that these matters would be taken into consideration in right earnest and that the Honourable the Finance Member and the Central Board of Revenue would go into this question carefully and try to effect some substantial economy. I should like to know what steps have been taken. The proposal to bring it under the Central Board of Revenue is also meant to give effect to that suggestion. In fact, by means of a ruling given by your predecessor, Sir, that debate was cut short in the middle and was expected to be taken up when we had reached the head of Central Board of Revenue. That was the ruling given, but actually we could not reach that head in time to raise a discussion. In the course of his reply the Honourable the Finance Member only stated that it was under the consideration of the Finance Department and the Central Board of Revenue and, he added, that there was not much chance of any great retrenchment in expenditure. It was not said what steps had been taken, and I could not say from the reply given at the time what steps were being taken and how it was proposed to retrench even the small amount which it was suggested it would be possible to retrench. Under those circumstances when this Bill comes up I feel it my bounden duty to place before this House the importance of the steps that are being taken. When the Provincial Governments were working the several departments for the Government of India the contribution by the Government of India was decidedly small, but subsequently when it was brought under the control of the Government of India it was found that each department had been growing considerably in the matter of expenditure. I thought the constitution of the Central Board of Revenue, which I supported at the time, meant really a shuffling and readjustment which would enable us to have great retrenchment. I was told, though not in the House, that retrenchment to the extent of 25 lakhs of rupees was anticipated, but I have no business to import this into this discussion now. I merely want information as to what steps have been taken in that direction. Before something definite has been arranged, I would say that I do not think the taking away of this department from the control of the Provincial Governments will be the best. Of course the Income-tax Department is now directly under the Central Board of Revenue, and in other cases Provincial Governments are allotted the funds necessary.

One other matter of importance that arises is this. We have the Majority Report of the Muddiman Committee, to which effect is expected to be given soon. This Majority Report suggests that the Meston Settlement will have to be revised, and that may mean in the case of Bombay and Bengal a suggestion which they have always been pressing that some of the heads in question in those provinces may have to be provincial. They have never conceded that Land Revenue being provincialised was

[Mr. K. Rama Aiyangar.]

anything but prejudicial to those provinces. The matter is referred to in the Majority Report in paragraphs 53 to 56. There is besides the Taxation Inquiry Committee which is expected to settle the revenue between the Provincial and Central Governments under the several heads. Taking these things together, probably the whole matter will be for the consideration of Government at an early date. I only want to know what the Honourable the Finance Member will be pleased to say under all these heads, so that I may know how to exercise my vote in the matter.

The Honourable Sir Basil Blackett : Sir, if I did not offer a long explanation of this Bill when I moved that it be taken into consideration, it was out of consideration for the convenience of this House which I imagined was anxious to get forward to more controversial business. There was no notice on the paper giving me to understand that there was any likelihood of opposition to this Bill, nor had anybody told me that he intended to speak on it. I am most anxious to give the House all the explanation it desires about this Bill, its contents, its purposes and the economics we expect of it. The object of this Bill is to transfer to the Central Government a subject which is already a central subject so as to avoid its continuing to be a subject managed under the agency of two Provincial Governments and make it a subject which is directly managed for the Central Government by the Central Board of Revenue. That is an important step forward in the disentangling of central and provincial finance and indeed of affairs generally. It has been for some time a recognised part of the policy of the Government that in cases where the Central Government is responsible for a subject it should not as a rule leave that subject to be managed for it by a Local Government as Agent. It has been found to be an unsatisfactory arrangement in many ways, and an expensive arrangement in spite of what Mr. Rama Aiyangar says. It is true that even in the case of Income-tax it was an expensive arrangement, and an arrangement that does not make for complete efficiency. It is an arrangement which the Local Government itself does not as a rule care for. In this case the Madras Government is most anxious that the transfer should be made. If I may refer to the first speaker's reference to Burma, I would point out to him that the question of Salt in Burma does not arise under this Bill. This does not in any way touch the management of Salt in Burma. We recognise that there are certain special considerations in Burma which do not apply possibly in continental India, and there is nothing in this Bill which in any way prejudices the question of management of Salt in Burma.

I am not quite clear whether the Honourable Member desires to go so far as to make Salt a provincial source of revenue in Burma, or whether he was merely suggesting that management should remain under the agency of the Government of Burma. In any case this Bill does not touch the question which he raised and is not in any way prejudicial to it or to any of the points in issue in that connection. This Bill deals only with the Salt Department in Bombay and Madras, and the object of it is to transfer the management of Salt in Bombay and Madras to the Central Government in order that the Excise Departments of the Local Governments may be left free on the one hand to deal with the collection of provincial revenue and the Government of India may be directly responsible for the working of the system of the collection of the salt revenue. I

think this is an important step forward in the advance towards proper constitutional arrangements between the provinces and the Central Government. The Reforms Inquiry Committee has been referred to and the Taxation Committee, and it has been suggested, I think, that the question might arise of transferring Salt to the provinces as a provincial source of revenue. That, I venture to suggest, is an almost inconceivable proposition. So far as continental India is concerned, Salt must remain a central subject. One of the difficulties which India has suffered from for more than a generation is that under the system of provincial organisation of salt you have had direct competition between the Government of India manufacturing salt in Madras and the Government of India manufacturing salt in Bombay, and the Government of India in the Northern India Salt Department. It cannot be for the benefit of India as a whole that the Government should be competing with itself in the production of salt in different parts of India, and one of our objects in putting this Bill forward is that the control of salt may be entirely under the Central Government, both in Bombay and in Madras and in the Northern India Salt Department. Mr. Rama Aiyangar is always anxious for economy. He has a bigger belief in the future of retrenchment, I am afraid, than I have in regard to this particular subject. I entirely agree with him that the creation of a Central Board of Revenue ought to result, and is resulting, in very distinct economies. I could mention one example which is even more germane to the Bill I have just introduced than to this one, the amalgamation of the post of Income-tax Commissioner with that of Opium Agent. That is only possible because of the existence of the Central Board of Revenue. Similarly, when the Madras and Bombay Salt Departments are under the control of the Central Board of Revenue, I have no doubt that some economies will be possible. I do not think that we shall be able to go to the extent that I think my Honourable friend has suggested, namely to combine the functions of Income-tax Collector, Customs Collector and Salt Commissioner entirely in the hands of one person. I think the result would be that we should not get all the revenue from all the three heads that is due to us. But that some combination of the functions between the offices under the Central Government will be possible is, I am free to say, a hope that I have all through entertained; but it is a hope that cannot be realised suddenly and cannot be realised at all until we have these Salt Departments under the Central Government, and the object of this Bill is to bring these departments under the Central Government. Therefore, I am sure the Honourable Member may feel quite happy in his conscience that in voting for this motion, he is voting for economy. I do not think that I can go into the details of the costs of the different staffs in dealing with this Bill, but I welcome the assiduity of the Honourable Member in keeping the Finance Department up to the mark in this matter of economical management by the Central Board of Revenue, and I assure him that I will not forget the fact that, when the estimates come up for discussion next March, I shall be expected by him to be prepared with statistics to show that at any rate we have not dropped the matter out of notice.

Mr. President : The question is :

“ That the Bill to amend the law relating to salt and salt-revenue be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Parts I, II and III of the Schedule were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Basil Blackett : Sir, I move that the Bill be passed.

Mr. President : The question is :

“ That the Bill to amend the law relating to salt and salt-revenue be passed.”

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move :

“ That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration.”

This Bill makes a little amendment in section 60 of the Code. Section 60 of the Code is the section which deals with exemptions of the salaries of certain officers and railway employees from attachment in the civil courts. I explained the purpose of this Bill on the first occasion when I dealt with this matter and I pointed out that this is a measure which is intended to benefit low-paid clerks, who would otherwise be debarred from the benefit of co-operative societies. Co-operative societies would find it difficult, if the existing limits were maintained, to advance money to these clerks. The matter was brought to our notice by a Local Government. We consulted other Local Governments, and we came to the conclusion that we should restore the law in this matter in respect of co-operative societies to the position in which it was before the Act of 1923. That is to say we should go back and exempt the whole of the salary when the salary is Rs. 20, and we should raise the other limit to Rs. 40. That, Sir, is I think sufficient to explain to the House the purpose of this very small Bill.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I do not consider for my part that this is such a small Bill as the Honourable the Home Member considers it to be. Sir, the object of raising the limit of Rs. 20 to Rs. 40 by the amendment of 1923 was distinctly with the idea that it was impossible for a family to get on without at least Rs. 40 per mensem for their maintenance. The Civil Justice Committee, which has since made an elaborate report, report about various things and have also dwelt upon section 60 of the Civil Procedure Code. I shall read to this House, Sir, a paragraph of their Report, Chapter 29, paragraph 23, page 391. The Committee say :

“ Under section 60 several kinds of properties belonging to the judgment-debtor are free from attachment. We think that some of them should be removed from the category of non-attachable properties and that with respect to others the law should be made clear. For example under clause (h) ‘ allowances (being less than salary) of any public officer or of any servant of a railway company or local authority while absent from duty ’. Now, this is an absolute rule and however large the allowance may be, it cannot be attached if it is only a pie less than the salary. If a person gets an allowance of Rs. 1,000, it seems to be unfair that the whole of this allowance

should be free from liability to attachment. We think that it should be so modified as to limit the exemption to such portion of the allowance as in the opinion of the court is necessary for the officer to live in ordinary comfort, or to such portion of it as would be exempt from attachment if it fell under clause (i). Taking clause (i) as it stands, suppose the judgment-debtor's allowance, while absent from duty is Rs. 40 or less, it would be wholly exempt. If his allowance is between Rs. 60 and Rs. 80 whatever is over Rs. 40 would not be exempt. In any other case the difference between the allowance and one moiety of his salary should not be exempt. Otherwise an officer gains by taking leave."

I have ventured to read this paragraph to the House for two reasons, first that in all their elaborate inquiry, no complaint seems to have been placed before the Civil Justice Committee that co-operative societies were under any disadvantage by reason of the amount of non-attachable salary being put at Rs. 40. Now, Sir, I wish also to add that, while none of the important recommendations which were made by the Civil Justice Committee under this paragraph have been thought worth while for Government to take into consideration in bringing in a Bill, they have brought in a Bill which is directly contrary to the spirit of the report. The Civil Justice Committee, I presume, has taken Rs. 40....

Mr. President : I do not desire to interrupt the Honourable Member. If he wishes to move his amendment, this is not the stage. He has every right to make a speech on this motion ; I do not know which course he is adopting.

Mr. C. Duraiswami Aiyangar : I am opposing the Bill. I have already sent in a notice that I would move an amendment in which notice I said that I was first going to oppose the Bill, and if that proposition fails, I am going to move an amendment. Therefore, Sir, I am opposing this Bill in this instance. Now, this Assembly will see that under section 60, clauses (h) and (i) of the Civil Procedure Code, a special provision is made in favour of certain public servants, servants of railway companies, servants of local boards.

This is a special preference given to them for the reason that public policy must be observed, that it will be against the interests of the public service if the salaries of these servants are attached and they are not able to live on and work in the public service. That is an exemption given in favour of debtors of a particular class as distinguished from other debtors. If the interests of the public service are to be maintained, then it is the duty of Government to see that those servants are allowed such salaries as will enable them to live in comfort. The reduction of Rs. 40 to Rs. 20 will only encourage them to corruption. If you are going to leave in their hands only Rs. 20 and attach the rest for the benefit of the co-operative societies, I think you will be driving these public servants to corrupt practices in order to enable them to live in comfort. Now, it is stated that co-operative societies are put to inconvenience in giving money to these petty clerks drawing less than Rs. 40 and it is in the interests of the clerks themselves, we are told, that this Bill is now brought forward. I do not for one moment believe that co-operative societies, rural societies and banks are issuing loans to persons purely depending on salaries of Rs. 40 and less. If that man unfortunately dies, what is the remedy of the co-operative society ? On the other hand, my experience and my impression is that loans are granted to these people relying on their other resources and also taking another additional surety to sign the bond along with the person to whom the money is lent. Inasmuch as there is that guarantee, I think it will be unwise to reduce Rs. 40 to Rs. 20 by a Bill of this kind.

[Mr. C. Duraiswami Aiyangar.]

You are not benefitting the clerks in any manner and you are not benefitting the societies either. On the other hand, I do know that arrangements may be made between them that as far as possible from their salaries as well as other resources they will go on paying by instalments. Now, if on the other hand, you pass this Bill in order to enable the co-operative societies to lend money to persons who have no other resources, you will be involving the clerks themselves in continued indebtedness and you will be making the public service suffer by driving these men to corrupt practices. I therefore oppose the Bill.

The Honourable Sir Alexander Muddiman : Sir, I do not propose to go to any length in replying to my Honourable friend. I will point out in the first place that this is a special measure based on special reasons. The Honourable Member has said we have not had any complaints about the existing law. We have. The Registrar of Co-operative Societies in Bombay recently reported that the amendment of the law adversely affected the working of these societies. He also pointed out that such societies stand on quite a different footing from ordinary creditors in that they are started by the members themselves in their own interests and not for the purpose of exploiting others. Therefore I learnt with some surprise that my Honourable friend desires to handicap a class whose interests are apparently very close to his heart.

The other point is the question of the Civil Justice Committee's recommendations. This particular Bill has nothing whatever to do with that report. It is based on a special circumstance, as I have explained. The recommendations of the Civil Justice Committee on the question of attachment, etc., are being circulated to Local Governments and when we receive their replies I hope I shall be able to bring in a Bill at any rate embodying some of them. I hope the House will now allow this Bill to pass.

Mr. President : The question is :

“ That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration.”

The motion was adopted.

Mr. President : Clause 2.

Clause 2.

Mr. C. Duraiswami Aiyangar : Sir, for the reasons I have already stated I move by way of amendment that in the proviso to clause 2 the word “ thirty ” be substituted for the word “ twenty ”, and the word “ sixty ” be substituted for the word “ forty ” where it occurs for the second time.

I need not speak again, but I hope the Honourable the Home Member will take into consideration the difficulties that I have mentioned of persons not being in a position to maintain themselves on very low salaries, and also the fact that prices have increased, not decreased, and the cost of living has increased as well. In the interests of the public service I again appeal to him at least to enter into a compromise with me.

The Honourable Sir Alexander Muddiman : Like my Honourable friend, Sir, for reasons I have already given I shall oppose this amendment. It is really not based on anything more than the principle of half

a loaf is better than no bread. I hope the House will give me the whole of my bread.

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN NATURALIZATION BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move that the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein be taken into consideration.

I explained in my speech on the introduction of the Bill that its object was to provide a form of local naturalisation for persons for whom the Imperial Act was not available. The Bill with one single exception—to which I will refer later—is exactly the same Bill as was referred to a Select Committee of this House in 1923. My predecessor, His Excellency Sir Malcolm Hailey, introduced this Bill on the 15th June 1923. It was considered by a Select Committee of this House who reported in July 1923. On that Select Committee were several Members who are still Members of this House. They included Mr. Harchandrai Vishindas, Sir Hari Singh Gour and Sir Henry Stanyon. Therefore, the House will see that the matter is really not new but has already been before the House for consideration in a detailed way.

The difference between the Bill now before the House and the Bill reported on by the Select Committee is that that Bill contained a clause which enabled a declaration of alienage to be made by any person to whom a certificate of naturalization has been granted. That clause has been omitted. The reason for the omission is that the provision was in conflict with those of the Imperial Act and the procedure provided by the Bill is sufficient to meet any case where there is good reason to hold that the naturalization status should be terminated.

The amendments on the paper seem to be based on a misconception of the provisions of the Bill and in this connection I will ask Honourable Members to look at clause 3 of the Bill which deals with the grant of certificates of naturalisation. You will see there that this local naturalisation can be granted under the Bill by the Local Government subject to certain conditions.

I need not trouble the House with all the various conditions set out in clause 3, under which a certificate of naturalization can be granted to a person. But I would refer Honourable Members to part (b) of clause 3 (1) which says that a person who applies for naturalization must neither be a British subject nor the subject of any State in Europe or America. An amendment on the paper seems to indicate that those who have put it

[Sir Alexander Muddiman.]

down consider that this is a good opportunity for obtaining reciprocal relations with certain parts of the British Empire; but I would point out that persons in those parts are already British subjects and that this Bill therefore does not affect them at all. I must again urge that the real object of this Bill is to meet the needs of a very worthy class of persons who come to India from the bordering States of Asia as traders; they are often ignorant of English and therefore they cannot get naturalization under the Imperial Act. On the other hand they are persons whom we should be glad to see naturalized; they make very good citizens. I need not repeat what is well known to Honourable Members that this naturalization can only have effect under this local Act of ours within the ambit of the legislative power of the Indian Legislature.

I move, therefore, Sir, that the Bill be taken into consideration.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I move my amendment :

“ That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. Venkatapatiraju, Diwan Bahadur M. Ramachandra Rao, Sir Denys Bray, the Rev. Dr. Macphail, Mr. M. S. Aney, Mr. D. V. Belvi, Mr. K. C. Neogy, Mr. T. R. Phookun and myself, the quorum to be four.”

Sir, the object of moving this amendment is not simply to take advantage of this opportunity for bringing forward in this House the various legitimate grievances of Indians overseas—in fact we are quite tired of bringing those grievances before this House; it is not my purpose therefore to make this an occasion for doing that. At the same time, Sir, it is left to this House to frame a measure, which has been brought before us, in such a manner that other countries will be forced by our legislation to treat us as favourably, as fairly and as justly as we wish to treat them. I do understand the magnanimity and the broad-mindedness of the Government of India in introducing a Bill which will not admit of any kind of retaliation. Personally also by nature as well as by training I am likewise opposed to any principle of retaliation. Some English correspondents have described my religion as Gandhialatry and perhaps I will be committing an iconoclasm if I were to urge the adoption of retaliation by a measure of this kind; but all the same it is absolutely necessary to move that, whereas we are prepared to give a certificate of naturalization to any alien who is resident in India, it is likewise open to us to make such provisions as will ensure similar privileges for Indians overseas, be it in the British Empire or outside the British Empire. . . .

The Honourable Sir Alexander Muddiman : I do not wish to interrupt the Honourable Member, but I would point out that the Bill says clearly that it does not refer to British subjects.

Mr. C. Duraiswami Aiyangar : It is nevertheless open to us to consider whether or not in the Select Committee we could make a provision so as to amend even sub-clause (b) of clause 3 (1). It may be that under the Imperial Act they might get more privileges there; but when a Bill is brought before this House, it will be left to the Select Committee to consider fully and thoroughly the question whether or not we may make a provision which will apply even to British subjects. . . .

The Honourable Sir Alexander Muddiman : I should like to ask the Honourable Member, if I may, how he proposes to naturalize a British subject.

Mr. C. Duraiswami Aiyangar : Now, Sir, it is open to us—just as South Africa is doing for the Indians, we shall do similarly for the South Africans.....

Mr. K. C. Neogy : They do not need naturalization.

Mr. C. Duraiswami Aiyangar : We will consider all that in the Select Committee whether they need it or not. In this connection I must refer, not to all the various grievances which Indians suffer overseas, but only to the telegram which has been received from South Africa which says :

“ Asiatic Bill in Union Parliament is far-reaching iniquitous, disastrous to Indian interests and deliberate violation Gandhi-Smuts understanding to recognise vested interests. Bill provides for allocating residential and trading areas only within which Indians may buy and lease property ; in rural districts Indians confined to thirty miles from coastline wherein areas may be defined..... ”

The Honourable Sir Alexander Muddiman : On a point of order, Sir, this is a naturalization Bill : I want to know how this telegram is relevant to this Bill.

Mr. C. Duraiswami Aiyangar : It is relevant in that I want the Bill to be referred to the Select Committee wherein provisions like these in my opinion can relevantly be made in this Bill, and it is my firm belief that it is open to make even a certificate of naturalization subject to certain conditions, and the question of upon what terms a certificate of naturalization can be given to others may also be considered in the Select Committee. I shall read the rest of the telegram :

“ Result will be that thousands Indian business must cease on expiry present leases. It is compulsory segregation, deliberate deprivation of Indians property. Ultimate aim apparently repatriation confiscation. Rights *bona fide* Indians enter Union seriously jeopardised. Many provisions in Bill enable Indians being declared prohibited immigrants ; domicile rights will practically forfeited ; mere absence three years causes forfeiture ; wives children of domiciled Indians cannot enter Union after five years from August 1925. Thousands *ex-indentured* Indians are now for thirty years here and their descendants may be declared prohibited immigrants and cannot claim domicile. South African born Indian domiciled in one province must return to province of his birth and there also into segregated areas. Indians born here could also be declared prohibited immigrants unsuitable to requirements of Union ; such prohibited Indians will lose all property and vested rights in Union and driven away. Protest mass meeting Natal Indians been called for thirty-first in Durban.”

It is a fortunate and auspicious coincidence that we are also protesting on the 31st of August here :

“ We rely upon you creating strong influential public opinion so that Indian Government be roused into determined action ”.

That is an impossible feat :

“ to protect us. Affront Indian nation must be met with dignified protests from India. Insult is gratuitous and we resent same in most strenuous emphatic manner. We implore you press Indian Government make immediate public expression its attitude as supineness may be misunderstood by all concerned.”

Sir, we received this story on the 24th of August. We have got our conditions of British Indians overseas—in Fiji, for example, the report of which has not yet seen the light of day. We have sent deputations to no purpose ; we have had Colonies Committees which have served no useful purpose ; and if we were to put questions here, Mr. Bhore would answer us in an indefinite, vague and evasive way.

Therefore, Sir, when a Bill like this is on the legislative anvil here, we want to see if we can so provide, so frame the clauses of the Bill that we may show to the countries outside that they will not be entitled to privileges here if we are not to be entitled to privileges there. Now, Sir, this is a

[Mr. C. Duraiswami Aiyangar.]

certificate of naturalization enabling persons to enjoy all the privileges in this country.....

The Honourable Sir Alexander Muddiman : May I tell the Honourable Member that such a certificate cannot be granted under this Bill ; inhabitants of South Africa are presumably British subjects and you cannot grant certificates to them under this Bill.

Mr. C. Duraiswami Aiyangar : Sir, I understand that this Bill is likewise intended for naturalizing in this country only those who know a special vernacular of any province in India.....(*Mr. K. C. Neogy* : " And are not British subjects.")

I understand Mr. Neogy, but the term " British subject " has been already read by me many times, and it has also been dinned into my ears many times by the Honourable the Home Member. Now, Sir, in spite of that, I wish to make it clear that there is room in considering this Bill to frame its provisions in such a manner, whether it applies to British subjects or not, as to apply the law of reciprocity to non-British subjects and nothing else. At least, for that purpose, Sir, it is my belief that this Bill should go to the Select Committee. I therefore, move, Sir, that this Bill be referred to a Select Committee.

1 P.M.

Mr. M. S. Aney (Berar Representative) : While my Honourable friend Mr. Duraiswami Aiyangar was making his speech in support of his motion, it has been repeatedly brought to his notice that, whatever object he may have in view, it is impossible to achieve it, because nothing more is to be done by naturalization under this Bill except conferring the status of a British subject upon an alien ; and as the definition of " British subject " is already given in the British Statute, which it is impossible for us to change here, there would be no virtue, there would be no gain whatsoever, by taking this Bill for consideration to the Select Committee. That is the line of reasoning of those who have now and then interrupted my friend Mr. Duraiswami Aiyangar. It is perfectly true that the position in regard to this Bill is really of a very difficult nature, and in fact this was one of the grievances that I had in mind when I gave notice of the motion that the Bill be circulated for public opinion. I am perfectly sure that there are very few Members, without meaning any disrespect to the intelligence and legal acumen of some of them,—I am perfectly sure that there are only a few persons in this House who will be able to understand really the significance of the definition of " British subject " given in the Imperial Statute itself. The definition says " persons born within His Majesty's Dominions and allegiance," are British subjects. There is a difference between " born within the Dominions " and " born within the allegiance ". These are not matters that could be easily understood by everybody. I am really surprised to find that there is no definition of " British subject " given in this Bill, but a mere reference is made to section 27 of the British Nationality and Status of Aliens Act. If Honourable Members will refer to section 27 of the British Nationality and Status of Aliens Act, they will find that even that section by itself does not give a complete definition of British subjects. That section will refer the reader again back to section 1 of the British Nationality and Status of Aliens Act, and then he will get what is known as the definition of a natural born British subject. And

it is from the definition given under section 27 read with section 1 that you get an idea of what a British subject is. Here we are told in this Bill, a Bill which is intended to be passed by this House, that a :

“ ‘ British subject ’ means a British subject as defined in section 27 of the British Nationality and Status of Aliens Act, 1914.”

Now, Sir, it is really not fair, if the intelligent vote of this House is expected, that the Bill should merely make a reference to a Statute which is not likely to find a place in the library of every Member or Magistrate, and so I submit it is not fair that in defining the term “ British subject ”, a mere reference should be made in the Bill to a Parliamentary Statute. The words “ British subject ” as ordinarily understood are entirely different from the definition of British subject which is given there. You will find that the definition of “ British subject ” which is given there is of a very complicated nature. Everybody who happens to be born in the British Empire or who owes allegiance to His Majesty within British Dominions or one to whom a certificate of naturalization is issued is a British subject, and therefore almost all the persons living within the British Empire are British subjects under certain conditions, but persons living in the Indian States in India will not come under the definition of “ British subjects ”. That is the definition in the Bill. Persons living in the Colonies will be British subjects, persons living in other parts of the Empire will be British subjects, but persons living in Indian States will not be British subjects. That is the beauty of the definition. I want to know whether it would not be possible for us to do something to modify that definition to suit our own necessities. In regard to that question, I want to point out that there is some difference between the status of India and the status of the Colonies also under that Act. Under sections 9 and 10 of that Act, you will find that all the provisions with regard to the issue of certificates and their revocation, etc., can have necessarily no effect in the Colonies. And what are those Dominions which are referred to in the Act ? Those Dominions are practically the British Colonies in South Africa and so on. But in that list the name of India is not mentioned. There is another difficulty, that is to say, although it is a British Statute, the certificate of naturalization issued by the Secretary of State will not have any effect whatsoever in any one of those Colonies if those colonies have not adopted Part II of that Act. But the name of this country having been omitted in the Schedule to the Act, it appears to me that a certificate issued by the Secretary of State under the British Act will have the effect of conferring on that man the status of a British subject in this country. That is another difficulty.

Now, Sir, this Act brings to my mind most vividly the difference in the status of this country, and that of the Dominions in spite of the very stupendous structure and magnificent frame-work of the Legislatures created in this country ; the difference in the status of this country and in the status of the Colonies and the Dominions is seen here, and it shows our entire helplessness in the matter. But though this is the position, there is one thing to which I wish humbly to draw the attention of the Honourable the Home Member and of the legal advisers of the Government. I refer to that with the utmost respect. I find in section 26 of the British Nationality and Status of Aliens Act some hope of considering the provisions of this Bill, particularly in view of the requirements of this country, and particularly in view of the object which my friend along

[Mr. M. S. Aney.]

with other Indian Members of this House has in mind. Section 26 of this Act reads thus :

“ Nothing in this Act shall take away or abrogate any power vested in or exercisable by the Legislature or Government of any British possession or alter the operation of any law at present in force which has been passed in exercise of such a power or prevent any such Legislature or Government from treating differently different classes of British subjects.”

Under section 26 of the British Nationality and Status of Aliens Act, the different parts of the British Empire, if they have got a Legislature of their own, can and if they pass a law, have got the right also to treat different classes of British subjects differently if they like. Therefore, we have to see in this provision how far it would be possible for us to classify the British subjects differently, and to find out what different treatment can possibly be meted out to them. It is not an easy question for me to answer offhand, but to my mind, it is not altogether a hopeless affair also. I have tried to bestow upon this Bill all possible attention, and I find there is some ray of hope for us if we examine the provisions of this Act and find out whether it is not possible for us so to circumscribe its operation as to exclude some classes of subjects from the benefits which you may confer on others by the provisions of this Bill. That is one thing.

Now, so far as the legal aspect of the question is concerned, although it is a difficult affair, I do not believe it is altogether hopeless. That is one reason why I support my friend Mr. Duraiswami Aiyangar in regard to the motion which he has made. There is a second reason also, which I wish to point out and which I believe is not a thing involving any legal question, but one which any one can understand with a little practical common sense. I have already stated at the beginning of my speech that the British subject as defined in this Act excludes subjects of Indian States and it is certain that they, being excluded, are unable to get any of the benefits or advantages or privileges which British subjects have got in other parts of India unless there is some remedy provided to naturalise them and confer upon them that status. But you will also see in this Bill if you will read clause 3, sub-clause (2), that the Bill does not apply to Europeans and Americans. It is difficult to understand the object of it. In reality the act of naturalisation is intended to confer upon an alien, the status of a British subject. But under this Bill, I do not know why the European alien and American alien is not entitled to apply for naturalization ; they are excluded. Evidently it comes to this. It is the Asiatic aliens who are the subjects of this law. What was the object in excluding those I am unable to understand, nor has the statement made by the Honourable Sir Alexander Muddiman in his speech enlightened me ; he has not tried to explain the meaning or the object of excluding the American alien and the European alien from the operation of this Act. What was the object he had in view is not known to me. But what I want to say to this House is that that object cannot be achieved. If it is the intention that any European or American alien who wants to settle in this country should not be allowed to do so, that purpose cannot be served by simply mentioning them here as excluded, as they can certainly claim a certificate of naturalization under the British Nationality and Status of Aliens Act, and although there is no provision made for them under this Bill, they will be able to become British subjects and settle here. There-

fore, I do not know what object there can be in mentioning them here as excluded. That is one difficulty which I have not been able to understand and I would certainly like an explanation on this point from the Honourable the Home Member if there will be an opportunity given by the House by adopting the motion that the Bill be referred to the Select Committee. It is a matter on which I have consulted those Members who had the privilege to sit on the Select Committee last time ; I had the privilege to consult them but they were not able to explain to me clearly why they allowed a thing like that. So the mere fact that the Bill was once referred to Select Committee and the matter was discussed by a certain Select Committee does not make me any wiser nor does it add to my stock of knowledge a bit. Neither are they able to enlighten me nor are the Government Benches able to explain it, but I would like to meet them where we can sit together as of right and talk the matter over—I am not in the habit of talking with them unnecessarily any time and anywhere. If this excluding clause is to have any practical effect, then something more must be done than this bare non-mention or exclusion of them here, in clause 2 of the Bill.

*The third point that I wish this House to consider is that there are two classes of aliens contemplated by this Bill. I have already mentioned that the Bill attempts to confer upon Asiatic aliens the status of what is known as British subjects. But there are two classes of Asiatic aliens, Indian aliens and non-Indian Asiatic aliens. That is the position which we have to face. Indian aliens are those persons who live within the Indian States and who are subjects of Indian Ruling Princes or Chiefs. They are the Indian aliens. But besides those there are others who can be called Asiatic aliens. Now, I would certainly not like to treat both of them on the same basis. Those persons who are evidently Indian aliens are virtually British subjects in Indian States. That being the case, the provision to be made for their naturalization must be more lenient than the one under which other aliens will be naturalised. To treat both these classes under the same heading is to my mind unfair. The Indian aliens have as much right to be treated as British subjects, Sir, as any of us. That being the case, to say that there is no difference between them and us is a perfectly justifiable position to take up in regard to Indian aliens. But in the case of non-Indian Asiatic aliens we deal with a different set of persons. And in that connection, I also wish to bring to your notice that the question of naturalization with regard to Asiatic aliens is not one which can be lightly dealt with. It means that you have to carefully look about, and be vigilant to see that your law is such as not to allow any frontier nation, situated on the frontier of your country, to swallow the adjacent province of your country. You must bear in mind that sort of thing and therefore you should make some kind of differentiation between the process of naturalization for those who are Indian and those who are non-Indian Asiatics ; and some such provision should be made there, so as to make the naturalization of other aliens an advantage to us, and not a disadvantage. Sir, in considering the question of such a differentiation, I am sure the Honourable Member in charge of the Bill would like to have the benefit of the opinions of those persons whose names have been mentioned for the Select Committee which has been proposed.

Sir, these are the legal points and the practical questions which require to be considered somewhat exhaustively and that cannot be done

[Mr. M. S. Aney.]

unless we form some sort of Select Committee here. The next point I would mention, and which touches me and my province more particularly, is that Berar is technically non-British territory. Most of my friends will see that in the list of Members of this House my name generally stands midway between the official and non-official Members. That does not affect my status or privileges here, because the Parliament has made some provision in the Government of India Act so far as privileges of membership are concerned. Nevertheless technically Berar is a non-British territory. What I want to say is this. When I read the definition of allegiance I find that it only applies to a territory which by grant or usage or any other lawful action, has been under the administration of His Majesty or where His Majesty has some jurisdiction over the British subjects. That is the position. Now, I put it to you whether the question does not deserve your serious consideration in connection with this whatever may be the political relations of the British Government with His Exalted Highness the Nizam; I do not want to say anything about the political relations, I admit that in the Treaty you have conceded the position that His Exalted Highness wanted to be conceded to him—but apart from everything, if in legal parlance you can admit of some such distinction, is it not possible for us to qualify the definition of Indian British subjects in such a way as to include the residents of Berar also among the British subjects within the meaning of that word as used in this Bill? I do not know whether we need have a separate definition of the word given here. But you have carefully to examine the wording because you have been administering our territory from 1853 to 1925, for a period of more than 70 years, and if 70 years' association with you is not sufficient to confer automatically upon me and my fellow subjects in Berar the status of British subjects why should you give any person that status who has not been living here for more than five years and probably been living even for that short period planning some unknown mischief? What I mean is if residence for a certain period prior to the date of application is sufficient to confer upon those persons the status of British subjects, it is wholly unjust to tell us that, in spite of our residence for 70 years among you as law-abiding subjects even in times of difficulty and other emergencies, we are to remain non-British subjects, whatever that word may mean, as long as British rule exists in India. If that is so, and if it is possible to modify the definition of "British subject", it should be done. It is a very curious thing. Persons migrating from other provinces, I mean from other British provinces, into Berar are British subjects. Persons who are indigenous residents of Berar will, under the definition, not be British subjects. Those who have come to Berar will be British subjects. But the people who are born and bred in Berar, owing to a certain mistake of some British officer at the time of making the treaty, will not have the status of British subjects. The injustice is obvious.

There is another matter, Sir. Clause 7 is intended to confer the status not merely of a British subject but of a British subject born in British India. So the naturalization under this Bill is intended not merely for the purpose of conferring the status of a British subject but the status of a British subject born in British India. British subject born in British India in this Bill is the equivalent of a natural born British subject under

the British Act. His status is assumed to be something different from the status of a British subject. If that is the position, then there is another ground for us also seriously to consider the circumstances which have been brought to the notice of this House by my Honourable friend Mr. Duraiswami Aiyangar and to see whether it is not legally possible for us to do something just to satisfy public feeling when all the people in the country feel so strongly in this matter. With these words, I support the motion of my Honourable friend Mr. Duraiswami Aiyangar.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I should like to invite the attention of the Honourable Member in charge of the Bill to the very unsatisfactory position in regard to the question of naturalization, especially in regard to subjects of American States. Perhaps the Honourable Member is aware that since the decision of the Supreme Court in America in Bhagat Singh's case whereby certificates of naturalization issued to Indians for American citizenship have been withdrawn, there has been a considerable amount of dissatisfaction in this country and several questions have been addressed to Government in this House as to whether they have seriously considered the difficulties which have arisen on account of the withdrawal of these certificates of naturalization of Indians who are settled in California. Sir, the definition of British subject as defined in the British Nationality and Status of Aliens Act is as follows :

“ The expression ‘ British subject ’ means a person who is a natural born British subject or a person to whom a certificate of naturalization has been granted.”

Now, Sir, under this definition it is open to-day to any American subject of any American State to apply for a certificate of naturalization in Great Britain. I should like the Honourable Member to consider the effect of that certificate in regard to India. Has an American who obtains a certificate of naturalization in Great Britain the rights of a British subject in India or not ?

The Honourable Sir Alexander Muddiman : He has.

Diwan Bahadur M. Ramachandra Rao : If you look at section 9, you will see that it runs thus :

“ This Part of this Act shall not, nor shall any certificate of naturalization granted thereunder, have effect within any of the Dominions specified in the First Schedule to this Act, unless the Legislature of that Dominion adopts this Part of this Act.”

India is not mentioned in the Schedule. The effect of this section is that while the rights of naturalization are denied to India to-day in America it is open to-day to an American to apply for a certificate of naturalization and have in India all the rights of a British subject. May I ask the Honourable Member whether this is a position which he contemplates with equanimity notwithstanding the great amount of dissatisfaction that has been caused by the decision of the Supreme Court ? I quite recognise, Sir, that this is a Parliamentary Statute and, so far as we in this Legislature are concerned, we are not able to touch an American who obtains the rights of a British subject or to deny to him the rights of a British subject if he obtains a certificate of naturalization in Great Britain. That, Sir, is the real position that has arisen on account of the anomalous position created by this British Nationality and Status of Aliens Act, 1914. I may perhaps say, Sir, that the position of India, when this Act was passed in 1914, was entirely different from what it is to-day. We have now in this country a representative Legislature and I submit with great respect to my Honourable friend that the position that we ought to take up to-day is that we in this Legislature should be

[Diwan Bahadur M. Ramachandra Rao.]

allowed to enact any law in regard to naturalization seeing that we in other countries are not treated with the same generosity as Great Britain is inclined to extend to Americans. I ask therefore my Honourable friend to consider this aspect of the case, whether seeing that Indians have been deprived of their rights of naturalization by a decision of the American Courts, the position created by this British Nationality and Status of Aliens Act places a great disability upon us not to retaliate against America. Sir, as I said I recognise our disability in this matter and I do not know whether any Select Committee can solve this question. That does not at all mean that the question should not receive consideration and if my Honourable friend's legal acumen can get over this difficulty every one of us will be very glad to have his assistance. But assuming that it is not so, what is that he proposes to do? To sit quiet under this Act and allow Indians who have acquired considerable properties in California to be deprived of their rights of naturalization and at the same time extend to Americans the benefits of British citizenship in India is not a satisfactory state of affairs. I want a clear answer to that question and that is the point that I raise in regard to this Bill.

The Honourable Sir Alexander Muddiman : Sir, I never thought when I brought forward this amending and consolidating Bill, that it would raise a storm of this kind. I have been asked what I propose to do with the British Naturalization Act. Let me make this clear. I am asking this Legislature to take upon itself the exercise of the jurisdiction within its limits, and that has nothing whatever to do with the British Naturalization Act, save in so far as the British Naturalization Act does not debar this Legislature from passing this Bill. There is a saving section 26 which enables this Legislature to legislate and it is in the exercise of that power that we are considering this Bill. I have brought forward a Bill which attempts to confer upon the Government in this country the rights of making an exception from the general Imperial law, an exception in favour of persons that you yourselves select. The Imperial law requires that persons naturalized under the British Act should have an adequate knowledge of English, and that, as I pointed out in previous discussions, does not cover the case of a certain number of people who come to this country mainly for the purpose of trading, who have no knowledge of English. That is the sole object. If you look at sub-clause (b) of clause 3 of the Bill, you will see that among the persons who may not be naturalized under this Bill are persons who are British subjects and persons who are the subjects of States in Europe or America.

Diwan Bahadur M. Ramachandra Rao : They obtain their naturalization in Great Britain.

The Honourable Sir Alexander Muddiman : At any rate, as far as this Bill goes, it prevents an American from being naturalized under it. The sub-clause also prevents the inhabitants of any State in Europe from being naturalized under the Bill. So far as this Bill goes, it does exactly what you wish it to do. You wish to refuse to give any privileges under this Bill to Americans. Therefore, as I said, the point raised by my Honourable friend does not arise on the Bill I have brought in because I have in clause (b) prohibited the grant of naturalization to Americans. My Honourable friend may say that the Bill does not fairly meet the point raised by him. The point that he raised was that an American naturalised under the Imperial law had the rights of a British

subject in India. That is perfectly true. It is not a fair point to put forward on this Bill however because, as he is well aware, this Legislature has no power whatever to modify an Act of Parliament and it is under an Act of Parliament that the naturalization he is discussing is granted. Therefore, so far as this Bill goes, the point raised by my Honourable friend Mr. Ramachandra Rao has no substance whatever.

Now, I have not quite followed the argument of my Honourable friend Mr. Aney who, I gather, feels that the inhabitants of Indian States and of Berar in particular are in an unfavourable position as regards naturalization. He is, of course, aware that they could be naturalized under this Bill subject to the conditions of the Bill. Sir, I will point out that the fact that Mr. Aney is sitting in this Legislature shows that the Government of India are not so oblivious of the case of Berar as he tried to make us believe. Mr. Aney belongs to Berar and yet he is now sitting in the Indian Legislature exercising jurisdiction to make laws for British India. I should think it almost unheard of in the world's history that, although he is sitting in the supreme Legislature of a country, according to his own statement (which I do not endorse), he does not belong to that country.

The next point which was raised is that this Bill really ought to be referred to a Select Committee or circulated for the purpose of considering amendments which *ex-hypothesi* cannot be made by this Legislature. The gentlemen who put forward those arguments are as well aware as I am that they cannot be met by alterations in this Bill. The Bill has already been to a Select Committee of this House. The matter has been under consideration since 1923. We have been in continuous correspondence with the Home authorities about the Bill and I do feel that it is a Bill which seeks to remove a certain amount of undoubted hardship in the case of

Diwan Bahadur M. Ramachandra Rao : May I interrupt the Honourable Member ? May I ask the Honourable Member whether this aspect of the case in regard to American citizens acquiring the rights of British citizens has been properly brought to the notice of the Home authorities in connection with this Bill ?

The Honourable Sir Alexander Muddiman : Not in connection with this Bill to which it is wholly irrelevant. But there has been other correspondence in the matter. This Bill, as I was saying, seeks to remove a hardship which does exist in a few cases. There is already a law which allows local naturalization, but it has become out of date. The Bill brings that law up to date and is a considerable administrative improvement. Do not think that I am urging on the House a measure of such importance that is going to shake the Empire. Nothing of the kind. It is, however, a useful bit of legislation that is overdue. It is solely for that reason that I ask the House not to delay this Bill by referring it again to a Select Committee, but to take it into consideration here and now. We had an appeal from the non-official Members the other day to avoid the delays of referring a Bill to the Select Committee. Speaking generally I do not like to oppose a reference to Select Committee. But this Bill has already been to a Select Committee and I ask the House, therefore, to accept my motion.

Mr. President : The original question was :

“ That the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein be taken into consideration. ”

[Mr. President.]

Since which an amendment has been moved :

“ That the Bill be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. B. Venkatapatiraju, Diwan Bahadur M. Ramachandra Rao, Sir Denys Bray, the Revd. Dr. E. M. Macphail, Mr. M. S. Aney, Mr. D. V. Belvi, Mr. K. C. Neogy, Mr. T. R. Phookun and the mover, and that the number of members necessary to constitute a meeting of the Committee shall be four.”

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

The Assembly divided :

AYES—59.

Abdul Haye, Mr.	Kelkar, Mr. N. C.
Abhyankar, Mr. M. V.	Lohokare, Dr. K. G.
Acharya, Mr. M. K.	Mahmood Schammad Sahib Bahadur, Mr.
Aiyangar, Mr. C. Duraiswami.	Malaviya, Pandit Madan Mohan.
Aiyangar, Mr. K. Rama.	Mehta, Mr. Jumnadas M.
Alimuzzaman Chowdhry, Khan Bahadur.	Misra, Pandit Shambhu Dayal.
Aney, Mr. M. S.	Misra, Pandit Harkaran Nath.
Belvi, Mr. D. V.	Murtuza Sahib Bahadur, Maulvi Sayad.
Chanda, Mr. Kamini Kumar.	Mutalik, Sardar V. N.
Chetty, Mr. R. K. Shanmukham.	Nehru, Dr. Kishenlal.
Das, Mr. B.	Nehru, Pandit Shamlal.
Das, Pandit Nilakantha.	Neogy, Mr. K. C.
Duni Chand, Lala.	Purshotamdas Thakurdas, Sir.
Dutt, Mr. Amar Nath.	Ramachandra Rao, Diwan Bahadur M.
Ghazanfar Ali Khan, Raja.	Rangachariar, Diwan Bahadur T.
Ghose, Mr. S. C.	Ranga Iyer, Mr. C. S.
Ghulam Abbas, Sayyad.	Ray, Mr. Kumar Sankar.
Ghulam Bari, Khan Bahadur.	Reddi, Mr. K. Venkataramana.
Goswami, Mr. T. C.	Sadiq Hasan, Mr. S.
Govind Das, Seth.	Samiullah Khan, Mr. M.
Gulab Singh, Sardar.	Sarda, Rai Sahib M. Harbilas.
Hussanally, Khan Bahadur W. M.	Sarfaraz Hussain Khan, Khan Bahadur.
Ismail Khan, Mr.	Shafee, Maulvi Mohammad.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Gaya Prasad.
Jajodia, Baboo Runglal.	Sinha, Mr. Ambika Prasad.
Jeehani, Hujji S. A. K.	Syamacharan, Mr.
Joshi, Mr. N. M.	Tok Kyi, Maung.
Kasturbhai Lalbhai, Mr.	Venkatapatiraju, Mr. B.
Kazim Ali, Shaikh-e-Chatgam Maulvi	Yakub, Maulvi Muhammad.
Muhammad.	Yusuf Imam, Mr. M.

NOES—42.

Abdul Mumin, Khan Bahadur Muhammad.	Innes, The Honourable Sir Charles.
Abul Kasem, Maulvi.	Langley, Mr. A.
Ajab Khan, Captain.	Lindsay, Sir Darcy.
Ashworth, Mr. E. H.	Lloyd, Mr. A. H.
Ayyar, Mr. C. V. Krishnaswami.	Macphail, Rev. Dr. E. M.
Bajpai, Mr. R. S.	Maquire, Mr. L. T.
Bhore, Mr. J. W.	Mitra, The Honourable Sir Bhupendra
Blackett, The Honourable Sir Basil.	Nath.
Burdon, Mr. E.	Muddiman, The Honourable Sir Alexander.
Carey, Sir Willoughby.	Muhammad Ismail, Khan Bahadur Saiyid.
Chalmers, Mr. T. A.	Panduranga Rao, Mr. V.
Chartres, Mr. C. B.	Raj Narain, Rai Bahadur.
Clow, Mr. A. G.	Roy, Mr. G. P.
Cooke, Mr. H. G.	Sim, Mr. G. G.
Cosgrave, Mr. W. A.	Singh, Rai Bahadur S. N.
Crawford, Colonel J. D.	Singh, Raja Raghunandan Prasad.
Dalal, Sardar B. A.	Stanyon, Colonel Sir Henry.
Gordon, Mr. E.	Sykes, Mr. E. F.
Gordon, Mr. R. G.	Tonkinson, Mr. H.
Graham, Mr. L.	Vijayaraghavacharyar, Diwan Bahadur T.
Gruener, Mr. C. W.	Webb, Mr. M.
Hira Singh Brar, Sardar Bahadur	
Captain.	

The motion was adopted.

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

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President in the Chair.

THE INDIAN LIMITATION (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move that the Bill further to amend the Indian Limitation Act, 1908, be taken into consideration.

I explained this Bill at some length when asking for leave to introduce it on Tuesday last. The Bill seeks to indicate that the entries in article 5 and article 159 of the Schedule to the Indian Limitation Act apply not only to summary procedure under rules made under section 128 (2) (f) of the Code of Civil Procedure, but also to suits under the summary procedure in Order XXXVII. The Bill further proposes to extend the period of limitation in article 5 from six months to one year. I understand, Sir, that some difficulty is felt in regard to the necessity for clause 4 of this Bill. According to clause 4, notwithstanding anything contained in the Bill, any suit for which the period of limitation described by this Act is shorter than the period described by the Indian Limitation Act may be instituted within a period of two years. Well, Sir, that clause is absolutely a refinement. Whether it is necessary or not is doubtful. The main object of the Bill is to extend the period of limitation. This clause, therefore, can only apply to cases in which it is held that under the law as at present, article 5 of the Indian Limitation Act does not apply to suits under Order XXXVII in the Schedule to the Code of Civil Procedure. If Honourable Members desire, the clause may in my opinion be quite conveniently omitted from the Bill when we come to it. Sir, I move.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I beg to move as an amendment :

“ That the Bill be referred to a Select Committee consisting of Sir P. S. Sivaswamy Aiyer, Mr. D. V. Belvi, Mr. M. V. Abhyankar, Mr. Abdul Haye, Mr. Venkatapatiraju, the Honourable Sir Alexander Muddiman, Mr. H. Tonkinson, Mr. C. V. Krishnaswami Ayyar, Mr. K. C. Neogy, Mr. M. A. Jinnah and the mover, the quorum to be four.”

The objection has been in a way anticipated by the Honourable the Mover. I really do not know if his suggestion will solve the difficulty ; otherwise I should be willing to agree to it in order to get the Bill through. However, I will place before the Members of the Assembly how the matter stands. It would appear that most of the provinces have been taking six months as the period for instituting summary suits, in spite of the provisions being as they are. So far as Madras is concerned, Sir, I know that now, irrespective of these provisions, six months is taken as the period for instituting summary proceedings under negotiable instruments. The effect of this Bill would be to create confusion by clause 4, such that it may be contended that this Assembly agreed to treat three years as the period, even for summary procedure under negotiable instruments. I do not say it necessarily would, but the wording of clause 4 would indicate that ordinarily this Assembly agreed to treat three years as the period for which summary proceedings will be allowed. But I understand from my Honourable friend Mr. Tonkinson that there is no judicial ruling to that effect, but only an administration reference. I do not think, Sir, it will be right to

[Mr. K. Rama Aiyangar.]

neglect even that, because any High Court to-day may rule that summary procedure under the existing Acts for negotiable instruments may be three years. In that case we would have done injustice to such portions of India where this view could be taken by High Courts. Of course a proper qualifying clause in clause 4 would avoid the difficulty. Cutting out clause 4 may create inconvenience to some, and the proper view therefore to take of it is that it is better to have

3 P.M.

it clearly settled in Select Committee. Of course the object of the measure is to see that it is not unnecessarily delayed. All of us will be agreed on that. The whole thing will be taken up in a day or two and brought up before Friday. In that view there is no intention now to delay. I am myself of opinion it ought not to be delayed. But passing the Bill as it is will not be proper for us, as not to notice defects that arise, and for the mere sake of despatch to say we shall cut out one thing or another, would produce hardship in one part of the country or another.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I should not have supported this motion for a Select Committee, but for the fact that the Honourable Mr. Tonkinson proposes to omit clause 4. As it is there is a doubt whether suits under Order XXXVII are included or not, and, in order to remove that doubt, clause 2 proposes to add suits under Order XXXVII to article 5 of the Limitation Act. Now that being so, the doubt which is cast upon the meaning of article 5 is intensified by the law which we propose to make in clause 2 of this Bill because we modify it by enacting this clause. There may be people who are under the belief that suits under Order XXXVII were not included under article 5. It is necessary now that we make it clear that only one year can apply to such suits ; I think you must give them breathing time. I do not agree that clause 4 is unnecessary. I find it is quite necessary having regard to the enactment of clause 2 of this Bill, for there are cases where you are shortening the period of limitation and you are shortening the period of limitation which is due to persons who, in the belief that the period was longer, might not have instituted suits ; and why should we deprive them of this advantage ? Therefore, I think it is a matter which should be considered in Select Committee, and I support the motion.

Mr. H. Tonkinson : Sir, with further reference to this clause in the Bill, I should like to point out that it is quite open to any plaintiff to move by the summary procedure or by the ordinary procedure. Whether this clause is in the Bill or not, we shall not prevent plaintiffs moving according to the ordinary procedure. Further, I admit that as worded article 5 does not apply to these cases, but our commentators have all held that it does, and no judicial interpretation to the contrary effect has, so far as I am aware, been given. In these circumstances I do not think clause 4 is really required. Of course if the Bill is to go to Select Committee it means practically I should think that it could not pass this session. (*Mr. A. Rangaswami Iyengar* : "Why not?"). If the Bill is reported on by Friday next, the 4th, it could not normally be taken into consideration till next Friday, the 11th, and in that case the Bill may have no chance of going through the two Chambers before the Council of State dissolves. In the motion which has been moved by my

Honourable friend also there is no provision to enable the Select Committee to report on Friday the 4th.

Diwan Bahadur T. Rangachariar : With your permission, Sir, that can be moved as a rider to Mr. K. Rama Aiyangar's amendment.

Mr. K. Rama Aiyangar : I will accept it.

Mr. President : The original question was :

“ That the Bill further to amend the Indian Limitation Act, 1908, be taken into consideration.”

Since which the following amendment has been moved :

“ That the Bill be referred to a Select Committee consisting of Sir P. Sivaasamy Aiyer, Mr. D. V. Belvi, Mr. M. V. Abhyankar, Mr. Abdul Haye, Mr. B. Venkatapatiraju, the Honourable Sir Alexander Muddiman, Mr. H. Tonkinson, Mr. C. V. Krishnaswami Ayyar, Mr. K. C. Neogy, Mr. M. A. Jinnah, and the mover, with instructions to report before Friday, the 4th September; and that the number of members necessary to constitute a meeting of the Committee shall be four.”

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

The motion was adopted.

THE RELIGIOUS ENDOWMENTS (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move :

“ That the Bill further to amend the Religious Endowments Act, 1863, be taken into consideration.”

I explained the provisions of this measure when I moved for leave to introduce it on Tuesday last. There is on the paper notice of one amendment, but that raises a point which I think it will be much more convenient to deal with when the amendment itself is moved. The principle of the measure is briefly that relief may be afforded to the courts of higher jurisdiction by empowering selected and competent courts of lower jurisdiction to exercise powers which can now only be exercised by the higher courts. It is, I would submit, almost a necessary corollary to the improvement in the capacity of the officers presiding over the courts of lower jurisdiction.

Sir, I move that the Bill be taken into consideration.

The motion was adopted.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I move the amendment of which I have given notice :

“ That the following proviso be added to clause 2, namely :

“ Provided that the Local Government shall not empower any subordinate court to take cognizance of any matter relating to an institution whose annual income exceeds the pecuniary jurisdiction of such court.”

I move this amendment, Sir, first because I wish to have an explanation from the Honourable the Mover of the Bill whether provision will be made in the rules authorising the Local Governments to empower the subordinate courts to take jurisdiction. Further, I wish to point out that there may be very important institutions whose annual income may

[Mr. C. Duraiswami Aiyangar.]

be lakhs and yet a particular suit may relate only to a sum of Rs. 500 or Rs. 1,000 and the affairs of that institution will be then put into the hands of the Munsif. I therefore wish to make it sure that in such cases at least the power of the Local Governments may be so modified as to empower subordinate courts to take cognizance of only such matters as relate to an institution whose annual income is in the pecuniary jurisdiction of that particular court. I am aware that by this amendment of the Religious Endowments Act, several large powers are given to subordinate courts. No doubt in the Madras Presidency it is mostly Subordinate Judges who are now dealing with these affairs. Although the District Judge is defined in the General Clauses Act as the highest court of civil jurisdiction, still wherever there are courts of Subordinate Judges these matters are dealt with by the Subordinate Judges and not by the District Judge; and the definition of "Civil Courts" in Act XX of 1863 authorises the suits to be taken cognizance of by the Subordinate Judges. Now this Bill authorises even District Munsifs to take cognizance of suits under the Act and I therefore propose this amendment. It may perhaps be said that coming from Madras I need not trouble myself much about the amendment of the Religious Endowments Act. There is another bigger Act that has been passed there. But as a suit has been instituted in the Madras High Court contesting the validity of that Act, it depends on the High Court and the Privy Council to determine whether that Act is *ultra* or *intra vires*. This Bill will become operative there in case that Act goes out, and therefore, Sir, I move my amendment.

Mr. H. Tonkinson : Sir, in regard to this amendment I should first like to invite the attention of Honourable Members to the principle which my Honourable friend proposes to apply to the determination of the jurisdiction of the courts in these cases. He proposes to apply the principle of the annual income of an institution. Now, Sir, imagine the case of a minor office connected with one of these institutions to which is attached the right to obtain a few small fees, not gratuities. Well, Sir, it is settled law that such a right is a right of a civil nature within the meaning of section 9 of the Code of Civil Procedure and therefore the rightful owner will be able to bring a suit against the usurper.

Mr. C. Duraiswami Aiyangar : If I may interrupt the Honourable Member for a moment, may I know under which section of the Religious Endowments Act can a suit against any officer of a temple be instituted ?

Mr. H. Tonkinson : I am now only referring to the general principle of the amendment proposed by my Honourable friend, and I submit that such a general principle is a most unsuitable one to apply. Let us turn then to the provisions of the Religious Endowments Act itself. The cases which may arise under it are cases under section 5 in the first instance but that only applies to the appointment of a manager to act until some other person shall by suit have established his right to the post. That is to say, it is only a temporary appointment. The suit which will be brought thereafter is not a suit under this Act. Then the next provision is section 10 which we have excluded.

Mr. C. Duraiswami Aiyangar : And section 9 ? That deals with the removal of a member of the committee.

Mr. H. Tonkinson : Yes, an application or suit of the nature referred to in section 9 would be. Then you get a real suit under section 14 for misfeasance, breach of trust, etc., by a member of the committee, a trustee or manager. And finally you get cases under section 18. Section 18 is the case of the application particularly referred to by the Civil Justice Committee for leave to institute a suit. Those, Sir, are the only provisions of the Religious Endowments Act which will be affected by this measure.

Well, Sir, what is the position in regard to the jurisdiction of two courts? Suppose we have a district court and a subordinate court which has been specially empowered. In any special case the jurisdiction of those two courts will be determined according to the ordinary law. Under section 15 of the Code of Civil Procedure a suit must be brought in the court of the lowest jurisdiction, and section 9 would expressly bar a court of lower jurisdiction taking cognizance of a case beyond its pecuniary limit. Further, Sir, we have to remember that under this Bill Local Governments will only specially empower certain subordinate courts with the powers under the Act. We cannot, Sir, assume that such powers will be given as a matter of course to many courts. Probably in the first instance the power will be given practically only to what are known in Madras as subordinate courts and in, say, Bombay, subordinate courts of the first class. In those cases of course over the greater part of India the subordinate courts have powers of unlimited jurisdiction and accordingly here again the question will not arise. I submit, Sir, that the amendment is quite unnecessary because the question of jurisdiction would be given by the ordinary law.

Mr. President : The original question was :

“ That clause 2 do stand part of the Bill.”

Since which an amendment has been moved :

“ That the following proviso be added to clause 2, namely :

‘ Provided that the Local Government shall not empower any subordinate court to take cognizance of any matter relating to an institution whose annual income exceeds the pecuniary jurisdiction of such court.’

The motion was negatived.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson : Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 1st September, 1925.
