

20th August 1926

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOLUME VIII

(17th August to 2nd September 1926)

FIFTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY,
1926



Legislative Assembly.

The President :

THE HONOURABLE MR. V. J. PATEL.

Deputy President :

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

Panel of Chairmen :

MR. K. C. NEOGY, M.L.A.

SIR DARCY LINDSAY, M.L.A.

LALA LAJPAT RAI, M.L.A., AND

MR. ABDUL HAYE, M.L.A.

Secretary :

MR. L. GRAHAM, C.I.E., M.L.A.

Assistants of the Secretary :

MR. W. T. M. WRIGHT, C.I.E., I.C.S.

MR. S. C. GUPTA, BAR-AT-LAW.

MR. K. G. HARPER, I.C.S.

Marshal :

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

Committee on Public Petitions :

DIWAN BAHADUR T. RANGACHARIAR, M.L.A., *Chairman.*

DIWAN BAHADUR M. RAMACHANDRA RAO, M.L.A.

COLONEL J. D. CRAWFORD, M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

MR. ABDUL HAYE, M.L.A.

CONTENTS.

VOLUME VIII.—17th August to 2nd September, 1926.

	PAGES.
TUESDAY, 17TH AUGUST, 1926—	
Inauguration of the Second Session of the Second Council of State and the Fifth Session of the Second Legislative Assembly.	1—8
WEDNESDAY, 18TH AUGUST, 1926—	
Members Sworn	9
Questions and Answers	9—45
Unstarred Questions and Answers	46—58
Motions for Adjournment ..	59—60
Assent of the Governor General to Bills	60—61
The Indian Bar Council's Bill—Presentation of the Report of the Select Committee.	61
Statements laid on the Table	61—65
The Currency Bill—Introduced	65—66
The Workmen's Compensation (Amendment) Bill—Introduced ..	66
The Usurious Loans (Amendment) Bill—Introduced ..	66
The Code of Civil Procedure (Second Appeals) Bill—Introduced	67
The Indian Factories (Amendment) Bill—Introduced ..	68
The Negotiable Instruments (Interest) Bill—Introduced ..	68
The Provincial Insolvency (Amendment) Bill—Introduced ..	68—69
The Indian Succession (Amendment) Bill—Introduced ..	69—70
Election of a Member to represent the Legislative Assembly on the Council of the Indian Institute of Science, Bangalore.	70—
Resolution <i>re</i> Appointment of Standing Committees to deal with Bills relating to Hindu and Muhammadan Law—Discussion adjourned.	72—74
THURSDAY, 19TH AUGUST, 1926—	
Member Sworn	75
Questions and Answers	75—120
Statement of Business	120—122
Resolution <i>re</i> Report of the Taxation Enquiry Committee—Consideration adjourned <i>sine die</i> .	122—149

FRIDAY, 20TH AUGUST, 1926—

Questions and Answers	151—169
Unstarred Questions and Answers	169—172
The Code of Criminal Procedure (Third Amendment) Bill— Introduced.	172—174

MONDAY, 23RD AUGUST, 1926—

Member Sworn	175
Questions and Answers	175—185
Unstarred Questions and Answers	185—204
Statement laid on the Table	204—205
Election of Sir Sivaswamy Aiyer to represent the Legislative Assembly on the Council of the Indian Institute of Science, Bangalore.	205
The Currency Bill—Motion to circulate adopted	205—224
The Indian Factories (Amendment) Bill—Motion to circulate adopted.	224—225
The Usurious Loans (Amendment) Bill—Passed	226
The Workmen's Compensation (Amendment) Bill—Passed	226—227
The Negotiable Instruments (Interest) Bill—Passed	227—228

TUESDAY, 24TH AUGUST, 1926—

Questions and Answers	229—232
Resolution <i>re</i> Retention in its present site of Rameswaram Station on the South Indian Railway—Negatived.	232—246
Resolution <i>re</i> Abandonment of the Andamans as a Penal Settle- ment—Negatived.	246—279
Resolution <i>re</i> Regulation of the performance of Religious Festi- vals, etc.—Debate adjourned.	279—286

WEDNESDAY, 25TH AUGUST, 1926—

Bills passed by the Council of State laid on the Table	287
The Code of Civil Procedure (Second Appeals) Bill—Motion to circulate adopted.	287—294
The Provincial Insolvency (Amendment) Bill—Passed	294—296
The Indian Succession (Amendment) Bill—Passed	296—304
The Code of Criminal Procedure (Third Amendment) Bill— Motion to consider adopted.	304—352

THURSDAY, 26TH AUGUST, 1926—

Statement of Business	353
The Code of Criminal Procedure (Third Amendment) Bill— Passed.	353—372
The Indian Bar Councils Bill—Debate on the motion to pass adjourned.	372—417

FRIDAY, 27TH AUGUST, 1926—

Questions and Answers	419—429
The Indian Bar Councils Bill—Passed	429—444
The Indian Succession (Amendment) Bill—Passed	444—447

TUESDAY, 31ST AUGUST, 1926—

Questions and Answers	449—477
Unstarred Questions and Answers	477—501
Message from the Council of State	501
Death of Mr. A. V. V. Aiyar	502—503
Statements laid on the Table	504—540
The Indian Limitation (Amendment) Bill—Motion to consider the Bill as passed by the Council of State withdrawn.	540—544
The Indian Evidence (Amendment) Bill—Passed	544—545
The Administrator General's (Amendment) Bill—Passed	545—546
The Sind Courts (Supplementary) Bill—Passed	546
The Indian Companies (Amendment) Bill—Passed	546—547
The Cantonments (Amendment) Bill—Passed	547
Demands for Supplementary Grants	547—561

WEDNESDAY, 1ST SEPTEMBER, 1926—

Questions and Answers	563—572
Unstarred Questions and Answers	572—583
Messages from the Council of State	584
Resolution <i>re</i> Regulation of the performance of Religious Festivals, etc.—Withdrawn.	584—632
Resolution <i>re</i> Election of Women to the Legislative Assembly—Adopted.	632—644

THURSDAY, 2ND SEPTEMBER, 1926—

Private notice Question and Answer	645
The Indian Bar Councils Bill—Amendment made by the Council of State agreed to.	645—650
Valedictory Speeches to Mr. President	650—658

LEGISLATIVE ASSEMBLY.

Friday, 20th August, 1926.

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

QUESTIONS AND ANSWERS.

NUMBER OF MUSLIMS IN THE INDIAN TELEGRAPH DEPARTMENT.

138. ***Khan Bahadur W. M. Hussanally** : (a) Will Government be pleased to state the number of Muslims in the Indian Telegraph Department in or among :

1. Telegraph Engineering, Superior Service, namely, Directors, Divisional Engineers, etc.,
2. Assistant Engineers, Telegraphs,
3. Deputy Assistant Engineers, Telegraphs,
4. Engineering Supervisors, Telegraphs,
5. Assistant Engineers, Telephones,
6. Deputy Assistant Engineers, Telephones,
7. Engineering Supervisors, Telephones,
8. Assistant Electricians,
9. Deputy Assistant Electricians,
10. Electrical Supervisors,

and in the Traffic Branch of the Department, namely :

- (i) Superior Traffic Branch, 1st Division,
Superior Traffic Branch, 2nd Division,
- (ii) Deputy Superintendents, Telegraph,
- (iii) Telegraph Masters.
- (iv) Telegraphists ?

(b) How are appointments in the above Engineering and Traffic Branches made ? If by direct recruitment, do Government propose to enlist as many Muslims as possible, so that this community may be represented therein ; and if it is by promotion from among deserving Telegraphists, what steps have Government taken to promote deserving Muslims to the several grades of the Engineering and Traffic branches ?

(c) If the number of Muslims amongst Telegraphists is poor, do Government propose to issue orders forthwith to encourage the recruitment of Muslims as Telegraphists ?

The Honourable Sir Bhupendra Nath Mitra : The position as regards the employment of Muslims in the Telegraph Department is as follows :

Engineering Branch.

Superior Engineering Establishment	Nil
Assistant Engineers, General	Nil
Deputy Assistant Engineers General	One
Engineering Supervisors	Eight
Assistant Engineers, Telephones	Nil
Deputy Assistant Engineers, Telephones	Nil
Engineering Supervisors, Telephones	Two
Assistant Electricians	Nil
Deputy Assistant Electricians	Nil
Electrical Supervisors	One

Traffic Branch.

Superior Traffic Branch, 1st and 2nd Division	Nil
Deputy Superintendents	Nil
Telegraph Masters	Three
Telegraphists	Ninety-six.

(b) Recruitment to the Superior Engineering Branch in India is made partly from the Indian Engineering Colleges and partly by promotion of selected subordinates from the grades of Assistant and Deputy Assistant Engineers in the General, Telephone and Electrical Branches. Appointments in the grades of Assistant Engineers are made from the grades of Deputy Assistant Engineers of the respective Branches. The latter are selected from the cadre of Engineering Supervisors, who are recruited from the Signalling Establishment.

In the Traffic Branch promotions to the Superior Establishment. First and Second Division, are made from the ranks of selected Deputy Superintendents and Telegraph Masters in accordance with seniority. There is no direct recruitment to this Branch of the Service. Promotions to the Deputy Superintendents' grade are made from Telegraph Masters who are recommended for further advancement in the Department. Appointments to Telegraph Masters' grade are made from the ranks of Telegraphists who have passed the required test for promotion.

(c) As regards recruitment to the Telegraphists' grade the attention of the Honourable Member is drawn to part (c) of the answer given by me on the 12th March, 1925, to Question No. 242 by Mr. S. Sadiq Hassan.

GRANT OF COMPENSATORY ALLOWANCES TO EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY STATIONED AT BOMBAY, POONA, SHOLAPUR, ETC.

139. ***Dr. K. G. Lohokare :** 1. Will Government be pleased to say :

(a) if they have been following the principle of providing some compensation or house rent allowance to their officers and other employees in addition to their usual scale of pay for service at particularly dear places and large towns ;

- (b) if the superior service officers and other employees of Railways in India are shown any such consideration for dearness of living or house rent, and if so, what Railways make such provision and for what services ; and
 - (c) if Railways managed by Government generally follow the practice where Local Governments have adopted it and if the Railways managed by Companies follow this too ?
2. Will Government be pleased to say if—
- (a) the Great Indian Peninsula Railway have been making any such provision for their officers and other employees, and if so, for what class of officers and employees and at what places ?
 - (b) the Great Indian Peninsula Railway employees at Poona, Bombay, Sholapur and other places where Local Government employees get such compensation, are in receipt of any such compensation or house rent, particularly those who are in receipt of the general scales of pay, and if not, what are the considerations for such treatment ?

Mr. A. A. L. Parsons : 1 (a), (b) and (c). The general principle followed by Government and the Companies Working State Railways is that compensatory or house-rent allowances are given to officers and other employees for service at particular stations where such are considered necessary. The special conditions at each station and the suitability of the existing rates of pay are taken into consideration in determining whether any allowances should be given and the rates at which they should be fixed.

Particulars of the allowances paid by each Railway will be found in the establishment rolls and working estimates of Railways, copies of which are in the library.

2. (a) and (b). The information asked for by the Honourable Member is being obtained and will be supplied to him.

HOURS OF WORK OF EMPLOYEES IN THE TRANSPORT AND COMMERCIAL DEPARTMENTS OF THE GREAT INDIAN PENINSULA RAILWAY AND THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

140. ***Dr. K. G. Lohokare :** (a) Will Government be pleased to state if it is a fact that on the Railways in India and particularly the Great Indian Peninsula Railway and the Madras and Southern Maharashtra Railway employees serving at the roadside as well as at large stations in the Transport and Commercial Departments have to work more than 8 hours per day, including Sundays too, without any overtime allowance ?

(b) If so, have Government any machinery for checking that the above Railways are not immune from the general principles of labour legislation as to the hours of work of their paid employees ?

Mr. A. A. L. Parsons : (a) and (b). On State Railways (including the Great Indian Peninsula and East Indian Railways) the working hours of all staff other than those employed in connection with the working of trains are limited to 60 hours per week. The same practice is observed on nearly all Companies Railways including the Madras and Southern

Mahratta Railway. The question of granting allowances for Sunday work is still under the consideration of the Government of India.

PRODUCTION TRIENNIALLY OF PHYSICAL FITNESS CERTIFICATES BY EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

141. ***Dr. K. G. Lohokare** : (a) Will Government be pleased to say if it is a fact that the Great Indian Peninsula Railway require physical fitness certificates from their employees every three years ?

(b) What are the Departments of the Railway to which this physical fitness rule is applicable ?

(c) What is the percentage of the number of the total strength of each Department invalidated out of service every year as a result of such repeated examinations ?

(d) Are the leave rules on the Great Indian Peninsula Railway the same as on other State Railways ? If not, what are the reasons leading to this differential treatment ?

Mr. A. A. L. Parsons : (a) and (d). I have examined the rules in force on the Great Indian Peninsula Railway. Employees are divided into three classes—(1) staff engaged on duties which are actively connected with the movement and control of trains or with the safety of persons travelling in those trains, (2) staff engaged on duties where the individual employee's own safety is concerned, and (3) others.

The rules require that classes (1) and (2) should be re-examined at the expiry of every three years of service for visual acuity, colour perception and hearing. It is further stipulated that men in class (1) must undergo this re-examination annually after attaining the age of 45. These rules, it will be observed, have been introduced in the interests of the safety of the public and of the employees themselves.

(c) Government have no information.

(d) All staff employed on the Great Indian Peninsula Railway before the Railway was transferred to State-management are still subject to the old leave rules of the Company.

Dr. K. G. Lohokare : May I know if the persons thus invalidated are provided for in any other department of the same Railway ?

Mr. A. A. L. Parsons : I am afraid I do not know. I imagine mostly not, for probably if there were appointments vacant in another department, the kind of duties would not be those which the employee could perform.

Dr. K. G. Lohokare : But where a man can be transferred from one kind of work to another is there any provision that such adjustment should be made ?

Mr. A. A. L. Parsons : I am sure the Agent would certainly do so in such a case.

ALLEGED FREQUENT DISMISSALS OF THEIR EMPLOYEES BY THE GREAT INDIAN PENINSULA RAILWAY.

142. ***Dr. K. G. Lohokare** : 1. (a) Will Government be pleased to say if it is a fact that the Great Indian Peninsula and the Bombay,

Baroda and Central India Railways require their employees to sign an agreement stipulating for termination of their service at any period with one month's notice ?

(b) What are the considerations that lead these administrations to lay down such a stipulation for their employees ?

(c) Are the Great Indian Peninsula Railway authorities using this stipulation for discontinuing the services of persons of long standing without any apparent reason, neither for retrenchment nor for gross negligence in work ?

(d) Were the services of Mr. Raghunath Damodar Dhlukhedkar, goods employee, Poona, terminated on the strength of this stipulation even though no agreement was signed by him ?

(e) Were there any remarks in his service book as to his past services justifying such action ?

(f) Are the Government aware that the number of such dismissals is a frequent occurrence on the Great Indian Peninsula Railway, especially in the Sholapur, Poona and Kalyan districts ?

(g) What is the number of such dismissals in these districts for the last three years ?

2. Will Government be pleased to say if they have seen the judgment of the Court of the First Class Sub-Judge of Nagpur in the case of Limaye vs. the Great Indian Peninsula Railway Company reported in the Great Indian Peninsula Railway Union Herald of the 1st December 1924, and if the stipulation in the agreement referred to in part 1 (a) above was used for the dismissal alleged in that case ?

Mr. A. A. L. Parsons : (a) and (b). All non-pensionable subordinate railway employees recruited in India are required to sign an agreement which provides for a month's notice of resignation or discharge on either side or pay in lieu of notice of discharge. The reason is that Railways are commercial undertakings and for successful working it is essential that the administrations should be in a position to terminate the services of any employee whose retention is not justified.

(c) to (g). Government have no information and do not propose to call for it. The matter is one within the competence of the Agent to decide.

2. I am sorry that I have not been able to trace the judgment referred to by the Honourable Member.

RESOLUTION REGARDING GRIEVANCES OF RAILWAY EMPLOYEES.

143. ***Dr. K. G. Lohokare :** Will Government be pleased to say what action they propose to take on the Resolution passed by this Assembly, requesting a Committee of Enquiry to report on the grievances of railway employees ? Do they intend to ignore the Resolution altogether ? If not, how do they propose to deal with the condition of the railway employees ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to starred question No. 336 asked by Mr. M. K. Acharya on the 1st September 1925.

Dr. K. G. Lohokare : Does that mean that the Resolution of the Assembly is to be completely ignored ?

Mr. A. A. L. Parsons : I have nothing to add to the answer which Sir Charles Innes gave to Mr. Acharya on that date.

Dr. K. G. Lohokare : But, as even after the debate in this House such cases have been happening, may I know from the Government whether they are going to take any steps in the matter ?

Mr. A. A. L. Parsons : The reply Sir Charles Innes gave was as follows :—

“ The Government of India are not in agreement with the Resolution referred to by the Honourable Member and do not propose to initiate the enquiry suggested in that Resolution. They have drawn the attention of Railway Administrations to the debates not only on the Resolution, but also on the Budget, and they have no doubt that any genuine grievances which exist will be remedied by the Railway Administrations concerned.”

Dr. K. G. Lohokare : May I know whether even after such steps are taken, cases have not arisen, where simply for the sake of reduction or for no excuse at all persons have been driven out of service on the pretext of this agreement for some other reasons ?

Mr. A. A. L. Parsons : I have nothing to add to what I have already said.

CONTRACTS FOR THE SUPPLY OF REFRESHMENTS ON THE BARSII LIGHT RAILWAY.

144. **Dr. K. G. Lohokare :** (a) Will Government be pleased to say if it is a fact that the Barsii Light Railway invited tenders as usual in 1925-1926 for the sale of refreshments, etc., at the railway stations and in trains ; and that large amounts were received for the contract ?

(b) What is the amount that they have been now charging for the right of selling eatables at their railway stations and in trains ?

(c) Do Government allow the Railway Administrations to invite tenders and receive large amounts for giving these contracts so as to derive benefit from the sale of food to passengers ?

Mr. A. A. L. Parsons : (a), (b) and (c). The Government have no information. The Barsii Light Railway is not a Government railway and matters of this kind are usually left to the Agent. The usual practice on Railways in India is to impose a small fee with a view to keeping the vendors under control. A copy of the question and answer will be sent to the Agent.

Dr. K. G. Lohokare : As regards (c), my direct question is, why do Government allow the Railway Administrations to do this ?

Mr. A. A. L. Parsons : Matters of this kind are usually left to the Agent.

Mr. N. M. Joshi : May I ask whether this is not a question of policy which the Railway Board itself should undertake ?

Mr. A. A. L. Parsons : Not in my opinion.

Mr. N. M. Joshi : The Railway Board allow the Railway to make money by offering tenders for contracts to supply refreshments ?

Mr. A. A. L. Parsons : We make no money from the Barsii Light Railway. It is not a Government Railway.

Dr. K. G. Lohokare : Is it a fact that the Railway have been making money ?

Mr. A. A. L. Parsons : I have no knowledge.

Mr. N. M. Joshi : Will the Government enquire ?

Mr. A. A. L. Parsons : No, Sir.

THE GOVERNMENT OF INDIA AND PUBLIC OPINION IN THE PROVINCES.

145. ***Mr. B. Das :** Will Government be pleased to state whether it is the policy of the Central Government to be in touch with the views of the people of the different Provinces, independently from those supplied by the Provincial Governments ?

The Honourable Sir Alexander Muddiman : The Central Government are interested in public opinion throughout India.

LIST OF NEWSPAPERS PUBLISHED IN THE DIFFERENT PROVINCES TO WHICH THE GOVERNMENT OF INDIA SUBSCRIBE.

146. ***Mr. B. Das :** (a) Will Government be pleased to state if they subscribe to the leading newspapers of the different Provinces to ascertain popular views in those Provinces ?

(b) Will Government be pleased to give a list of newspapers from the different Provinces to which they subscribe ?

The Honourable Sir Alexander Muddiman : (a) Government subscribe to a number of papers for the purpose of observing the views expressed therein.

(b) They do not think it necessary to publish a list of newspapers to which they subscribe.

LIST OF NEWSPAPERS PUBLISHED IN BIHAR AND ORISSA TO WHICH THE GOVERNMENT OF INDIA SUBSCRIBE.

147. ***Mr. B. Das :** (a) Will Government be pleased to state the names of the newspapers published in the Province of Bihar and Orissa to which they subscribe in order to ascertain the wishes of the people of Bihar and Orissa ?

(b) Is it not a fact that Government could not refer to copies of the *Searchlight*, a newspaper of the Province of Bihar and Orissa whenever Honourable Members from Bihar referred to any publication in that paper in their interpellations during the last Delhi Session ?

The Honourable Sir Alexander Muddiman : (a) I would refer the Honourable Member to the reply which I have just given to his previous question.

(b) I understand that on one occasion during the last Session it was stated that a particular issue of this newspaper was not available, though the Honourable Member himself made the statement that a copy is taken in the Library of the House.

HEAD CLERK OF THE IMPERIAL LIBRARY, CALCUTTA.

148. ***Syed Majid Baksh :** 1. (a) Will the Government be pleased to state whether the present Head Clerk of the Imperial Library, Calcutta, Babu Manindra Lal Bannerjee, held any other Government post before ? If so, what was the nature of the post ?

(b) Was he employed in the Calcutta University ? If so, was this before or after his employment under Government ?

(c) How did his employment under the Government terminate ?

(d) Is it a fact that a criminal case was instituted against the said gentleman in the 24-Parganas Criminal Court for defalcation of public money connected with the Flood Relief Fund ? If so, what was the amount involved ?

(e) How did the case terminate ? What was the reason for such termination ?

(f) Is it a fact that he submitted a medical certificate to the effect that he was suffering from phthisis ? If so was he still suffering from the disease when he got this second appointment under the Government ?

2. (a) Why was Mr. J. Bufford of the Imperial Library relieved of his post ? Was he dismissed or allowed to resign ?

(b) Is it a fact that the Head Clerk above referred to is also the Cashier of the Imperial Library ?

(c) Was the Government informed by the Librarian of the Imperial Library of the alleged conduct of the Head Clerk, Babu Manindra Lal Bannerjee, in connection with the Flood Relief Fund above referred to before he was placed in charge of the cash of the Imperial Library ? If not, was this a lapse of duty on the part of the Librarian ?

AGE AT WHICH THE HEAD CLERK OF THE IMPERIAL LIBRARY, CALCUTTA, WAS GIVEN HIS PRESENT APPOINTMENT.

149. ***Syed Majid Baksh :** (a) What was the age of the Head Clerk of the Imperial Library, Calcutta, Babu Manindra Lal Bannerjee, when he left his first Government appointment ?

(b) What was his age when he got his present appointment ?

(c) Was the question of age limit waived in this particular case, and if so, why ?

DISMISSAL OF CERTAIN EMPLOYEES OF THE IMPERIAL LIBRARY, CALCUTTA.

150. ***Syed Majid Baksh :** Why were Babus Suresh Chandra Nag, Asutosh Bosak and Hrishikesh Pal, employees in the Imperial Library, Calcutta, dismissed from their post ? What was the offence alleged against them ? Was any inquiry made into the charges against them ? If so, what was the result of the inquiry ? If no inquiry was made, why ?

FILLING UP OF VACANT APPOINTMENTS IN THE IMPERIAL LIBRARY, CALCUTTA BY HINDUS AND MUHAMMADANS.

151. ***Syed Majid Baksh :** (a) Since February 8th, 1926, how many posts by leave or otherwise have fallen vacant in the Imperial Library, Calcutta, in which the incumbents were (1) Hindus, and (2) Muhammadans ?

(b) Have these vacancies been filled up ? If so, by persons of which community ?

(c) How many new appointments have been made in the Imperial Library since February 8th, 1926, and how many of them have been filled by Hindus and Muhammadans ?

(d) Were those vacancies duly advertised in the newspapers ? If so, in which newspapers ? How many applications for the posts were received ?

Mr. J. W. Bhore : The information required is being collected and it will be furnished to the Honourable Member in due course.

PAY OF THE STAFF OF THE IMPERIAL LIBRARY, CALCUTTA.

152. ***Syed Majid Baksh :** (a) Are Government aware that in the Report of the Inchcape Committee it has been pointed out that the pay of the staff of the Imperial Library is very poor in comparison with the pay of the Librarian ?

(b) If so, when do Government intend to raise the pay of the staff ?

Mr. J. W. Bhore : (a) As far as Government are aware no such comparison was made.

(b) Does not arise.

PERMANENT LOCATION OF THE GOVERNMENT OF INDIA OFFICES AT DELHI.

153. ***Dr. K. G. Lohokare :** Will the Government please state if they intend to locate some of their offices at Delhi permanently ? If so, which of them and from what date ?

The Honourable Sir Alexander Muddiman : Government have not arrived at any decisions in regard to the matter.

Dr. K. G. Lohokare : When is it expected that a decision will be arrived at ?

The Honourable Sir Alexander Muddiman : I should think, Sir, after we have had some experience of the cold weather in the new quarters.

REDUCTION OF THIRD CLASS FARES ON THE GREAT INDIAN PENINSULA RAILWAY, ETC.

154. ***Dr. K. G. Lohokare :** Will Government be pleased to say if they have considered the desirability after the discussion of the last budget session of further reducing the third class fares on the Great Indian Peninsula Railway for a distance of fifty miles and above and of introducing week-end third class tickets between large towns ?

Mr. A. A. L. Parsons : The desirability of reducing third class fares on shorter distances on the Great Indian Peninsula Railway was duly considered, but on financial grounds it was decided to make no immediate further reductions. It is hoped, however, to make further reductions as circumstances permit.

The question of the introduction of week-end third class tickets between large towns is a matter within the competence of the Agent of the Railway to whom the suggestion put forward in the Honourable Member's question will be communicated.

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

155. ***Dr. K. G. Lohokare** : Will Government be pleased to say if they have arrived at any decision regarding the question of recruitment to the Indian Medical Service by an open examination in England, and India ? If not, when do they expect to make an announcement on the matter ?

Mr. E. Burdon : The reply to the first part of the question is in the negative. As regards the second part, it is not possible now to say when an announcement can be made ; the matter will be considered in all its details as soon as the future organization of the Indian Medical Service has been finally settled.

Dr. K. G. Lohokare : How many years is it going to take ?

Mr. E. Burdon : I cannot say, Sir.

Dr. K. G. Lohokare : May I know if the Government of India will take steps to expedite the matter on their part ?

Mr. E. Burdon : The matter has been considered twice within the last few months ; but it has been found necessary, as I say, to wait till orders have been passed on the proposals for the reorganization of the Indian Medical Service which are now before the Secretary of State, but have only been before him for something under a month.

REVISED RULES FOR THE GRANT OF DISABILITY PENSIONS TO MILITARY SUB-ASSISTANT SURGEONS.

156. ***Dr. K. G. Lohokare** : Will Government be pleased to say if they have arrived at any decision regarding the revision of the rules relating to injury and invalid pensions of military Sub-Assistant Surgeons ? If not, how long will it take yet ? If any decision has been arrived at, from what date will it have a retrospective effect ?

Mr. E. Burdon : The revised rules for the grant of disability pensions to Military Sub-Assistant Surgeons of the Indian Medical Department are contained in Army Instruction (India) No. B.-204 of 1926, a copy of which will be found in the Library.

Dr. K. G. Lohokare : May I know if these orders are communicated to the various Controllers of Accounts ?

Mr. E. Burdon : They are issued specifically for the information of Controllers of Military Accounts.

Dr. K. G. Lohokare : May I know if they have taken action on these orders.

Mr. E. Burdon : I do not know myself.

Dr. K. G. Lohokare : Will Government kindly inquire ?

Mr. E. Burdon : No, Sir ; I do not think it is necessary to make any inquiry. It may safely be presumed that Controllers of Military Accounts are adjusting pensions where necessary in accordance with Army Instructions, India. That is their daily work.

Dr. K. G. Lohokare : Will they issue orders to see that the adjustments are properly made ?

Mr. E. Burdon : If my Honourable friend will bring to my notice any case in which these orders are not being applied I shall be glad to look into the matter ; but the presumption is that the Controller of Accounts is doing his daily work.

LEVY OF TERMINAL CHARGES ON GOODS BY THE GREAT INDIAN PENINSULA RAILWAY.

157. ***Dr. K. G. Lohokare :** (a) Will Government be pleased to say if the Great Indian Peninsula Railway charge on each consignment of goods any terminal charges in addition to the usual schedule charges ?

(b) If they are doing so, what is the purpose with which the terminal charges are levied ?

(c) Are consignments of full wagons charged this terminal tax ?

Mr. A. A. L. Parsons : (a) and (c). The Honourable Member is referred to Chapter I A of the Great Indian Peninsula Railway Goods Tariff, Part 1-A, in force from 1st May 1926.

(b) The Honourable Member is referred to section 3 (14) of the Indian Railways Act, 1890. where terminals are defined as including charges in respect of stations, sidings, wharves, depots, warehouses, cranes and other similar matters, and of any services rendered thereat.

Dr. K. G. Lohokare : I do not propose to put questions Nos. 158 and 159.

REVISED SCALE OF PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

160. ***Dr. K. G. Lohokare :** (a) Is it a fact that the revised scales for the Subordinate Medical Services of other provinces in India lay down grades according to the length of service put in, while the Rajputana revised scale for the Subordinate Medical Service has only one grade ?

(b) Is it a fact that in fixing the initial salary according to the new Rajputana scale this one grade device has put a number of Subordinate Medical Service officers to a loss of all former service, while in other provinces their initial salary has been fixed according to the grade a subordinate was serving in, consequent upon the former service put in ?

(c) Is it a fact that for so long the Rajputana Subordinate Medical Service scale was almost the same as in the United Provinces, while in this new revision in the province under the Central Government a device has been adopted which would put the subordinates in the intermediate grades, to a substantial loss as compared with the United Provinces and other provincial scales ?

(d) Will Government be pleased to say if their attention has been drawn to this matter and with what result ?

PAY AND STATUS OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

162. ***Rai Sahib M. Harbilas Sarda :** (a) Is it a fact that the pay and status of the Sub-Assistant Surgeons of Rajputana including Ajmer-Merwara have been regulated according to the United Provinces scale since the establishment of the Medical Department in that Province ?

(b) Is it also a fact that when the Sub-Assistant Surgeons of the United Provinces applied for increase of pay, and the Sub-Assistant Surgeons of Rajputana also did the same in 1921, the latter were informed by the Chief Medical Officer in Rajputana that they would be given the increment when it was sanctioned in the United Provinces ?

(c) Have the Government of India declined now to regulate the pay of the Rajputana Sub-Assistant Surgeons according to the United Provinces' scale ? If so, are there any reasons for it ? When the increment in the pay of the Sub-Assistant Surgeons of the United Provinces has been sanctioned from 1922, why has the increment in the pay of the Sub-Assistant Surgeons of Rajputana been sanctioned from 1923 or 1924 and not from 1922 ?

REVISED SCALES OF PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

163. ***Rai Sahib M. Harbilas Sarda** : (a) Are Government aware that grave injustice has been caused to the Sub-Assistant Surgeons of Rajputana of the 1st, 2nd and 3rd grades by giving the scheme of revision of pay, retrospective effect from 1923 instead of from 1922, as has been done in the United Provinces owing to the fact that the Fundamental Rules which came into force in 1923 places a serious bar in the way of the Sub-Assistant Surgeons of Rajputana while it did not in the case of the Sub-Assistant Surgeons of the United Provinces ?

(b) Is it a fact that Government have declined to allow the Sub-Assistant Surgeons of Rajputana to count their past services for their initial pay according to the new scale solely on the ground that the gain to the individual by so doing would range from 80 to 100 per cent. when the Government in the United Provinces have, by allowing the introduction of the scheme from 1922, allowed the Sub-Assistant Surgeons of the 1st, 2nd, and 3rd grades in the United Provinces the maximum increment of 100 per cent., 92 per cent. and 80 per cent. respectively ?

AVERAGE PROMOTION OF SUB-ASSISTANT SURGEONS IN THE UNITED PROVINCES AND RAJPUTANA RESPECTIVELY.

164. ***Rai Sahib M. Harbilas Sarda** : Are Government aware that the average promotion of Sub-Assistant Surgeons, 1st grade, in the United Provinces is 94 per cent., while that of the Sub-Assistant Surgeons, 1st grade, in Rajputana is only 6 per cent.; and of the Sub-Assistant Surgeons, 2nd grade, in the United Provinces is 85 per cent., while in the case of Sub-Assistant Surgeons 2nd grade, in Rajputana it is only 7 per cent.; and of Sub-Assistant Surgeons of the 3rd grade in the United Provinces is 75 per cent.; while in the case of Sub-Assistant Surgeons of the 3rd grade in Rajputana it is 17 per cent. only ?

PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

165. ***Rai Sahib M. Harbilas Sarda** : (a) Will the Government of India be pleased to state why the permanent past services of the Sub-Assistant Surgeons of Rajputana are not taken into consideration for initial pay as has been done in the case of the United Provinces Sub-Assistant Surgeons ?

(b) Are Government aware that by their present action the Government are placing in the matter of pay, Sub-Assistant Surgeons of three years' service on the same footing with the Sub-Assistant Surgeons of 23 years' service? Do Government intend to give the same pay to Sub-Assistant Surgeons with 23 years' service as those with 3 years' service only?

Sir Denys Bray : With your permission, Sir, I will answer questions Nos. 160 and 162 to 165 together.

Government have no definite information regarding the revised scales of pay of Sub-Assistant Surgeons in the various Provinces, or the method by which the initial pay was fixed or the average percentage increases. In Rajputana on the recommendation of the Local Administration, Government sanctioned in 1925 the adoption with retrospective effect from the 1st April 1923, of the new time-scale introduced by the United Provinces Government in 1922, the United Provinces rates having been generally followed hitherto. The Local Administration had recommended that past permanent service should be taken into account on fixing the initial pay as in the United Provinces, but on this basis the individual gain in most cases would have ranged from 80 per cent. to 100 per cent., sometimes even more. Government did not see their way to accept a proposal which involved considerable extra expenditure with such surprising results, and the officers were brought on to the time-scale at a stage next above their former pay in accordance with Fundamental Rule 22. This gave them an immediate increase of from 4 to 40 per cent. The Local Administration pressed for a reconsideration, but Government were unable to revise their decision, more especially as a very material and unusual concession had been given in the shape of a long retrospective effect.

As a result of the application of Fundamental Rule 22, one Sub-Assistant Surgeon, with about 23 years' service but still in the 3rd grade drawing Rs. 60, had his pay raised to Rs. 70. As this is the minimum under the new scale, there are naturally several very junior men drawing the same amount. But it is clearly impossible to lay down a rule which will cover all cases and benefit every individual to the same extent.

Dr. K. G. Lohokare : May I know if these persons, when they were entertained in service, were given to understand that they would be given the same scale as obtained in the United Provinces?

Sir Denys Bray : I do not know, Sir, but I doubt it.

Dr. K. G. Lohokare : If that was the understanding will Government kindly say if this understanding is carried out?

Sir Denys Bray : If that was so, no doubt the Government will see that it is carried out.

EXPENDITURE ON THE VARIOUS FORMS OF EDUCATION IN THE AREAS UNDER THE DIRECT CONTROL OF THE GOVERNMENT OF INDIA.

161. ***Mr. N. M. Joshi :** Will the Government of India be pleased to furnish a statement showing what they spend on primary education as against what they spend on higher and secondary education in each of the units of the territories directly managed by them, and state also

the total amount spent on primary education as compared to secondary and higher education together in the whole area directly managed by them ?

Mr. J. W. Bhole : A statement, giving the information required by the Honourable Member together with certain other relevant particulars, is laid on the table. The details in respect of the total expenditure of Rs. 29,150 on education in the Andaman and Nicobar Islands are not yet available and will be supplied to the Honourable Member later.

Budget Estimate for Expenditure on Education during 1926-27.

Territory.	Expenditure on—					Total expenditure on Education.
	University and Collegiate Education.	Secondary Education. †	Primary Education.	Special Schools.	Direction, Inspection and Miscellaneous. ‡	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. North West Frontier Province.	1,78,200	3,74,000	6,39,000	7,000	1,51,800	13,50,000
2. Baluchistan	1,25,440	80,890	11,980	50,690	2,69,000
3. Delhi*	1,73,600	2,92,400	93,500	15,200	45,800	6,20,500
4. Ajmer-Merwara ..	68,330	1,31,090	46,090	14,980	32,010	2,92,500
5. Bangalore* ..	19,000	1,66,100	67,700	23,130	46,070	3,13,000
6. Rajputana* ..	67,820	28,220	560		300	96,900
7. Central India* ..	50,000	20,060	22,840	..	6,100	99,000
8. Hyderabad* ..		8,700	7,180	1,020	2,200	19,100
9. Andaman and Nicobar Islands.		Details not	yet available			29,150
Totals ..	5,47,950	11,46,010	9,57,760	73,310	3,34,970	30,89,150
	16,93,960					

*Mostly urban areas where institutions for higher education are concentrated.

†This includes expenditure on middle vernacular schools, which are classed as primary in the Bombay Presidency, and also that on the primary departments of the secondary schools which cannot be shown separately.

‡Includes expenditure incurred on behalf of primary education.

Note.—Educational expenditure in politically administered areas is not included in this statement.

REFUSAL OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY AUTHORITIES TO SUPPLY ELECTRICITY FROM THEIR POWER HOUSE AT AJMER TO THE DAYANAND ASHRAM.

166. ***Rai Sahib M. Harbilas Sarda :** (a) Are Government aware of the fact that the Bombay, Baroda and Central India Railway Company has got a big Power House at Ajmer and supplies electricity to its workshop, offices and bungalows erected for its officers ?

(b) Is it a fact that it gives electricity not only to all Government buildings but also to the Imperial Bank, private owned houses attached to the Mayo College and to private persons such as St. Anslem's Church and Printing Press, the Roman Catholic Girl Schools, and to the houses owned by persons who were or are in the service of the Bombay, Baroda and Central India Railway ?

(c) Is it a fact that the supply of electric lights has been refused to the Dayanand Ashram which is a public charitable institution in which there is a free public library and reading room, a printing press for publishing cheap religious literature, an orphanage, and a High School, which receives a grant-in-aid from Government and the said Railway ? If so what are the grounds on which other institutions such as St. Anslem's Church and Printing Press which are situated near the above-mentioned Dayanand Ashram and stand on the same footing as the said Ashram are supplied electricity by the railway authorities, while the same facility is denied to the Dayanand Ashram ?

The Honourable Sir Charles Innes : (a) Yes. The Power House is intended for the supply of energy to railway premises.

(b) and (c). The supply of electric energy from railway power houses to other than railway undertakings may on occasion interfere with private enterprise, and for this reason the Government of India are not, as a general rule, in favour of it. They placed their views before the Agent of the Bombay, Baroda and Central India Railway in December 1924, and understand that after this date the Agent has refused all applications for the supply of electric energy from the power house except to certain Government or quasi-Government buildings, where the application had the support of the Agent to the Governor General in Rajputana and the supply could be given from the limited surplus energy available. But I understand that before December 1924 the Agent had already undertaken to supply certain non-railway premises, including presumably those mentioned by the Honourable Member.

CONGESTION IN THE PRINCIPAL HALL OF THE COIMBATORE HEAD POST OFFICE.

167. ***Mr. N. M. Joshi :** (a) Will the Government be pleased to state if any representation was received by the Postmaster-General, Madras complaining of congestion in the principal hall of the Coimbatore Head Post Office ? If so, what action was taken thereon ?

(b) Has the congestion now been removed ? If not, what steps do the Government propose to take in the matter ?

(c) Is it a fact that the Postmaster General, Madras wrote to the General Secretary of the Madras Circle Postal Association, Madras in February this year that the congestion was already removed ? If so, on whose report was that communication based ?

Sir Ganendra Roy : (a) and (b). Yes. The Divisional Superintendent was addressed and steps were taken to remove the almirahs from the main hall of the office and to rearrange the office so as to relieve congestion as far as practicable. The Postmaster General proposes to have a better designed public counter constructed. This will further relieve any congestion which may still exist.

(c) Yes. The reply was based on the Superintendent's report.

REDUCTION OF WORK IN POST OFFICES ON SUNDAYS AND HOLIDAYS.

168. *Mr. N. M. Joshi : (a) With reference to the Government statement on item 3 (b) of the grievances placed before them by the Deputation of the All-India Postal and R. M. S. Union in March 1925, will the Government be pleased to state if investigations were made as to how far work in Post Offices on Sundays and holidays could be reduced to a minimum ? If so, with what result ?

(b) When will the allowances proposed by the Director General of Posts and Telegraphs in his communication No. C.B.-9425, dated the 29th May 1925 to Heads of Circles be sanctioned for the postal staff ?

The Honourable Sir Bhupendra Nath Mitra : (a) I understand that the investigations are still in progress.

(b) The Government of India have received no proposals on the subject of any allowances.

REPOSTING OF POSTAL OFFICIALS TO UNHEALTHY LOCALITIES AND FRONTIER SECTIONS IN WHICH THEY HAVE ALREADY SERVED.

169. *Mr. N. M. Joshi : With reference to the Government statement on item 25 of the grievances placed before them by the Deputation of the All-India Postal and R. M. S. Union in March 1925, are the Government prepared to cause instructions to be issued to the Postal Officers concerned not to post officials who have already served in notoriously unhealthy localities and frontier sections for the prescribed periods of 12 months and 2 years respectively, to those places again against the will of those officials ?

The Honourable Sir Bhupendra Nath Mitra : The Government of India will ask the Director-General, Posts and Telegraphs, to consider the question and if practicable to issue supplementary orders to Heads of Circles to the effect desired by the Honourable Member. It must however be realised that in order to carry on the postal administration it may not be possible to give the officials concerned any guarantee.

DEPARTMENTAL EXAMINATION FOR POSTAL INSPECTORSHIPS.

170. *Mr. N. M. Joshi : (a) Is it a fact that the departmental examination for Postal Inspectorships is open to all the postal employees of the clerical cadre in the Bombay Circle ?

(b) If so, when do the Government propose to extend the benefit to other Postal Circles ; if not, why not ?

Sir Ganendra Roy : (a) Yes.

(b) The Head of each postal circle has discretion to conduct the examination in a manner which he considers suitable for his circle. The system introduced in the Bombay Circle was brought to the notice of the Heads of other postal circles several of whom have already adopted it.

PAYMENT BY CLERKS OF THE NILGIRIS POSTAL DIVISION PROCEEDING ON CASUAL LEAVE OR TRANSFER OF THE TRAVELLING ALLOWANCES OF RELIEVING OFFICERS.

171. *Mr. N. M. Joshi : (a) Are Government aware that the present Superintendent of the Nilgiris Postal Division has ordered, in certain

cases, that the officials proceeding on casual leave or on transfer to other places in the division at their own request, should meet the travelling allowances of the relieving officials; and if not, do the Government propose to call for a statement of such cases?

(b) Is the procedure of that Superintendent authorised by the rules of the Department; and if not, are the Government prepared to direct the refund of amounts, if any, paid by the officials consequent upon such orders of the Superintendent?

Sir Ganendra Roy : (a) No such order was issued by the Superintendent. Only one clerk while on leave was transferred at his own request and he himself offered to pay the travelling allowance of the relieved official amounting to Rs. 10-8-0.

(b) The question does not arise.

CASE OF MR. NARAYAN RAO, A CLERK IN THE NILGIRIS POSTAL DIVISION.

172. ***Mr. N. M. Joshi :** (a) Will the Government be pleased to state if it is a fact that the Financial Adviser of Posts and Telegraphs, in his communication No. 10-P.T., dated the 29th April 1924 allowed Mr. Narayan Rao, a postal clerk in the Nilgiris Division, to count the whole of his officiating service of over 3½ years towards increments in the clerical time-scale?

(b) Did the Director General of Posts and Telegraphs subsequently decide that Mr. Narayan Rao should be allowed the benefit of his officiating service only from the 4th September 1910, stating that the period spent by the official in the Telegraph Training Class could not be verified?

(c) Is it the intention of the Government that if records to verify the period spent by an official in undergoing telegraph training are not available in the Training Class or with the Department, the official has to lose his officiating services?

(d) Are Government prepared to consider favourably the case of Mr. Narayan Rao?

Sir Ganendra Roy : (a) Yes, but the orders were subsequently cancelled by the Government of India as they were based on defective information.

(b) Yes, because the audit authorities would not allow his previous service to count under the rules in force in the absence of a proper verification of the service claimed.

(c) If there is no record available to prove an official's claim to a particular period of service, the audit authorities will obviously not admit that period of service. The service referred to is not officiating but unpaid service.

(d) The official's case will now be dealt with in accordance with certain proposals of Government which have recently received the concurrence of the Standing Finance Committee.

RECRUITMENT OF SEAMEN IN BOMBAY THROUGH A GOVERNMENT OFFICER.

173. ***Mr. N. M. Joshi** : Will the Government of India be pleased to state when they propose to introduce in the Port of Bombay the system of recruiting seamen through a Government officer instead of through licensed brokers ?

Mr. A. A. L. Parsons : Sir, in the absence of the Honourable the Commerce Member, who is engaged elsewhere, I wish to answer this question.

As was explained to the Honourable Member in reply to a question asked by him on the 8th March 1924 and again on the 14th of that month in connection with the debate on the "Ports and Pilotage" budget estimates for 1925-26, the Government of India have decided to tackle the question of seamen's recruitment at Calcutta before they consider the question of making any changes at Bombay. An officer with experience of the mercantile marine was appointed Shipping Master at Calcutta in December 1924. •

Mr. N. M. Joshi : May I ask whether the experience of nearly two years is not sufficient now to enable them to introduce that system in Bombay ?

Mr. A. A. L. Parsons : I am afraid I cannot answer definitely. I presume not.

STATUS OF SUBORDINATE JUDGES.

174. ***Pandit Shamlal Nehru** : (a) Is it a fact that the Subordinate Judge has been classified as an inferior officer ?

(b) If so, will the Government be pleased to state on what principle ?

The Honourable Sir Alexander Muddiman : With your permission, Sir, I propose to answer together questions Nos. 174 and 176. The quotation from the Civil Justice Committee's Report is accurate ; but the Committee added that the correspondence was not exact. With reference to the classification of Subordinate Judges, I do not know if the Honourable Member is referring to the fact that Subordinate Judges belong to a provincial service. If so, I must remind him that provincial services are expected to perform important functions.

Diwan Bahadur T. Rangachariar : May I ask if there is really any such classification of Subordinate Judges as inferior officers ?

The Honourable Sir Alexander Muddiman : I think not, Sir.

CLASSIFICATION OF THE SERVICES IN INDIA AS SUPERIOR AND INFERIOR.

175. ***Pandit Shamlal Nehru** : (a) Have the Government of India accepted the principle laid down by the Royal Public Services Commission for the classification of Services in India into superior and inferior ?

(b) If not, have they adopted any other definite principle and will the Government be pleased to state it ?

The Honourable Sir Alexander Muddiman : (a) and (b). No principle of classification was laid down by the Royal Commission which reported in 1924. If the Honourable Member refers to paragraph 97(i) of the Islington Commission's Report of 1915, I would invite his attention to part 1 (a) of my reply to a similar question put by Baboo Runglal Jajodia on the 21st January 1926.

STATUS OF SUBORDINATE JUDGES.

†176. ***Pandit Shamlal Nehru :** 1. Are the Government aware that the Subordinate Judge or first class Subordinate Judge in India has been described by the Civil Justice Committee to "correspond, as a trial judge, not to the English County Court Judge but to the Judge of the High Court" ?

2. Will the Government be pleased to state the principle upon which the Subordinate Judge has been classified as an inferior officer ?

AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO DEAL WITH QUESTIONS RELATING TO THE CLASSIFICATION OF SERVICES.

177. ***Pandit Shamlal Nehru :** Will the Public Services Commission (permanent) have the authority to deal with the question, upon a representation of the Service concerned, whether a particular service has been wrongly classified in disregard to the express principle of the present reorganisation of the Services in India ?

The Honourable Sir Alexander Muddiman : I am unable to give a definite reply as the rules relating to the functions of the Public Service Commission are still under consideration.

UNSTARRED QUESTIONS AND ANSWERS.

INSTALLATION OF ELECTRIC LIGHTS AND FANS IN CERTAIN GOVERNMENT BUILDINGS IN AJMER-MERWARA.

31. **Rai Sahib M. Harbilas Sarda :** Are Government aware that while Government have sanctioned the fitting up of electric lights and fans for the residences of officers of the Ajmer-Merwara administration, belonging to private persons, it has declined to sanction the same for the houses owned by Government and occupied by other officers such as the Assistant Commissioner and the Executive Engineer ? If the object is to save Government the cost of such fitting up, will Government be pleased to state the amount thus saved ?

Sir Denys Bray : The Honourable Member is under a misapprehension. The fitting of electric lights and fans in residences owned by private persons and occupied by officers of the Ajmer-Merwara Administration was carried out by the owners of the houses, and Government sanction for installation of such fittings was not given nor was it required.

A proposal to provide electric lights and fans in certain residential and non-residential buildings belonging to Government has been received from the Ajmer-Merwara Administration and considered by Government. It includes the provision of electric lights and fans in the residences occupied by the Assistant Commissioner, Executive Engineer and other officials.

†For answer to this Question see Answer to Question No. 174.

The proposal has been administratively approved by Government, but, owing to other competing demands, it has not been possible to allot funds for the work during the current financial year. The Ajmer-Merwara Administration has been requested to include the work in its budget estimates for the ensuing year. The actual provision of funds will however depend on the relative urgency of the work in comparison with other projects.

PUBLICATION OF THE CORRESPONDENCE RELATING TO THE PROPOSED TRANSFER OF SYLHET TO BENGAL.

32. Mr. Kamini Kumar Chanda : Will the Government please place on the table the despatch or despatches which the Government of India sent to the Secretary of State for India in Council and his replies thereto on the question of the proposed transfer of the Sylhet District to Bengal ?

The Honourable Sir Alexander Muddiman : The Government of India do not propose to publish the correspondence.

GRANT OF AN INCREASE OF PAY TO POSTAL OFFICIALS OF THE CLERICAL CLASS STATIONED AT OR IN THE VICINITY OF BOMBAY.

33. Mr. N. M. Dumasia : (a) Will Government be pleased to state whether it is a fact that in view of the high cost of living and of the high house rent prevailing in the City of Bombay the Government of Bombay were pleased to sanction with effect from the 1st April 1923, a certain rate of allowance to its servants stationed in Bombay who drew the same scale of pay as their colleagues in the mofussil ?

(b) Is it a fact that the Government of India in October 1924 were pleased to extend this relief to the gazetted officers of the Department of Posts and Telegraphs at Bombay with retrospective effect from the 1st April 1924 ?

(c) Is it also a fact that under the above circumstances with a view to give relief to the clerical establishment of the Postal Department at Bombay an increase of pay was sanctioned with effect from March 1925 ?

(d) Is it a fact that about a hundred non-gazetted postal officials in the selection grades of Bombay have not yet been given any relief ?

(e) Have Government received memorials and telegrams on the subject from time to time ?

(f) Is it a fact that they have been strongly recommended for the relief by their heads ?

(g) Will Government be pleased to state why no relief has yet been given to them, and whether they will now give an assurance of immediate relief being given to them ?

The Honourable Sir Bhupendra Nath Mitra : (a) Compensatory allowances were sanctioned with effect from the 1st March 1923 by the Government of Bombay for certain gazetted officers paid from provincial revenues on scales of pay fixed without special reference to the high cost of living in Bombay.

(b) Compensatory allowances were sanctioned by the Government of India with effect from the 1st April 1924 for officers of the Central Government serving in Bombay on all-India rates of pay, but these allowances were not based on those sanctioned by the Government of Bombay.

(c) With effect from the 1st March, 1925, the Government of India sanctioned an increase in the pay of officials of the clerical class in the ordinary time-scales stationed at or in the vicinity of Bombay. This increase was sanctioned because the pre-existing scales did not make sufficient allowance for the high cost of living in Bombay.

(d), (e) and (f). Yes.

(g) The matter is under the consideration of the Government of India.

PROVISION OF GARDENS FOR INDIAN CHILDREN AT RAISINA.

34. **Maulvi Muhammad Yakub** : (a) Is it a fact that there is a garden for children at Raisina near the European quarters but none in the vicinity of the quarters for Indian clerks ?

(b) Do the Government propose to set apart the two plots of land near the Boys' Primary School for gardens for Indian children ?

The Honourable Sir Bhupendra Nath Mitra : (a) The answer is in the negative.

(b) The two plots of land in question are intended as playgrounds for the Boys' and Girls' Primary Schools.

PROVISION OF BATHING FACILITIES FOR INDIANS IN THE UNFILTERED WATER TANKS NEAR RIDGE ROAD AT RAISINA.

35. **Maulvi Muhammad Yakub** : (a) Is it a fact that Europeans are allowed to bathe in the unfiltered water tanks near the Ridge Road at Raisina and that it is not open for baths to Indian gentlemen ?

(b) If so, when do the Government propose to remove this distinction ?

The Honourable Sir Bhupendra Nath Mitra : (a) No such distinction has been made.

(b) Does not arise.

DIRTY CONDITION OF THE ROAD LEADING FROM PAHARGANJ TO IBBETSON ROAD IN RAISINA.

36. **Maulvi Muhammad Yakub** : (a) Are the Government aware that the road leading from Paharganj to Ibbetson Road in Raisina is always in a very broken and dirty condition and that it remains covered with rain and drain water throughout the winter ?

(b) Do the Government propose to take any action against the authorities responsible for its upkeep ?

The Honourable Sir Bhupendra Nath Mitra : (a) The condition of the road which connects the Paharganj Bazaar with Ibbetson Road is receiving the attention of Government.

(b) No. I would refer the Honourable Member in this connection to the reply given to question No. 171 in the Council of State on the 24th March 1924.

NUMBER OF CANDIDATES ON THE WAITING LIST FOR APPOINTMENT TO THE
INDIAN ARMY SERVICE CORPS OF CLERKS.

37. **Maulvi Muhammad Yakub** : (a) Will the Government please state how many passed and qualified candidates for the Indian Army Service Corps of clerks were on the waiting list in the first week of May 1926 before the result of the examination held in March was declared ?

(b) Will the Government state the number of candidates who passed in May 1926 ?

(c) How many candidates have been appointed after the first week of May 1926 and how many remain to be provided ?

(d) Is it a fact that the number of candidates now on the waiting list is sufficient to meet the requirements for some years to come ? If not, when are all of them likely to be appointed ?

(e) Is it also a fact that another examination has been announced to be held in September 1926 ? If so, what is the object and necessity of this examination if there is already a sufficient number of waiting candidates ?

(f) Is it also a fact that the candidates concerned have not been informed of their position on the waiting list ?

Mr. E. Burdon : (a) There were no qualified candidates on the waiting list.

(b) and (c). The number who qualified in the March examination was 162, of whom 26 were offered appointments. I may add that four out of the 26 refused appointments and that another four are being considered.

(d) The answer is in the negative. I should explain that the examination is a competitive one and that a standard of qualification is set. No post would be offered if a candidate did not reach that standard. Of the candidates who qualify, those obtaining the greatest number of marks are offered appointments. The others will have to compete again, if they wish to enter the corps of clerks.

(e) Yes. Fresh examinations are necessary in order to keep up the standard required.

(f) In future, all candidates will be informed at once if they have passed or failed, and qualified candidates will be informed of their place on the qualified list and told that if they are not offered appointments within a specified time, they should consider themselves as having failed also.

THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT)
BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose.

The object of the Bill I now seek leave to introduce is clearly stated in the Statement of Objects and Reasons, but I should like to add one

or two words to explain the position of Government. The Government of India in the course of a general examination of the possibilities of ameliorating communal tension took up the question of the sufficiency of the existing law to deal with one danger, namely, the circulation of pamphlets or newspaper articles tending to promote mutual feelings of hostility between the communities. It is undoubted that such writings are often a direct cause of outbursts of violence. As the law stands at present, it is possible under section 108 of the Criminal Procedure Code to proceed against those who disseminate by speech or writing communal incitements of this nature. This enables speakers to be dealt with and also those persons who are engaged in the publication and distribution of leaflets. Under section 153A of the Indian Penal Code, it is possible to take more severe action in the way of prosecution of important persons, but while these sections of the Criminal Procedure Code and the Indian Penal Code enable proceedings to be taken against individuals, there are no effective powers to search for and confiscate copies of newspapers or leaflets which contain matter offending against section 153A of the Indian Penal Code. Now, that is a very serious defect in the law indeed. The absence of these powers is a very serious handicap for the Government in preventing incitements to communal feeling, and the Bill I ask leave to introduce so amends section 99A of the Criminal Procedure Code as to give powers to search and confiscate all matter punishable under section 153A as well as, as at present provided by that section, matter punishable under section 124A of the Indian Penal Code. I am sure I need not say more at this juncture. When this House has so recently seen the long list of communal outbursts which I laid on the table in answer to a question by my Honourable friend opposite, I am sure they will give me leave to introduce this Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : May I just inquire of the Honourable the Home Member if he has taken the usual course of consulting the Local Governments and the public generally before introducing this Bill ?

The Honourable Sir Alexander Muddiman : I have certainly not consulted the public generally, but the Government of India a few months ago addressed the Local Governments generally on this question, and these proposals form part of the general correspondence with the Local Governments on the question of what can be done to alleviate and prevent these unhappy communal troubles..

Sir Hari Singh Gour : May I beg to inquire, Sir, if that correspondence will be available to the Members of this House ?

The Honourable Sir Alexander Muddiman : No, Sir, I am not prepared to lay that correspondence on the table, because it contains a great many matters. This is a very simple Bill. My proposal stands on its merits.

Sir Hari Singh Gour : Could the Honourable Member give an assurance that he will be able to give extracts relevant to the present Bill ?

The Honourable Sir Alexander Muddiman : In the course of my speech at a future stage on this Bill, I shall no doubt refer to the opinions that have been given by Local Governments.

Sir Hari Singh Gour : That is not the question I asked, Sir. My question is a very simple one. Will the Honourable the Home Member give the Members of this House an opportunity to read extracts from the opinions received by the Home Department relevant to this particular Bill ?

The Honourable Sir Alexander Muddiman : I have already said, Sir, that this proposal emanates from the general correspondence which deals with a great many matters besides this very simple Bill. I am not prepared to attempt to separate from the context the opinions of the Local Governments, nor, if I did so, would it be of any great use to this House.

Sir Hari Singh Gour : May I then know, Sir, if it is the intention of the Honourable the Home Member to circulate this Bill for eliciting public opinion thereon ?

The Honourable Sir Alexander Muddiman : No, Sir. I consider, Sir, that the state of communal feeling is so serious at present that I propose to ask this House to take this Bill into consideration at the earliest possible opportunity, and I am sure I shall have the support of all sides of the House in this matter. (Applause.)

Mr. President : The question is :

“ That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose.”

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

The Assembly then adjourned till Two of the Clock on Monday, the 23rd August, 1926.
